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July 1, 2026

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Project Manager
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715 P Street, MS-40
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RE: Seahawk Battery Energy Storage System; Docket 26-OPT-02; County Code/Measure J/Agricultural Impacts Comments

Dear Mr. Veerkamp:

This firm represents Stop Lithium BESS in Santa Cruz County with respect to the Seahawk Battery Energy Storage System (“Project”). This letter provides initial comments regarding the Project specifically related to the Santa Cruz County Code, the voter approved initiative, Measure J, and the California Environmental Quality Act (“CEQA”) relative to agriculture. As explained below, the California Energy Commission (“CEC”) may not approve this Project because BESS are not a permitted use in Santa Cruz County and Measure J prohibits converting the Project site to non-agricultural uses. Further, the Project has the potential to cause significant impacts to agricultural resources that are not sufficiently analyzed, and the alternatives analysis fails to consider a feasible non-agricultural zoned property.

1. A BESS is Not a Permitted Use in the County’s Ordinance

The Project is proposed to be located on Accessor Parcel Nos. 051-101-77 and -78. The Project site is within the Pajaro Valley Planning Area, and the parcels are designated in the General Plan as Agriculture (AG)-1A. The zoning designation of the Project parcels is Commercial Agriculture (CA). The Project site currently consists of land designated as mostly Prime Farmland and Farmland of Statewide Importance. The Project site has been commercially cultivated with an apple orchard at least since 1993.

The County Code, section 13.10.140 prohibits the construction of structures or the establishment of a new use of land that does not conform with the uses permitted in the zoning district or is authorized as a discretionary use. (Exhibit 5; *Gikas v. Zolin* (1998) 6 Cal.4th 841, 852 [“Expressio unius est exclusio alterius. The expression of some things in a statute necessarily means the exclusion of other things not expressed”]; *City of Corona v. Naulls* (2008) 166 Cal.App.4th 418, 433 [concluding that “where a particular use of land is not expressly enumerated in a city’s municipal code as constituting a permissible use, it follows that such use is impermissible.”].) The County Code, section 13.10.275(A), also makes it unlawful for any

person to establish a non-permitted use in the CA zone. (Exhibit 5.) The uses permitted in the CA zone are listed in Code, section 13.10.312-1. (Exhibit 5.) BESS are not identified as a permitted use or a use permitted with a discretionary permit. Thus, BESS are not a permitted use in the CA zone.

The Application repeatedly asserts that the passage of SB 254 means that the CEC is no longer required to make findings of conformance with land use and zoning decisions, adopt overrides for nonconforming uses, or require projects conform to local zoning requirements. This is inaccurate. CEC Regulations specifically require that the staff assessment of the opt-in application address: “[t]he conformity of the facility with public safety standards and the applicable air and water quality standards, **and with other applicable local**, regional, state, and federal standards, **ordinances**, or laws and a statement of efforts made to correct or eliminate any noncompliance.” (Cal. Code Regs., tit. 20, § 1879, subd. (a)(2)(emphasis added).)

In this case, it is not possible to correct or eliminate the noncompliance because a BESS is not a permitted use in the CA zone. Therefore, the Project cannot be approved by the CEC.

2. The Project Violates Measure J

Measure J is a 1978 voter-approved growth management referendum designed to preserve prime agricultural lands, protect the environment, and establish strict boundaries between urban and rural areas. (See Exhibit 1 – “The Story of Measure J – Santa Cruz County’s Growth Management Program”.) Measure J mandates preservation of agricultural soils. Measure J states that “[i]t shall be the policy of Santa Cruz County that prime agricultural lands and lands which are economically productive when used for agriculture shall be preserved for agricultural use.” (See Exhibit 2 – full text of Measure J.) Santa Cruz County Code, Chapter 16.50, Agricultural Land Preservation and Protection administers Measure J. (See Exhibit 3 – Chapter 16.50.) Pursuant to County Code, section 16.50.070(A) “[I]ands designated as Type 1 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District.” Pursuant to Measure J, the Project site may only be used for agricultural uses.

The local initiative power is guaranteed by Article II, Section 11 of the California Constitution, which provides that “Initiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide.” Article IV, section 1 vests the legislative power in the Legislature but specifies that “the people reserve to themselves the powers of initiative and referendum.” Elections Code section 9125: ‘No ordinance proposed by initiative petition and adopted either by the board of supervisors without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.’ Measure J prohibits amendment or repeal except by a vote of the people.

Courts are duty-bound to ‘jealously guard’ the local initiative power and apply a liberal construction to it wherever challenged. (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 776.) “The presumption in favor of the right of initiative is rebuttable upon a **definite indication** that the Legislature, as part of the exercise of its power **to preempt all local legislation in matters of**

statewide concern, has intended to restrict that right.” (*Id.*) There are several reasons why the Project is subject to Measure J.

The State did not intend to occupy the entire field of preserving agricultural land or preempt voter-approved initiatives. For forty-eight years Measure J served a recognized local purpose. It is indisputably compatible with and implements the state regulatory planning and zoning scheme. (*People ex rel. Deukmejian v. County of Mendocino* (1984) 36 Cal.3d 476, 483-85.) State law requires local governments officially designate in the land use element of the general plan the proposed general distribution, location, and extent of land designated for agricultural use. (Gov. Code, § 65302(a).) The open space element must create a comprehensive, long-range plan to preserve and conserve open-space land, which legally includes land used for the production of food and fiber and areas managed for agricultural. (Gov. Code, §§ 65302(e), 65560(b)(2).) The conservation element requires the conservation, development, and utilization of natural resources, which extends to protecting highly productive agricultural soils. (Gov. Code, § 65302(d).) Public Resources Code section 25545.1 does not refer to superseding State law; its reference is to statutes, ordinances, or regulations of state agencies.

Likewise, the State did not intend to occupy the entire field of BESS permitting. The State is not the exclusive permitting authority or occupies the field so fully that no room remains for local initiative action. Rather, the statutory scheme explicitly provides for and preserves complete local control and permitting as Public Resources Code section 25545.1 provides only an alternative opt-in process. Thus, the state statutory scheme does not restrict or preempt all local regulation. “An expressed intent to allow local regulation, or an express recognition of local regulation, is convincing evidence that the state legislative scheme was not intended to occupy the field.” (*City of Dublin v. County of Alameda* (1993) 14 Cal.App.4th 264, 276.)

The State law clearly and expressly must address the initiative power. (*AIDS Healthcare Foundation v. Bonta* (2024) 101 Cal.App.5th 73, 89.) For example, in *AIDS Healthcare Foundation v. Bonta* the Court concluded that when a statute uses language such as “[n]otwithstanding any local restrictions ... including restrictions enacted by local initiative” the Legislature left no doubt that it intended to supersede local voter initiatives. Public Resources Code section 25545.1 does not refer to voter-enacted initiatives. As such, the CEC cannot approve the Project.

3. The CEQA Analysis is Defective

The Application also repeatedly asserts that environmental impacts do not exist because the CEC is no longer required to make a conformity finding for land use and zoning designations for projects going through the AB 205 process. To the contrary, the opt-in process requires the CEC to serve as the CEQA lead agency and to prepare a full environmental impact report (“EIR”). (Cal. Code Regs., tit. 20, §§ 1877, 1879.) The CEC staff must prepare a draft EIR following CEQA (Pub. Res. Code § 21000 et seq.) and the CEQA Guidelines (14 CCR, div. 6, ch. 3), and after a 60-day public comment period, must prepare a final EIR before the CEC acts. (Cal. Code Regs., tit. 20, § 1879.) The CEC must certify the EIR before issuing the certificate. (Cal. Code Regs., tit. 20, § 1881.) CEQA Appendix G — the standard environmental checklist —

expressly requires analysis of whether a project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, and whether the project would involve other changes that could result in conversion of farmland to non-agricultural use. (CEQA Guidelines, Appendix G, § II, subd. (e).) This is a mandatory component of the EIR that the CEC must address for any BESS project proposed on or near such designated land.

a. The Project has the Potential for Project-Specific Significant Impacts

In determining whether a project has the potential to cause impacts to agricultural resources, the CEQA Guidelines ask whether the project would:

- “Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use”;
- “Conflict with existing zoning for agricultural use, or a Williamson Act contract”;
or,
- “Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.”

(CEQA Guidelines, Appendix G, § II, subd. (e).)

CEQA defines “agricultural land” as “prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.” (Pub. Resources Code, § 21060.1, subd. (a).) As discussed above, the Project site currently consists of land designated as mostly Prime Farmland and Farmland of Statewide Importance. Therefore, for all three of the above inquiries, the response should be that the Project could have a potentially significant impact on the environment. Instead, the Applicant inaccurately states that the Project would have less than a significant impact with mitigation incorporated for converting Prime Farmland, and a less than significant impact for conflicts with existing agricultural zoning and the conversion of Farmland. (Application, pp. 3.6-1 to 3.6-2.)

Conversion of Prime Farmland (Criterion 3.6-3)

It is undisputed that the Project will convert Prime Farmland and Farmland of Statewide Importance. Thus, the Project has the potential to cause a significant impact. The Application claims the impact is “Less than Significant with Mitigation.” (Application, p. 3.6-136.) The Application cites as fact that an agricultural feasibility report (Rush & Duttle Consulting 2024) concluded that the Project site soil “have severe limitations that reduce the choice of plants or require special conservation practices.” (Application, p. 3.6-137.)

First, the Rush & Duttle Consulting Report is not in the CEC record. Excluding the foundational data and methodologies an agency relies upon violates the principles of administrative transparency and prevents meaningful public participation and decision-making. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 [to fulfill CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions]; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568.) This Report should be accorded zero weight.

Second, the conclusions in the Rush & Duttle Consulting Report are not facts. The deficiencies in the analysis and conclusions reached in the Rush & Duttle Consulting Report are well documented. (See Exhibit 4.) The Rush & Duttle Consulting Report has never been approved by a governmental agency. It is only an "initial" report. This Report has zero credibility.

Third, the Rush & Duttle Consulting Report cannot change the CA zoning of the Project site or unilaterally determine the Project site is not suitable for agriculture or the Prime Farmland and Farmland of Statewide Importance designations. An Agricultural Viability Determination from Santa Cruz County's Agricultural Policy Advisory Commission ("APAC") is required to rezone the Project site. (See County Code, § 2.82.050, Exhibit 5.) The Project Applicant never obtained County approval to rezone the Project site. This Report has zero significance.

The Application contends that Mitigation Measure (MM) LU-1 would reduce the significance of the impact to less than significant. This Mitigation Measure is described as follows:

Mitigation Measure (MM) LU-1 would require approximately 19.4 acres of land within the project parcel mapped as Prime Farmland to be preserved in perpetuity through an agricultural conservation easement. Further, at the end of the facility's useful life, the project would undergo decommissioning in accordance with then-applicable laws, ordinances, regulations, and standards. As part of the decommissioning activities, all site improvements that are no longer in use and cannot be repurposed would be removed from the project site, and the lands would be restored to a substantially similar condition in which they currently exist. (Application, p. 3.6-138; see also p. 3.6-139.)

Public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the project's significant environmental effects. (Pub. Res. Code, § 21002.) Where, as here, significant environmental effect have been identified, including conversion of prime farmland or farmland of statewide importance, the CEC must make one or more findings under Public Resources Code section 21081: (1) changes or alterations have been required in or incorporated into the project which mitigate or avoid the significant effects; (2) those changes or alterations are within the responsibility of another agency and have been, or can and should be, adopted by that agency; or

(3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR. (See also, Cal. Code Regs., tit. 20, § 15091.) The proposed mitigation measures must be effective, feasible, enforceable, proportional to the impacts, not deferred to the future. (Cal. Code Regs., tit. 20, § 15126.4.) CEQA recognizes five categories of mitigation: (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments. (Cal. Code Regs., tit. 20, § 15370.) The proposed Mitigation Measure is insufficient and does not meet these legal requirements.

First, preserving land that is already farmland does not offset the active loss of other farmland. If the Project builds over Prime Farmland on one part of the parcel, placing a conservation easement on a remaining 19.4-acre portion does not create new farmland. There is still a net loss of agricultural land.

Second, decommissioning relies on “then-applicable laws” and vague restoration standards. Mitigations must be specific and enforceable when the impact occurs. Stating that the site will follow future laws or be restored to a “substantially similar condition” is highly speculative. It fails to define enforceable performance standards for soil compaction, topsoil preservation, or chemical contamination remediation after decades of industrial use.

Third, the Mitigation Measure treats farmland impacts as a temporary issue solved by future decommissioning, ignoring the multi-decade gap. The BESS might operate for 20 to 40 years. Taking Prime Farmland out of production for a generation is a significant, long-term impact on local food production and agricultural economies. The Application falsely implies that because Prime Farmland can be restored eventually, the current impact is less than significant.

Fourth, the Mitigation Measure assumes industrial land can simply be flipped back into Prime Farmland. Prime Farmland relies on complex, undisturbed soil horizons, microscopic ecosystems, and specific drainage qualities. Decades of use as a BESS can cause severe soil compaction and degradation. “Restoring” the surface does not mean the soil will regain its “Prime” agricultural capability.

Fifth, the Mitigation Measure is based on a logical paradox that invalidates the conclusion. It relies on the future existence of Prime Farmland to justify destroying current Prime Farmland. Building a BESS on it will actively degrade it, making future restoration to a “substantially similar condition” nearly impossible. It is not reasonable to claim the land is low-value to justify building on it, while simultaneously claiming it is high-value to make mitigation look successful.

Sixth, there is no evidence that reducing the cultivatable land area to 19.4 acres of land next to the BESS will result in preserving agricultural production on the remaining portion of land.

Project Conflict with Existing Zoning for Agricultural Use, or a Williamson Act Contract (Criterion 3.6-4)

The Application concedes that the BESS is not a permitted use. (Application, p. 3.6-138.) The Application inexplicitly concludes that the direct conflict with local zoning has a less than significant impact because the “CEC is no longer required to make a conformity finding for land use and zoning designations for projects going through the AB 205 process.” As stated above, this is false. CEC Regulations specifically require that the staff assessment of the opt-in application address the conformity of the facility with *applicable local ordinances*. (Cal. Code Regs., tit. 20, § 1879, subd. (a)(2).) Further, this is a CEQA issue, and the Project is not exempt from CEQA. The fact remains the Project directly conflicts with existing zoning for agricultural uses and this impact is significant.

Project Involves Other Changes that could Result in Conversion of Farmland, to Non-Agricultural Use (Criterion 3.6-5)

The Application contends that the Project does not result in the conversion of farmland to non-agricultural use because “the portion of the project site where the BESS facility and gen-tie line are proposed to be constructed was analyzed for its continued agricultural feasibility” and “the orchard has large areas of missing trees and patterns of plant mortality, reduced vigor, and tree replacement.”

First, this conclusion has been well documented to be inaccurate. (See Exhibit 4.)

Second, this analysis conflates economic feasibility with physical conversion. The analysis argues that because the apple orchard is struggling and other crops failed, converting it to a BESS and gen-tie line is “Less than Significant.” CEQA determines farmland conversion based on physical mapping and soil designations (e.g., Prime Farmland, Unique Farmland, Farmland of Statewide Importance), not current business profitability.

Third, the analysis fails to address indirect impacts. Criterion 3.6-5 specifically asks about other changes in the environment which, due to their location or nature, could result in conversion. The response only discusses the immediate footprint of the Project site. The intensity and impacts of the Project are not confined to the Project site. The analysis fails to consider whether placing a major industrial utility (BESS and gen-tie line) into an agricultural area will disrupt surrounding farming operations, create land-use conflicts, or incentivize neighboring farmers to sell their land for industrial use, such as data centers that require BESS. Hyperscale AI Data Centers have the potential to cause significant impacts, including but not limited to, intensive water usage, heat island effect, significant energy demand, etc.

Fourth, the analysis relies on a defective site-specific agricultural feasibility report to dismiss a broader spatial question. A declining orchard can still qualify as Prime Farmland and Farmland of Statewide Importance under CEQA definitions. Describing the Project site’s poor health and economic challenges does not satisfy the legal requirement to evaluate the broader environmental change caused by the introduction of non-agricultural infrastructure.

Fifth, the analysis violates the baseline rule. The analysis notes the orchard has been commercially cultivated since 1993 but focuses heavily on its current “missing trees” and “reduced vigor.” Under CEQA, the environmental baseline is the actual physical condition at the time environmental review begins. (Cal. Code Regs., tit. 14, § 15125.) Because the site is currently commercially cultivated land, removing it entirely from agricultural production is a baseline change that must be acknowledged as a conversion, rather than minimized because the farming is alleged to be sub-par. Thus, the environmental baseline discussion is misleading. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 724.)

b. The Project has the Potential to Cause Cumulative Significant Impacts

The Application concludes that there are no cumulative impacts because:

- “approximately 19.4 acres of land within the project parcel mapped as Prime Farmland would be preserved in perpetuity through an agricultural conservation easement”;
- there are no past, present, or reasonably foreseeable future projects proposed within the study area that would result in adjacent incompatible land uses; and,
- long-term cumulative impacts related to land use are not anticipated with implementation of the project and the listed projects because each project is required to comply with the CEQA Guidelines requirements for evaluating potential cumulative impacts and/or obtain approval from the lead agency.

Under CEQA, a cumulative impact analysis must examine whether the Project’s incremental effects are “cumulatively considerable” when viewed alongside other regional projects, backed by a list of past, present, and future projects or a summary of projections. (Cal. Code Regs., tit. 20, § 15130.) The CEC is undertaking state-wide permitting, and therefore, the CEC should consider the impacts on regional and state-wide agricultural resources of all BESS projects in the que.

This “analysis” is insufficient because it fails to provide an actual evidentiary analysis, relies on circular logic, and improperly uses a project-specific mitigation measure to substitute for a cumulative impact conclusion.

First, a mitigation measure description or project feature is not an analysis of the cumulative regional loss of agricultural land. The CEC must determine whether there is an impact and not skip the disclosure of the impact in favor of a purported solution.

Second, CEQA requires a cumulative analysis to be based on either a specific list of past, present, and probable future projects, or a summary of projections contained in an adopted general plan. Merely stating that “no projects exist” without defining the geographic scope of the

“study area,” explaining how it was determined, or providing a list of evaluated public records constitutes a conclusive assertion unsupported by substantial evidence.

Third, the notion that cumulative impacts will not occur because other future projects must also comply with CEQA and get agency approval is a nonsensical, legally invalid CEQA defense. California courts have repeatedly ruled that a lead agency cannot avoid analyzing cumulative impacts by assuming future projects will responsibly mitigate their own impacts. The entire purpose of a cumulative analysis is to capture the environmental degradation that occurs when multiple projects—each individually complying with local rules or mitigating their own impacts—gradually destroy a resource together.

Fourth, the text limits its focus strictly to “adjacent incompatible land uses.” Cumulative land use impacts encompass much more than just whether adjacent land uses are compatible. A proper analysis must look at broader cumulative issues, such as the regional conversion of open space, loss of agricultural land, multi-project inducement of urban sprawl, and the potential for the BESS to incentivize the development of hyperscale AI data centers – all of which have the potential to cause significant environmental impacts that must be analyzed.

c. The Project is Inconsistent and Conflicts with the County Land Use Code and General Plan Goals and Objectives for Agriculture

At the Initial Study stage, CEQA requires an examination of whether the project would be compatible with existing zoning, plans, and other applicable land use controls. (Cal. Code Regs. tit. 14, § 15063(d)(5).) CEQA also requires an EIR must discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. (Cal. Code Regs. tit. 14, § 15125(d).) A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear. (*Families Unafraid to Uphold Rural Etc. County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1341-42.) The most fundamental policies pertain to Land Use.

The Application states that the Project will not physically divide an established community or cause a significant environmental impact due to a conflict with a land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Application, p. 3.6-1.) As discussed below, the Application’s conclusions are incorrect.

The inventory of land uses and scope of off-site impacts should be dictated not by an arbitrary standard of 1 mile from the BESS facility or 0.25 miles of a gen-tie, but rather by the extent of the area that could be impacted by a thermal run-away event as determined by a proper air dispersion modeling report. (Application, p. 3.6-2 to 3.6-3.)

The off-site impact analysis should also consider potential future land uses, particularly housing, within the County unincorporated area and within the City of Watsonville. The County’s General Plan Housing Inventory identifies potential housing locations in the Green Valley Area near the Project site that need to be considered. (See Exhibit 9.) There is a severe housing shortage in California and the CEQA analysis needs to consider the impact of a BESS on

potential housing developments, the State's housing statutes and objectives, and the County's and City of Watsonville's Regional Housing Needs Allocation. (See Exhibit 9.) The impacts associated with BESS, noise pollution, safety and fire risks, visual aesthetics, and localized land use constraints, can render nearby housing less desirable, thus impeding development of critical housing.

i.) The Project Conflicts with the Land Use Code

As discussed above, the Project conflicts with County land use standards as it pertains to land uses permitted in CA zones. A BESS is not a permitted use. The County's land use standards were adopted to mitigate environmental impacts. Agricultural land is legally treated as an "irreplaceable natural resource." (County Code, § 13.10.311, Exhibit 5.)

Instead of directing addressing the conflict, the Application assesses the Project's conformity to a non-approved Draft BESS Ordinance that supposedly would allow BESS facilities as a "public/quasi-public community facility" on parcels greater than 10 acres that are adjacent to existing transmission substations." (Application, pp. 3.6-126 to 3.6-132.) It is ironic that after repeatedly asserting that local controls and requirements do not matter that the Application seeks to establish that the Project is consistent with local requirements by relying on a proposed draft local ordinance.

On November 18, 2025, County staff provided the County Board of Supervisors with a presentation on the principal components of a potential ordinance governing BESS. The County Board of Supervisors directed staff to return with a revised ordinance that incorporated feedback from the Board including adding additional setbacks to protect the public, imposing a 3:1 ratio for the replacement of agricultural resources, ensuring adequate access for first responders, etc. (See Exhibit 6.) The staff returned to the Board of Supervisors at its January 13, 2026, meeting with an updated Draft Ordinance that incorporated some of the Board's comments. (See Exhibit 7.) At that meeting, the Board voted to initiate CEQA on the updated Draft Ordinance. However, a CEQA review was not subsequently initiated. The County never conducted any environmental review on the Draft BESS Ordinance as required by CEQA. So, the Draft BESS Ordinance cannot be relied upon to support any CEQA analysis for this Project. The reliance on the uncodified and unapproved BESS Ordinance not only renders the CEQA conclusions inaccurate, but the CEQA analysis is materially misleading and does not provide the required disclosure to the public and decision-makers.

The Application contends that the Draft Ordinance "establishes local standards for where and how large-scale BESS facilities may be developed in unincorporated Santa Cruz County", and claims that the Project is consistent with the County's proposed summary. (Application, p. 3.6-126.) The Application's summary of the Draft BESS Ordinance is entirely misleading (Application, pp. 3.6-126 to 3.6-132) and does not include the revisions made by the staff and presented to the Board of Supervisors on January 13, 2026 (see Exhibit 7). The table below reveals the significant differences between the Draft Ordinance the Application contends the County was considering and the actual content of the County's Draft Ordinance.

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
<u>Setbacks:</u> Energy storage systems shall comply with all State and NFPA 855 requirements related to setbacks and buffers for such systems, and shall also meet the following County requirements. Where NFPA 855, State, and County standard differ, the more stringent standard shall apply. These setback requirements can be increased at the discretion of the Board of Supervisors based on technical studies required as part of the application. (a) The minimum distance of an energy storage module from any existing sensitive receptor, as defined in California Health and Safety Code section 42705.5(a)(5). as amended is 300 feet. (b) All structures containing energy storage modules shall be set back 1,000 feet from any parcel containing a hospital. school. commercial day care center, on residential care facility for the elderly that is existing and operational at the time of complete application. (c) Battery modules for ESS facilities shall be set back a minimum of 100 feet from all exterior roadways and property lines, except that no setback shall be required from the transmission substation boundary. Perimeter fencing and drainage infrastructure shall have no required setback.	<u>Setbacks:</u> I. Energy storage systems and all associated structures shall be set back a minimum of 100 feet from all roadways and property lines, except that no setback shall be required from the transmission substation boundary. Perimeter fencing and drainage shall have no required setback. II. All structures containing batteries shall be set back 1,000 feet from any parcel containing an existing hospital, school, commercial day care center, or residential care facility for the elderly.
<u>Agricultural Land Offsets</u> Energy storage systems proposed on Commercial Agricultural (CA)-zoned parcels in the "ESS" Combining District shall offset impacts to any agricultural resource soils that are identified in an agricultural viability study at a 1 to 1 ratio (e.g. one new acre protected	<u>Agricultural Land Offsets</u> Energy storage systems proposed on Commercial Agricultural (CA)-zoned parcels in the "ES" Combining District shall offset impacts to agricultural resource soils identified in an agricultural viability study.

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
for every one acre removed from agricultural production capability). Where the agricultural easement on the remainder of the parcel does not equal the required 1 to 1 ratio, additional Types 1-3 agricultural resource land shall be placed into a permanent agricultural conservation easement, such that the full ratio of required agricultural land is protected. In the event that the full acreage of CA-zoned lands within the county cannot be identified, other resource lands, such as lands zone (A), timber lands or habitat may be protected within conservation easements at a 3:1 ratio.	Where an energy storage system occupies a portion of a site with Types 1-3 agricultural resource soils, the remainder of the site shall be permanently protected under an agricultural conservation easement, regardless of a proposed land division. Where the agricultural easement on the remainder of the parcel does not equal the gross area of the facility, additional 1-3 resource land within the unincorporated county shall be identified and placed into a permanent agricultural conservation easement, such that the full impact is offset
<u>Noise Protections</u> Sound Levels. The average noise generated from the operation of an ESS facility, its components, and associated ancillary equipment, measured at the occupied structure or public right--of--way, shall not exceed noise thresholds contained in the General Plan.	<u>Noise Protections</u> Missing
<u>Safety Standards</u> (6) An access road must encircle the entire module array inside the secure perimeter fence. There must be a minimum of two entrances to the access road for ingress and egress. The entrances must be of sufficient width to accommodate any first responder vehicles entering the facility from the nearest public road. Where necessary, the road shall accommodate enough width for fire truck turnarounds. (7) All ESS facilities shall test air, surface water, groundwater, and soil on a yearly basis to compare the samples with baseline quantities for all contaminants tested during	<u>Safety Standards</u> Missing

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
the commissioning of the facility. Comparative test results shall be sent to the Director of the County's Environmental Health Division and Emergency Management Organization for review. (8) All ESS facilities shall be supported by an engineered catchment system capable of collecting and retaining on-site all potential runoff of liquids and materials used to combat a fire, a failure of the ESS facilities, or any other emergency incident. The catchment system shall be designed to prevent any liquids or materials from escaping onto and damaging lands surrounding the ESS facilities.	
<u>Application and Approval</u> (B) ESS Facility Best Available Technology. ESS facilities shall utilize commercially available ESS technologies that minimize the risk of thermal runaway. Applicants are strongly encouraged to select technologies with no or low thermal runaway risk. All ESS facility applications must include third-party written documentation evaluating the proposed ESS technology's risk of thermal runaway. (1) If the proposed ESS technology is determined by the County to present a thermal runaway risk, the applicant shall submit a comprehensive technology comparison analysis. This analysis must include, at a minimum: A techno-economic comparison of alternative energy storage technologies based on publicly available information; an assessment of hazardous chemicals involved in the event of a thermal runaway; qualitative and quantitative risk analysis of thermal runaway; a thermal runaway plume modeling analysis; and any additional information	<u>Application and Approval</u> Missing

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
deemed necessary by the Director of Community Development and Infrastructure. (2) If the proposed battery technology is determined by the County to present no risk of thermal runaway, applicants shall submit third-party verification of system stability (e.g., material safety analysis. abuse tolerance testing results) and basic chemical hazard documentation reduce the risk of thermal runaway propagation to the extent feasible.	
<u>Required Technical Reports with Application Submittal</u> A Fire Risk Assessment (FRA) and Failure Modes and Effects Analysis (FMEA) which include, at a minimum, a smoke drift/plume study to determine the potential travel pathways and communities potentially impacted in the event of a fire, given the technology proposed, scope of event, and atmospheric conditions, and including a community risk assessment showing flammable and toxic extents for worst-case release scenarios	<u>Required Technical Reports with Application Submittal</u> A smoke drift/plume study to determine the potential travel pathways and communities potentially impacted in the event of a fire, given the type of batteries, scope of event, and atmospheric conditions, including a community risk assessment showing flammable and toxic extents for worst-case release scenarios
<u>Liquid Containment Plan</u> A liquid run-off mitigation and containment plan for any emergency or incident that requires an emergency response that results in water, fire retardant, or other materials in liquid form from escaping the immediate area of the ESS facility.	<u>Liquid Containment Plan</u> Missing
<u>Adequate Fire Water Supply</u> Documentation of a dedicated fire water supply is required. This requirement can be waived if the Director of the Office of	<u>Adequate Fire Water Supply</u> Missing

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
Response, Recovery, and Resilience, in conjunction with the fire agency having jurisdiction over the project, confirms that a water supply is not required. The request to omit a water supply shall be in accordance with NFPA 855.	
<u>Inspection and Testing</u> Air, Water, and Soil Quality Inspection, Testing, and Monitoring Plans. (a) All ESS facilities shall include a PM2.5 sensor network around the perimeter of the facility. (b) A meteorological station shall be installed at or close to the facility (within one quarter of a mile). (c) The applicant shall include a plan for regularly monitoring the quality of air, surface and ground water, and soil at the facility site to compare them to the baseline quality and ensure that any negative impacts resulting from the use of the facility are reported to the Director of the Environmental Health Division of the County's Health Services Agency.	<u>Inspection and Testing</u> Missing
<u>Financial Assurances Plan</u> A financial assurances plan. including liability insurance that includes coverage for thermal runaway events and other hazardous incidents, pollution and other, environmental damages, decommissioning bonds, and an agreement indemnifying the County and all	<u>Financial Assurances Plan</u> Financial assurances, including liability insurance that includes thermal runaway events and other incidents, pollution insurance, environmental insurance, decommissioning bonds, and agreement indemnifying the County in the event of an

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
emergency response agencies in the event of an incident associated with the ESS facility that causes environmental damage or causes injury to persons or property. Insurance shall address all phases of construction, development, and operations. (a) As part of the financial assurances, the applicant shall acknowledge that relevant and responsible agencies having jurisdiction over the site will oversee and coordinate subject matter experts to conduct a root cause analysis related to any hazardous incident, with all costs borne by the ESS facility owner. (b) As an additional aspect of the financial assurances, the applicant shall acknowledge the responsibility and agreement to reimburse all damaged parties for an assessment of damage to the environment, agriculture, residents, and businesses conducted by one or more third-party consultants selected by the County and all testing, damages, and remediation conducted by responsible entities that is required to return all sites in the path of any plume caused by thermal runaway or otherwise subject to a hazardous incident to the previous site conditions.	incident. Insurance shall address all phases of the construction and development process.
<u>Labor Standards Commitment</u> Labor Standards. A commitment from applicant that all aspects of the ESS facility and any associated infrastructure shall be constructed by a Skilled and Trained Workforce as defined in Section 2601 of the California Public Contract Code, as amended. Applicants shall certify in their applications that they will comply with this requirement and shall also provide proof of compliance prior to final inspection. In addition, all apprentices working on ESS facility projects	<u>Labor Standards Commitment</u> Missing

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
must be enrolled in state-certified joint labor-management programs.	
<u>Public Infrastructure Improvements</u> Necessary Public Infrastructure Improvements. A commitment to fully fund any offsite public infrastructure improvements that are reasonably and proportionately related to the proposed ESS and required for safe implementation and operation of the project, including but not limited to widening of external roads, immediate site access, addition or upgrades to water delivery systems, and drainage facilities.	<u>Public Infrastructure Improvements</u> Missing
<u>Decommissioning Plan</u> Decommissioning Plan. An ESS applicant shall provide a decommissioning plan that complies with the following requirements. The decommissioning plan shall include any agreements reached between the applicant and other landowners of property on which the ESS is sited that ensures the return of all such properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose. Land that was used for agricultural production within the ten years prior to ESS construction must be restored to a condition conducive for agricultural production. (a) The decommissioning plan shall also include the following: (i) An overview of the decommissioning process developed specifically for the ESS that is to be decommissioned. (ii) Roles and responsibilities for all those involved in the decommissioning of the ESS.	<u>Decommissioning Plan</u> Decommissioning plan, which shall be updated prior to closure to meet standards and requirements in place at the time of closure.

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
(iii) A detailed description of each activity to be conducted during the decommissioning process and who will perform that activity and at what point in time. (iv) Procedures to be used in documenting the ESS and all associated operational controls and safety systems that have been decommissioned. (v) Guidelines and format for a decommissioning checklist and relevant operational testing forms and necessary decommissioning logs and progress reports. (vi) A description of how any changes to the surrounding areas and other systems adjacent to the ESS facility, including, but not limited to, structural elements, building openings, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed. (vii) Estimated costs associated with decommissioning. (viii) Evidence of insurance for bankruptcy in the form of a bridge policy. This includes financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excludes cash. The amount of financial assurance shall not be less than the estimated cost of decommissioning the ESS facility, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning ESS facilities, which the County has the discretion to select, to be paid for by the applicant. The entire financial assurance must be posted by the start of full commercial operation of the ESS facility.	

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
(x) Battery disposal plan and acknowledgment of the facility owner's responsibility to recover and recycle battery cells at an authorized recycling facility upon decommissioning.	
<u>Thermal Runaway Mitigation</u> If a proposed ESS facility carries a risk of thermal runaway, the application may be subject to mitigation measures at the discretion of the County including, but not limited to, the following: (1) Annual contribution for fire response equipment as deemed necessary by the responsible fire district: (2) Annual contribution for training of emergency response agencies and mutual aid partners for emergency responses to hazardous incidents, as deemed necessary by the responsible fire district; and (3) Contribution to radio interoperability to assist in efficient and effective ESS emergency response, as determined by the County Office of Response, Recovery, and Resilience.	<u>Thermal Runaway Mitigation</u> Missing
<u>Ownership Changes</u> Ownership Changes. If the owner of an ESS facility changes, or the owner of the property changes, project approvals shall remain in effect, provided that the successor owner or operator assumes in writing all the obligations of the project, site plan approval, and decommissioning plan. A new owner or operator of the ESS facility shall notify the Community Development and Infrastructure Department of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must	<u>Ownership Changes</u> Missing

January 13, 2026 Draft BESS Ordinance	Application's Representation of the Draft BESS Ordinance
provide such notification to the Department in writing. The project and all approvals for the ESS facility will be void if a new owner or operator fails to provide written notification to the Department in the required timeframe and fines and penalties may be assessed to the new owner for failure to comply with County Code. Reinstatement of a voided project or approvals will be subject to the same review and approval processes as new ESS facility applications under this chapter.	

Administrative processes rely heavily on the good faith and honesty of applicants. Distorting the facts and misleading the CEC and public regarding the content of the County's Draft Ordinance casts serious doubt on the accuracy and veracity of the entire application.

Further, the County never approved the Draft BESS Ordinance. On June 30, 2026, the County Board of Supervisors informed the public that it is no longer planning to adopt the BESS Ordinance. Relying on an unadopted BESS Ordinance deprives the public of their constitutional rights to object during the legislative process. The proposed BESS Ordinance has no legal effect. A state agency acting in reliance on a non-existent local law exceeds its legal authority (e.g., ultra vires act). Any permits or approval issued by the CEC in reliance on a non-approved Draft BESS Ordinance are thus, void ab initio.

ii) The Project Conflicts with the General Plan

The Project is inconsistent and conflicts with numerous General Plan goals and objectives relating to agriculture. These policies were adopted to mitigate environmental impacts. According to the County's Agricultural, Natural Resources and Conservation Element: "Guided by the principle to preserve the County's unique natural resources and habitats by carefully managing new development outside the urban and rural services line, the Agriculture, Natural Resources + Conservation Element continues to preserve agricultural land for agricultural use; protect cultural resources; protect and restore natural resources including sensitive habitats and scenic areas; provide for the long-term sustainable management and conservation of water, timber, and mineral resources; and preserve open space in rural and urban areas." (See Exhibit 8.)

The policies addressed in the Application are as follows.

Policy ARC-1.1.4 (LCP) Development Density and Intensity on Commercial Agricultural Land. Limit development density and intensity on commercial agricultural land in order to preserve the land for long-term commercial agricultural use, accordance with Table 5-1 [in the Agriculture, Natural Resources + Conservation Element of the General Plan]. (Application, p. 3.6-42.)

The Policy is clear that Commercial Agricultural Land is to be preserved. The Application admits: “BESS facilities are not commercial agricultural use; therefore, the project would be inconsistent with Policy ARC-1.1.4.” The Applicant’s contention that because the BESS will only occupy approximate 16 acres of the overall 47-acre site, it would be preserved does not render the Project consistent with this General Plan policy. (Application, p. 3.6-43.) The conflict cannot be justified by promising to only violate the Policy on 16 acres. The Project removes Commercial Agricultural land from production and thus, the Project is inconsistent with this Policy. Preserving 31 acres via an easement does not eliminate the admitted conflict.

Policy ARC-1.1.5 (LCP) Zoning of Agricultural Resource Land. Maintain all lands designated as Agricultural Resource in the Commercial Agricultural (CA) Zone District, except as follows: land in agricultural preserves designated by the Agricultural Preserve (-P) Combining District on either A-zoned lands or CA-zoned lands; timber resource land zoned to the Timber Production (TP) Zone District; and public parks, public/quasi-public recreation uses and open spaces, and biotic conservation areas zoned to the Parks, Recreation and Open Space (PR) Zone District.

Policy ARC-1.1.6 (LCP) Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land. Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural uses, including farming and other limited uses and activities necessary to support the agricultural economy. Allow principal permitted uses in the CA Zone District to include agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops; raising of animals including grazing and livestock production; small-scale, ancillary agricultural support uses such as the marketing of products grown on site and agri-tourism events that are compatible with the primary agricultural use....(Application, p. 3.6-43.)

These Policies are clear that Commercial Agricultural Land is to be preserved and principal land uses are limited to agricultural related uses. A BESS is not an agricultural related use. A utility-scale BESS facility does not fit into any of these approved exceptions. To address this conflict, the Applicant asserts that the Policies are not applicable because SB 254 no longer requires the CEC to make a finding of conformance to land use and zoning designations. General Plan consistency is a CEQA issue and SB 254 did not exempt BESS from CEQA. The CEC approval process does not render the Project consistent with the General Plan. Claiming “no rezone is proposed” ignores the reality that the Applicant is executing a de facto permanent land-use conversion under the guise of an energy exemption. While the Applicant is not changing the text of the CA zoning designation, the Applicant is introducing a completely unauthorized, non-agricultural use onto the land. A BESS does not support farming, it replaces it.

Further, local policy conflicts are not irrelevant. The CEC Regulations specifically require that CEC “staff shall file a Staff Assessment of the opt-in application that consists of a draft environmental impact report following the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regs., tit. 14, div. 6, ch. 3). (Cal. Code Regs. tit. 20, § 1879(a).) As discussed above, the CEC Regulation specifically requires that the staff assessment of the opt-in application address the conformity of the facility with ***other applicable local ordinances***. (Cal. Code Regs., tit. 20, § 1879, subd. (a)(2).) Therefore, the CEC staff must analyze whether the Project is inconsistent with the General Plan under CEQA and CEC Regulations.

Policy ARC-1.1.7 (LCP) Conditional Uses on Commercial Agricultural (CA) Zoned Lands. All conditional uses will be subject to standards that specify siting and development criteria, including: size, location, and density. (Application, p. 3.6-43.)

This Policy further identifies conditional uses that are permitted on agricultural zoned properties – all of which are agricultural-related uses. (*Id.*) While the Applicant acknowledges that “BESS facilities are not a conditionally allowed use on CA zoned lands, and therefore, the project would be inconsistent with Policy”, the Applicant contends that SB 254 no longer requires the CEC to make a finding of conformance to land use and zoning designations. (*Id.*) For the reasons discussed above, this contention is not accurate.

The only non-purely-agricultural uses permitted are those that directly protect or house the agricultural workforce—specifically Small Farmworker Housing Projects or Affordable Farmworker Rental Housing (AFRH) projects. The BESS is completely inconsistent with this policy. The BESS is not “directly related to necessary uses that support the commercial agricultural economy of Santa Cruz County.”

Policy ARC-1.1.11 Agriculturally Oriented Structures. Allow only agriculturally oriented structures or dwellings on Commercial Agricultural Land, as either principally permitted or conditionally permitted uses. (Application, p. 3.6-45.)

While the Applicant acknowledges that “BESS facilities are not an agriculturally oriented structure or dwelling, and therefore, the project would be inconsistent with Policy ARC-1.1.11”, the Applicant contends that SB 254 no longer requires the CEC to make a finding of conformance to land use and zoning designations. (*Id.*) For the reasons discussed above, this contention is not accurate.

Policy ARC-1.3.1 (LCP) Conversion of Commercial Agricultural Lands. Consider conversion and/or development of commercial agricultural lands to non-agricultural uses only when all of the following criteria are met:

1. It is determined that the land is not viable for farming or for other allowable agriculture uses, and that it is not likely to become viable in the future (see policy ARC-1.3.2); and
2. Findings are made that new information has been presented to demonstrate that the conditions on the land in question do not meet the criteria for commercial agricultural land; and
3. The conversion of such land or use to non-agricultural uses will not impair the viability of, or create potential conflicts with, other commercial agricultural lands in the area; and
4. The conversion of such land is concentrated on the site or parcel to the minimum area necessary to achieve the objectives of the proposed conversion. (Application, pp. 3.6-48 to 3.6-49.)

Policy ARC-1.3.2 (LCP) Determining Agricultural Viability. Require a viability study to be conducted in conjunction with an application that proposes to convert commercial agricultural and prime agricultural lands to non-agricultural land uses, to include but not limited to an economic feasibility evaluation which contains at least:

1. An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of filing the application.
2. An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of filing the application.
3. An identification of the geographic area used in the analyses. The area shall be of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for the land stated in the application.

Recommendations regarding viability shall be made by the Agricultural Policy Advisory Commission based on evaluation of

the viability study and the following criteria: parcel size, sizes of adjacent parcels, degree of non-agricultural development in the area, inclusion of the parcel in utility assessment districts, soil capabilities and topography, water availability and quality, and proximity to other agricultural use. (Application, pp. 3.6-49 to 3.6-50.)

The Applicant contends the Project is consistent with these Policies because the remaining approximately 31 acres that would not be disturbed were observed to be generally more vigorous and uniform relative to the northern portion of the parcel that would be developed under the project (Rush & Duttle Consulting 2024). The Rush & Duttle Consulting Report does not meet the standards of the viability report required by Policy ARC-1.3.2. The “bad orchard” justification is further flawed. The deficiencies in the analysis and conclusions reached in the Rush & Duttle Consulting Report are well documented, and do not render the Project consistent with this Policy. (See Exhibit 4.) Agricultural viability is rarely evaluated based on a single snapshot of management or a single crop type. Orchard decline can be caused by aging trees, poor irrigation management, or diseases that can be remediated. An apple orchard planted in 1993 is over 30 years old and may simply have reached the natural end of its commercial lifecycle. Tree mortality and reduced vigor could be signs that the orchard needs standard agricultural remediation, soil rotation, or a layout modernization—not that the site is an appropriate location for heavy industrial structures, or that the soil or the land itself has lost its intrinsic commercial capability. If the remaining 31 acres are highly vigorous, it proves the parcel as a whole possesses strong agricultural viability, which an industrial footprint will fragment. Crop health cannot be conflated with soil capability.

Further, mitigating the loss of Prime Farmland by placing an agricultural conservation easement on 19.4 acres of the same parcel is not mitigation. The land is already zoned for agriculture and already being farmed so it does not create new farmland to offset the 16 acres being permanently paved over.

Policy ARC-1.3.3 requires that any peripheral conversion must “contribute to the establishment of a stable limit to urban development.” Introducing a heavy industrial utility facility directly into Watsonville’s path of urban growth does not create a clean, logical boundary. Instead, it creates a spot-zoning effect—an industrial island surrounded by agricultural land and future residential expansion. This disrupts the contiguous expansion required to build viable, walkable neighborhoods, forcing future affordable housing to be pushed further out or fragmented.

Policy ARC-1.3.2 dictates that recommendations regarding viability shall be made by the County’s APAC based on an evaluation of specific local criteria (water quality, topography, proximity to other agricultural uses). The Applicant is attempting to use the State opt-in process to circumvent the APAC proceeding. A private consultant’s report cannot legally replace the mandatory statutory role of the County’s local agricultural experts, who are uniquely equipped to evaluate whether converting this land harms the broader Watsonville agricultural economy.

Policy ARC-1.3.3 (LCP) Conversion to Non-Agricultural Uses Near Urban Areas. Prohibit the conversion of commercial agricultural lands (changing the land use designation from Agriculture to non-agricultural uses) around the periphery of urban areas except where it can be demonstrated that the viability of existing commercial agricultural uses are already severely limited by conflicts with the urban uses, where the conversion of the lands 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 lands would not impair the viability of other commercial agricultural lands in the area. Within the Sphere of Influence of the City of Watsonville, no conversion of commercial agricultural land is allowed which would adversely affect the City's General Plan affordable housing goals, unless determined to be of an overriding public benefit. (Application, p. 3.6-50.)

The Project results in the conversion of Prime Agricultural Land and directly conflicts with this Policy. The Project site is adjacent to the City of Watsonville's sphere of influence ("SOI") and as discussed in this letter, the Project has the potential to affect off-site properties including affecting land within the SOI. According to the Policy, the conversion of commercial agricultural land within the City of Watsonville's SOI adversely affects the City's General Plan affordable housing goals. The state's Department of Housing and Community Development (HCD) penalizes local cities like Watsonville if they fail to meet their housing goals, yet another state agency (the CEC) has the legal authority to seize land designated for future local planning and dedicate it to energy storage instead. The BESS can disrupt the City's housing goals because BESS require significant setbacks due to thermal runaway and fire risks. Placing a BESS adjacent to the Watsonville's SOI creates a massive "exclusion zone" where future housing and schools cannot safely or legally be built, even on the surrounding parcels within the SOI.

Policy ARC-1.3.3 allows conversion only where it can be demonstrated that the agricultural viability of the land is "already severely limited by conflicts with urban uses." The Applicant argues that viability is limited due to an aging 1993 orchard, missing trees, plant mortality, and failed crop trials. None of these factors are "conflicts with urban uses." They are internal, standard agronomic and operational challenges. The Application completely fails to provide evidence of any external urban friction that makes farming this peripheral parcel impossible.

The conversion must "not impair the viability of other commercial agricultural lands in the area." A peripheral conversion must "complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development." A BESS is a heavy industrial use, not a neighborhood element. Paving over a segment of an orchard creates "spot industrialization." It does not create a cohesive neighborhood, nor does it establish a clean, stable urban growth boundary. Instead, it breaks up the contiguous agricultural greenbelt with an

industrial footprint. Further, high-voltage lines, heavy industrial construction, and thermal fire risks can restrict adjacent farmers from using heavy machinery, aerial or ground chemical spraying, and routine irrigation practices, directly violating the requirement to protect neighboring farms from impairment.

An exception to the affordable housing impact is allowed only if the project is “determined to be of an overriding public benefit.” The Application assumes that because a BESS supports the statewide clean energy transition, it automatically qualifies as an overriding public benefit. However, under local land-use law, an overriding benefit must be weighed against the local crisis being protected—in this case, regional affordable housing and farmworker economic stability. The Application provides no balancing analysis to prove why a statewide electrical asset should legally override Watsonville’s and the County’s immediate, state-mandated housing shortages.

Policy ARC-1.4.1 (LCP) Agricultural Buffers Required. In order to prevent or minimize potential land use conflicts, nonagricultural habitable uses such as residences (excluding farmworker housing), habitable accessory structures and non-agricultural commercial businesses that are located on land adjacent to a parcel in the Commercial Agriculture or Agricultural Preserve zone districts are required to provide a 200-foot buffer setback to the property line of the adjacent commercial agricultural parcel, unless an exception, as provided in ARC 1.4.2, is approved to reduce the extent of the agricultural buffer. (Application, p. 3.6-51.)

Policy ARC-1.4.2 (LCP) Reduced Agricultural Buffer Setbacks. Any reduction in the 200-foot agricultural buffer setback may only occur as approved by the APAC or other County decision-maker, as established by the Agricultural Land Preservation and Protection ordinance. (Application, p. 3.6-51.)

The Applicant proposes to evade the intent of these Policies by claiming that the “Project does not propose nonagricultural habitable uses on land adjacent to a parcel in the Commercial Agriculture or Agricultural Preserve zone” and that the “project is not requesting a reduced agricultural buffer setback.” (Application, p. 3.6-51.) The Applicant’s plan is worse. By introducing a heavy industrial use into a farming area without evaluating its proximity to existing habitable spaces, the Applicant is creating the exact type of land use conflict that the General Plan is written to prevent.

Policy ARC-1.4.5 (LCP) Siting to Minimize Conflicts. Structures shall be sited to minimize possible conflicts with productive commercial agricultural lands in the area. Where structures are located on commercial agricultural land, the structures shall be sited in such a manner to remove as little land as possible from

production while still meeting supportable project objectives.
(Applicant, pp. 3.6-51 to 3.6-52.)

Policy ARC-1.4.5 requires that when building on commercial agricultural land, structures must remove as little land as possible while meeting “supportable project objectives.” The Application presumes that a 16-acre industrial footprint is automatically “supportable.” The Project is not because it requires the massive, permanent destruction of prime agricultural soils. Further, the BESS does not only impact 16 acres. Due to the severe risks of thermal runaway, toxic off-gassing, and catastrophic fire, the impacts extend off-site. A catastrophic fire could cause air contaminants to affect other nearby agricultural lands and affect their organic certifications.

Policy ARC-9.1.4 (LCP) Preserving Agricultural Lands for Open Space. Maintain policies that preserve commercial agricultural lands for agricultural use, require large minimum lot sizes, and restrict conversion of commercial agricultural lands to non-agricultural uses, in order to maintain open space scenic character in rural areas. (Application, p. 3.6-90.)

As discussed above, SB 254 did not eliminate General Plan consistency analysis or CEQA requirements. Policy ARC-9.1.4 is an environmental and aesthetic mandate designed to “maintain open space scenic character in rural areas.” Approving a BESS on the Project site permanently damages that scenic character. A BESS introduces a heavy, industrial visual blight into a rural agricultural viewshed.

4. Conclusion

The Project is not a permitted use in the County of Santa Cruz. The CEC lacks legal authority to approve a BESS that would violate a voter-approved initiative, Measure J. The Application’s CEQA analysis is severely defective. This Project has the potential to cause significant unmitigable environmental impacts and no sufficient mitigation is identified. The CEC should not approve this Project.

Stop Lithium BESS appreciates the CEC’s consideration of its concerns and comments.

Sincerely,



Alene Taber
Attorneys for Stop Lithium BESS

EXHIBIT 1



REGIONAL EXCHANGE

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THE STORY OF MEASURE J - SANTA CRUZ COUNTY'S GROWTH MANAGEMENT PROGRAM

by Andrew Schiffrin

In 1978, voters in Santa Cruz County passed by initiative ordinance what is probably the most extensive and effective county growth management program in California. By almost any standard, the program has been a success. How did it come to be? What does it do? How has it been successful? What lessons can be learned about citizen action from this effort?

Introduction

Traditionally, Santa Cruz was an agricultural, low income county, but in the 1960's it started to grow rapidly and prosper. During the 1970's, Santa Cruz was one of the fastest growing counties in the country, experiencing an average annual population growth rate of 4.6 percent. The problems created by this rapid growth will not surprise -- the loss of agricultural and rural land, traffic congestion, sewer and water moratoria, rapid increases in housing prices.

The pressures for growth, then and now, came from the newly established University of California campus north of the City of Santa Cruz, the explosive expansion of Silicon Valley just over the hill, and the increasing pressure on coastal locations generally. Plans and zoning during this time encouraged rapid growth -- with much "success".

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Andrew Schiffrin holds a Master's degree in City Planning from MIT and is an Administrative Aide to Supervisor Gary Patton (the author of Measure J, Santa Cruz County Growth Management Policy Ordinance).



But in the late 1960's, awareness developed about the need for environmental protection in the county, and a political movement began taking shape. At first it focused on large, high-impact projects; an early victory came in the County Supervisors' reversal of support for widening Highway 17. A major commercial project at the edge of Santa Cruz was also stopped, and a citywide height limit was imposed.

Most importantly, the environmentalists won a shift in the growth-is-good mentality -- especially among local officials. In 1973 the Santa Cruz City Council got its first strong conservation representation; in 1977, three out of five County Supervisors favored serious efforts at growth control. Nonetheless, those favoring rapid development and unrestricted "free enterprise" were still influential, and hard-fought battles occurred over specific projects and electoral campaigns.

Growth Management in Santa Cruz — The Pre-Election Strategy

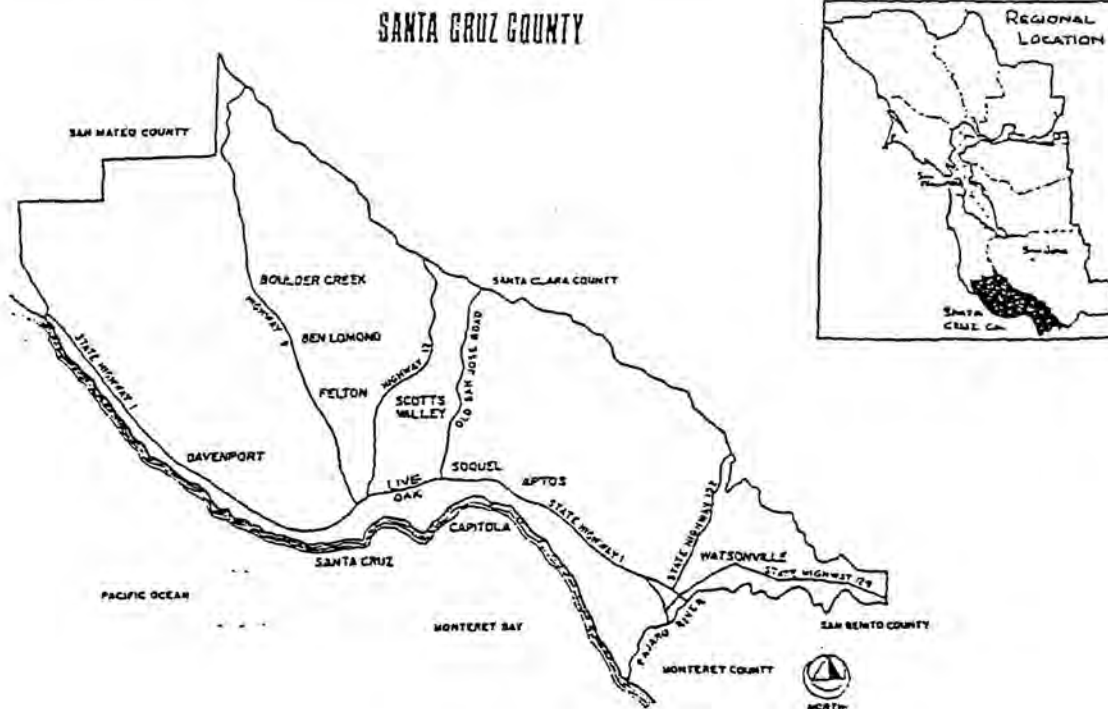
By 1977, it was understood by the new environmentalist majority of the Board of Supervisors that ad hoc programs would not work. In 1976, the Board had adopted a population cap for the year 2000; but even by 1977 it was recognized that this limit would be reached much earlier under existing land use policies. It was agreed by the elected officials and environmental activists that a dramatic program was needed to get a handle on growth and bring it under meaningful control as quickly as possible. The major growth control technique then in use seemed to be delay and this was not only of limited usefulness but subject to many justifiable criticisms.

There were great concerns, however, that the development community would mount a political effort against any strong growth management system, and the likely outcome of such a campaign was very unclear. Among other problems was the difficulty in restricting the construction of single family homes on individual parcels. No other growth management system in the state had been able to restrict single family home development. Yet in Santa Cruz County, almost 85 percent of the development was of this type. Moreover, there was an awareness of the legal problem which the Board majority would face if they adopted a strict growth management system. How could it be done?

In June of 1977, the Board of Supervisors directed the Planning Department to prepare a series of reports on the effects of growth on the County and the options available for managing it. These reports were intended to serve as the legal and political rationale for a growth management program.

However, while these reports were in process (they were released serially), opposition to the three liberal, environmentalist Supervisors grew. The opposition was based in the development community but used the liberals' alleged positions on social issues, like welfare, to create public antagonism. In the latter part of 1977, a recall campaign was launched against all three Supervisors. By February, it was clear that the campaign had gathered enough signatures against two of the Supervisors to force a June election. The recall against the third, Gary Patton, was dropped but he was up for reelection in June anyway. The rationale for growth management was coming into place, but the political foundation was in jeopardy.

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The Choice of an Initiative Measure

In February/March 1978 the environmentalist majority on the Board of Supervisors decided that they could not adopt an effective growth management program by ordinance even though the groundwork for such a system had been laid by the reports. First, the recall election made any major new legislation difficult. The opponents would accuse them of forcing unpopular changes on an electorate that no longer supported them.

Second, it was clear that the development community would pull out all stops to overturn a comprehensive growth management system which imposed a low growth rate. While a majority of the people probably supported growth management generally, any specific, comprehensive, untried programs proposed by a 3-2 Board vote could be easily distorted or maligned as part of the election campaign.

The Board majority retained their conviction that a majority of the population in the County supported meaningful growth control. How could they overcome these political weaknesses to reach their strength? The answer decided upon was to draft an ordinance of general policies which would be placed before the electorate and which mandated operation of a specific growth management system and provided policy direction to it. The debate would be focused on the real issues of growth, with good defenses against both vagueness and specificity.

Measure J: The Growth Management Initiative

Measure J, as this ordinance was labelled on the ballot, had three purposes. The first was to provide the policy basis for a strong, comprehensive growth management program. The second was to show that there was majority public support for such a program. And third was to appeal to the pro-growth management sentiment in the community in a general way in order to help defeat the recall.

Using general statements of policy, rather than detailed "legalese", Measure J set out the negative effects of rapid growth (thus establishing a legitimate public purpose for regulation), and a series of six key policies to be followed in managing development -- and it required the County Supervisors to pass an implementing program within six months of the measure's passage.

Probably the most important policy in the ordinance was the requirement that the Board of Supervisors annually set a population growth rate, such rate to reflect the County's fair share of the State's growth. "Fair share" was not defined and, contrary to popular belief, Measure J did not set a low growth rate. It simply required that rate be set every year, thereby keeping the issue public and political.

Other major policies required the protection of agricultural land, the adoption of an urban/rural boundary in order to discourage rural development and to concentrate development in the urbanized areas, and the protection, where feasible, of the County's natural resources.



The most specific policy, later to become also the most controversial, was the requirement that at least 15 percent of all newly constructed housing be affordable by those with average and below average incomes.

The housing policy was included for several reasons. First, prices in the county were pushing out a segment of a mixed community and only a specific requirement could halt this pattern. Second, housing activists focusing on renters' concerns had become a political force in the City of Santa Cruz and environmentalists had developed a working relationship with them. Third, the measure's authors had a keen awareness of the legal importance of a strong affordable housing policy, in order to ensure that the growth management program would not have the effect of excluding those with lower incomes.

The 1978 Election Campaign

The campaign around Measure J was relatively non-controversial, surprisingly so considering the importance of the outcome. With hundreds of millions of dollars and thousands of acres at stake, only \$859 was spent for the measure, and \$2,446 against it. The development community opposed it, but found it hard to mobilize a great deal of public opposition to the idea of growth management. The policies were too general to attack very specifically. There may also have been a concern on the part of its opponents that growth management was a popular public issue and to attack it too strongly might help the liberal Supervisors.

Instead, pro-development interests concentrated their fire on the recalls, aiming at the people instead of the policies. They spent a whopping \$106,000, this in 1978. (Supporters of the Supervisors up for recall responded in kind if not amount, with \$31,000.)

If voters were to be consistent, the initiative and the candidates would win or lose together. What would they do?

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On June 8, 1978, Measure J passed by a 54 percent margin countwide and the two environmentalist Supervisors were recalled by the thinnest of margins: Ed Boravatz, San Lorenzo Valley, lost by just 50 votes; Phil Baldwin, Live Oak, by a few hundred. Evidently, about four percent of the voters were splitting their ballots. Why? For one thing, Proposition 13, the Proposition 13, drew irate conservatives to the polls in droves. Many of these conservatives want to control growth, yet do not like liberal Supervisors. The recall campaign had emphasized "welfare fraud" and "big spending". Clearly, the incumbents were not recalled because of their growth management positions, and the election illustrates the importance of initiatives in measuring real voter thinking on an issue.

Implementation of Growth Management - Fact or Fantasy?

After the June election, the new majority on the Board of Supervisors was in a difficult position. Philosophically they opposed growth management and did not want to implement Measure J. On the other hand, they could not ignore its passage. They were legally obligated to implement it, and Supervisor Patton, who had been reelected, was an informed and aggressive advocate for implementation. What would they do?

The supporters of growth management were also in a difficult position. There was a public mandate for growth management, but they had lost the majority of the Board of Supervisors and Measure J was a rather general policy ordinance. Could they bring about the adoption of an effective growth management system?

Initially, both sides agreed. Since Measure J required a growth management system, there would be one. Moreover, it would be developed within the time limits.

When January 1979 rolled around and major portions of the system had not been approved, environmentalists sued the County to compel the full implementation of Measure J. This placed even more pressure on the Supervisors to make the hard decisions.

What then, resulted from all the activity?

• **Agricultural Land Preservation:** The Board-appointed agricultural task force was dominated by conservative farmers and landowners who, while supportive of protecting agricultural lands which were economically productive, were strongly opposed to preserving open space land by regulation when the agricultural viability was, in their view, speculative or economically non-existent. Philosophically, their attitude was that if people wanted open space they should buy it. They tended to be guided by the desires of the affected property owners in making their decisions.

Maps identifying the agricultural lands to be preserved were therefore based on strict definitions of agricultural productivity. This reduced significantly the potential area, eliminating large acreages of grazing land as well as many lands potentially in agricultural use or in small parcels. On the other hand, the staff recommended extremely protective



policies to preserve the designated agricultural lands which covered significant areas. Fortunately, the task force did not oppose them.

• **Growth Rate:** In the report prepared on population growth rates, the staff proposed three alternatives — a low growth rate of 1.1%, a moderate growth rate of 2%, and a high growth rate of 3.2%. (It should be remembered that the County had been growing at a 4.6% average rate.)

Supervisor Patton and environmental activists argued vigorously for the low growth rate. Representatives of the development community, though opposing all growth rates, favored the high rate. However, they did not lobby strongly. Since it was clear to all that Measure J had passed in order to slow growth and, probably, because two of the more conservative Supervisors had been elected as a result of the recall and faced another election in 1980, the Board majority did not want to identify themselves with high growth. The 2 percent growth rate was ultimately adopted, with Supervisor Patton in opposition.

• **Building Permit Allocation System:** Once the growth rate was adopted, staff converted it into allowable number of building permits which could be issued. The next step was to determine how to allocate these permits — between urban and rural areas, and between large and small projects, for example. It was also necessary to determine which applicants for permits would receive them — for example, first come, first served; through a rating system; or by geographical areas. Decisions on this system were the thorniest and most difficult for the Board of Supervisors to make and probably entailed the greatest amount of discussion. However, the most important policy decision never became a public issue: the Planning staff assumed that the growth management system would cover all housing developments, including single-family homes on single lots, and never raised any alternative to this. (No one else did either.)

The allocation system finally adopted does have problems, as will any system which has to say no, in a fair manner, to people who want to build. It covers, however, all residential development and contains a higher rate of growth in the urban area than in the rural area.

• **Urban/Rural Boundary:** Since Measure J required concentration of growth in urban areas, it was necessary to define the boundary of these areas. Staff proposed an urban services line to represent the limit of urban development to 1990. No urban services were to be provided outside this line. Supervisor Patton argued that the line should provide for urban growth beyond 1990. Since residents in areas around the line tended to be most concerned about the expansion of higher density urban growth in their neighborhoods, the Supervisors ultimately amended the line in relatively minor ways and, in some instances, even reduced the urban area in response to specific complaints.

• **Rural Land Divisions:** The creation of new parcels of land in rural areas had been one of the most controversial issues prior to growth management. Previous Boards of Supervisors had approved widespread subdividing of rural land with little environmental knowledge or concern. There were already enough parcels to almost double the population of the County if each one was built upon, and environmental activists had focused much of their energies through the years on controlling the number of new parcels created. Through the late sixties and early seventies, standards governing subdivisions changed and the interpretation of the standards also changed. By 1978 the regulatory climate was so uncertain and confused that even land owners were calling for some standardization in the review process.

Measure J provided the opportunity to implement a more certain regulatory procedure. The staff proposed a rural development "matrix" which would be used to evaluate rural land division requests. Each application would receive points based on environmental and hazard factors. Final allowed parcel size would be determined from a total point score and the underlying general plan designation. After pressure from environmentalists, an absolute limit on the number of such subdivisions allowed was eventually approved.

• **Affordable Housing:** The majority of people appointed to the Housing Task Force by the Board of Supervisors opposed government interference in the private housing market. However, the affordable housing advocates argued convincingly that, if the 15% affordability requirement was not met, all housing construction in the County could be halted

by court order. As a result, the effort focused on all available tools for producing affordable housing. Three major programs were proposed. First, the County was to aggressively pursue and encourage federally subsidized housing projects. Second, in all developments of five units or more, at least 15% of the units were to be affordable to low and moderate income families (inclusionary housing). Finally, a "housing fee" would be imposed on all projects from one to four units, the revenue from which would be used to produce affordable housing.

Although the inclusionary housing program was anathema to the building industry and contrary to the philosophy of the Board majority, the entire program was finally approved, probably because it seemed to be the only alternative. The housing fee became very controversial, was later ruled illegal by the local court, and was not appealed by the Board.

Assessing the System

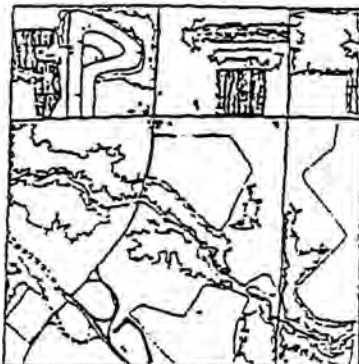
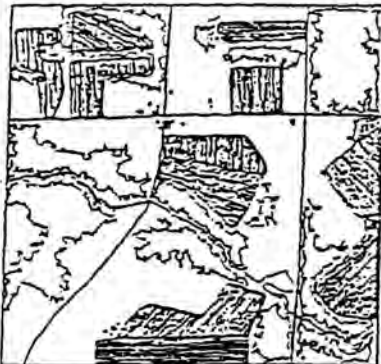
By June of 1979, only five months later, the growth management system was essentially in place. Did the pro-development majority mean a weak system? Surprisingly, the system adopted may have been stronger and more restrictive than what would have resulted if an environmentalist majority had controlled the Board of Supervisors. A number of factors made this happen:

(1) The citizen environmentalists were well organized and constantly active. They got people out to public meetings, were very vocal, and were forever agitating for a strong system. They also kept in close contact with friends, particularly Gary Patton, on the Board of Supervisors and initiated a lawsuit which threatened to stop all construction, if the Board did not fully and correctly implement Measure J.

(2) The planning staff, bucked up by the vote and the activists, also played a crucial role, through their interpretation of the intent of Measure J and the alternatives they proposed;

(3) The minority of environmentalists on the Board were well informed and politically astute;

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(4) The majority of the Board and the pro-development community in general did not participate effectively in the process. It was almost as if they thought that because they were in the majority, the result would automatically reflect their concerns. Developers as a rule fight hard but irregularly, as needed for their own specific projects while environmentalists fight for general principles. Perhaps, as with some national environmental laws, the problems were not clearly perceived till later, at which time a greater lobbying effort develops. At most, developers played a reactive role in terms of the proposals presented and never tried to take control of either the process or the outcome; and

(5) The passage of Measure J by itself created a political climate which made opposition to a meaningful program difficult. Every attempt to weaken the system was attacked as a slap at the will of the electorate.

What's Happened Since 1979

The adoption of a meaningful growth management system provided no guarantee that it would be effectively implemented. While the environmentalist strategy was to push for consistent follow-through, it was recognized that if the Board majority did not change in 1980, the conservatives would probably figure out how to undermine the system. In fact, the Board majority did change in 1980 and the supporters of managed growth were back in control.

It is an indication of the strength of the system that the new majority did little to change it after 1980. On the other hand, attempts were made to weaken it. The conservative majority put an ordinance, sponsored by the building industry, on the ballot to increase the growth rate in the name of energy conservation. This was defeated. The development community also tried an initiative which would have increased the growth rate. It did not even receive enough signatures to get on the ballot.

Has Growth Management Succeeded in Santa Cruz County?

Both in its own terms and in terms of significantly cutting and regulating the growth of the County, I think the answer is, clearly, yes. It has succeeded because most of the system's components no longer generate controversy and because the community as a whole now accepts growth management as a normal and expected part of life. It has become woven into the fabric of community life.

The key factors for Measure J's success have been:

(1) The existence of a popular base of support in the community for growth management. A majority of the people believe that it is desirable and important to control and limit private land development.

(2) Organized citizen action favoring growth management has been crucial. In the courts, during election campaigns, and at public hearings, citizen activists have made public participation count. While particular activists may come and go, it has been recognized that, in order to succeed in the long run, citizen action must continue.

(3) There was the ability to draft ordinances, and frame political campaigns in order to appeal to popular concerns. In other words, the environmentalists have had the competence to know how to get what they wanted; and

(4) There has also been the ability to understand the place of initiatives and referenda in the larger political contexts as one of a number of tools, which also include vigorous electioneering, lobbying, and litigating.

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Two final comments. First, Santa Cruz County's growth management does not deal directly with economic development, i.e. the creation of jobs. Since economic growth is the major stimulant to population growth and since the electronics industry may now expand tremendously in the County, the response to economic development pressure currently represents the greatest challenge to the growth management program. Managing land for residential growth may force long commutes or become politically impossible unless land is also managed for job growth.

Second, the growth management system represents only one aspect of land use regulation. The general plan, local coastal programs, individual land use policy ordinances, programs to provide public services, and financing structures are all part of the total picture. Decisions in these other areas may support

or undermine the growth management system and they all have been significant battle grounds between the forces favoring rapid development and those seeking to control it.

What is the result of all this effort? By a democratic process, the usual rules of the development game in this county have been revolutionized, protecting the environment and the quality of life of Santa Cruz County for this and, hopefully, future generations. If we have done our job responsibly, as I believe we have, other places can implement similar schemes to their advantage. Some progress is, indeed, progress.



Sherman Lewis, Regional Exchange co-editor, and Larry Orman edited Mr. Schiffman's more extensive original report which is available from POS for \$2 per copy.

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Regional Exchange

FEBRUARY 1984

EXHIBIT 2

CHAPTER 17.01GROWTH MANAGEMENTSections:

17.01.010	Purpose
17.01.020	Findings
17.01.030	Policies
17.01.040	Growth Management System

17.01.010 PURPOSE. One purpose of this Chapter is to state clearly various policies which should govern the future growth and development of Santa Cruz County. A further purpose is to provide for the enactment of a Growth Management System to regulate the character, location, amount, and timing of future development so as to achieve the stated policies. A further purpose of this Chapter is to provide for increased housing opportunities for persons with average and below average incomes who wish to reside in Santa Cruz County. Finally, it is the purpose of this Chapter to protect the public health, safety, and welfare by regulating the future use and development of land in Santa Cruz County. (Ord. 2561.1, 7/5/78)

17.01.020 FINDINGS. It is hereby found and determined as follows:

(a) Rapid Population Growth. Santa Cruz County is one of the fastest growing counties in the State of California and in the United States. Since 1970, Santa Cruz County has experienced a rate of growth which has been at least twice that experienced by the State of California as a whole.

(b) Continued Growth Likely. It is likely, absent the enactment of a Growth Management System, that Santa Cruz County will continue to experience an extremely rapid rate of population growth, at a rate forecasted to be approximately twice the rate experienced by the State of California as a whole.

(c) Santa Clara County Plans for Santa Cruz County to Grow. It is particularly likely that Santa Cruz County will continue to experience rapid population growth because jurisdictions in the adjoining Santa Clara Valley have provided, in their General Plans, and in their other planning policies, to generate a demand for new residential housing which such jurisdiction plan shall be located in Santa Cruz County.

(d) Environmental Damage and Economic Effects. Rapid population growth and development is causing extremely serious adverse environmental and economic effects, some of which are specified below:

1. Loss of Agricultural Lands. The County possesses significant agricultural lands, including prime agricultural lands, and agricultural lands which, while not defined as "prime", are economically productive or potentially economically productive. Such agricultural lands are a local, state and national resource, which should be preserved. These agricultural lands are being lost to development, and the continued viability of commercial agriculture in Santa Cruz County is threatened by rapid population growth and inappropriately placed development.
2. Mineral and Timber Resources. Rapid population growth and development also threaten the timber harvesting and mineral industries which are significant factors in the County's economy.
3. Fish and Wildlife Resources. The County has other important natural resources, including wildlife, anadromous fish, and unique plant communities, which should be preserved; these are endangered by rapid growth and inappropriate development.
4. Marine Habitats. Coastal lagoons and marine habitats which should be preserved for their economic and biologic value are being degraded and destroyed by rapid population growth and inappropriate development.
5. Air and Water Quality. Rapid population growth and development are causing the degradation of Santa Cruz County's air and water quality and threatening the health and well-being of present and future residents.

6. Scenic and Aesthetic Resources. The scenic and aesthetic qualities of Santa Cruz County are being destroyed by inappropriately placed development.

7. Water Supplies. The "safe yield" capacity of natural surface and groundwater sources is being exceeded in many areas of the County, causing water supply and water quality problems which will be irreversible or extremely expensive to correct. Overpumping of the Pajaro Valley groundwater basin, in particular, threatens future agricultural water supply and, consequently, Santa Cruz County's commercial agriculture.

(e) Cost of Services. Rapid population growth and development has expanded the demand for governmentally-provided services beyond the ability of the public to pay for and provide such services. Specifically, in many parts of the County the public is unable to pay for, provide, or maintain adequately the following services required by new development:

1. An adequate number of elementary and secondary school classrooms and teachers;
2. Adequate law enforcement and fire protection;
3. Adequate roads, sewers, and water.

School overcrowding, traffic congestion, higher crime rates, and increasingly inadequate water supplies, roads, and sewage facilities will be the result of continued rapid population growth and development. These problems are greatly aggravated when new development takes place in rural areas rather than in areas where urban services can be provided at less cost to taxpayers.

(f) Housing Crisis. Santa Cruz County is experiencing a housing crisis. Increasingly, persons with average and below average incomes whose work or other connections with the County of Santa Cruz lead them to wish to live here are unable to locate housing at a price they can afford.

Economically disadvantaged citizens are increasingly excluded from living in Santa Cruz County. The increasing demand for housing in Santa Cruz County which has accompanied the rapid population growth and development now taking place has aggravated the housing crisis, and any growth management system designed to minimize or prevent the problems caused by rapid population growth and development must simultaneously provide a positive program to increase the availability of housing for people with average and below average incomes. (Ord. 2561.1, 7/5/78)

17.01.030 POLICIES. The findings made in this Chapter identify environmental, economic, and housing problems caused by or associated with the rapid population growth and development of Santa Cruz County. It is hereby determined that in order to minimize or eliminate such problems, and to assure the public health, safety, and welfare, the following policies shall guide the future growth and development of Santa Cruz County.

(a) Preserve Agricultural Lands. It shall be the policy of Santa Cruz County that prime agricultural lands and lands which are economically productive when used for agriculture shall be preserved for agricultural use.

(b) Distinguish "Urban" and "Rural" Areas. It shall be the policy of Santa Cruz County to preserve a distinction between areas in the County which are "urban", and areas which are "rural". Divisions of land in rural areas shall be discouraged, and new residential developments shall be encouraged to locate in urban areas.

(c) Urban Area Protection. It shall be the policy of Santa Cruz County to insure that new development in the unincorporated "urban" areas does not proceed without the provision of adequate services which will enhance the quality of life for current and future residents of these urban areas; the County Capital Improvement Plan shall reflect this commitment.

(d) Annual Population Growth Limit. It shall be the policy of Santa Cruz County to set an annual population growth for this County which shall limit growth to that amount which represents Santa Cruz County's fair share of each year's statewide population growth.

(e) Housing for Persons with Average Incomes. It shall be the policy of Santa Cruz County that at least 15 percent of those housing units newly constructed for sale or rental each year shall be capable of purchase or rental by persons with average or below average incomes.

(f) Resource Protection. It shall be the policy of Santa Cruz County to prevent the division or other development of lands which contain timber resources, mineral resources, and wildlife habitat or other natural resources, except when any such development is conditioned so as to prevent the loss of or damage to such resources. (Ord. 2561.1, 7/5/78)

17.01.040 GROWTH MANAGEMENT SYSTEM.

(a) Within six months of the date this Chapter becomes effective, the Board of Supervisors shall enact, by such ordinance, or ordinances as may be required, a Growth Management System to regulate the character, location, amount, and timing of future residential and other development in Santa Cruz County. Said ordinance or ordinances shall provide for the establishment, each year, of an annual population growth goal which shall limit population growth during that year to an amount which represents Santa Cruz County's fair share of statewide population growth. Said ordinance or ordinances shall likewise carry out the other policies and provisions specified in this Chapter.

(b) The Board of Supervisors may, from time to time, amend any ordinance enacted by them to carry out the provisions of this Chapter. No part of this Chapter, however, shall be amended or repealed except by a vote of the people.

(c) If any portion of this Chapter is hereafter determined to be invalid, all remaining portions of this Chapter shall remain in full force and effect and, to this extent, the provisions of this Chapter are separable. (Ord. 2561.1, 7/5/78)

EXHIBIT 3

Title 16. Environmental and Resource Protection

Chapter 16.50. AGRICULTURAL LAND PRESERVATION AND PROTECTION

16.50.010. Purposes.

- (A) The Board of Supervisors of Santa Cruz County finds that commercially viable agricultural land exists within the County, that it is in the public interest to preserve and protect this land for exclusive agricultural use and to enhance and encourage agricultural operations within the County, and that certain agricultural land in the County, not presently of commercial value, also merits protection. The Board of Supervisors of Santa Cruz County also finds that nonagricultural development adjacent to certain of these lands often leads to restrictions on the County's agricultural industry as a whole. It is the determination of the Board of Supervisors that residents living near agricultural land should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a County with a strong rural character and healthy agricultural sector so long as the agricultural operations are conducted in accordance with Federal, State, and local laws and regulations.
- (B) The purposes of this chapter, therefore, are to promote the public health, safety and welfare; to support and encourage continued agricultural operations in the County, to implement the policies of the Santa Cruz County General Plan, the Local Coastal Program Land Use Plan, and the 1978 Growth Management Referendum (Measure J) by designating those commercial agricultural lands the County intends to preserve and protect for exclusive agricultural use, and by protecting noncommercial agricultural land; to support and encourage continued agricultural operations in the County; to maintain in exclusive agricultural use commercial agricultural land which is located within utility assessment districts; and to forewarn prospective purchasers and residents of property adjacent to agricultural operations of the necessary sounds, odors, dust and hazardous chemicals that accompany agricultural operations. It is an additional purpose of this chapter to ensure the maximum protection of commercially viable agricultural land by weighting decisions, in cases where there is not clear evidence of the unsuitability of the agricultural land, in favor of the preservation of the land for agricultural use.
- (C) Accordingly, no agricultural activity, operation, or facility or appurtenances thereof shall be or become a nuisance, public or private, if it has been conducted and maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations, and in a manner consistent with all applicable Federal, State and local laws, regulations, permits and approvals, and the conditions thereof, after it has been in operation for more than three years if it was not a nuisance when it began. This is not to be construed as in any way modifying or abridging Federal or State law, or any other applicable provision of State law relative to nuisances; rather it is only to be utilized in the interpretation and enforcement of the provisions of this code and County regulations.
- (Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4753 § 3, 2003; Ord. 5424 § 1, 2022)

16.50.015. Scope.

This chapter establishes a system for classifying various types of commercial agricultural land in Santa Cruz County, including specific criteria for applying each different agricultural resource land type designation and a procedure and findings for amending such designations. This chapter also contains the development regulations which apply to commercial agricultural land, including reference to the specific criteria in the Zoning Ordinance (Chapter 13.10 SCCC) which govern the division of commercial agricultural parcels. Policy regulating divisions of noncommercial agricultural land, requirements pertaining to "buyer beware" notification regarding nuisance, and regulations for agricultural buffer setbacks are also established in this chapter.

(Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4753 § 3, 2003; Ord. 5424 § 1, 2022)

16.50.020. Amendment.

Repealed by Ord. 5424.

(Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4753 § 3, 2003)

16.50.025. Definitions.

- (A) **"Acquiring party,"**
for purposes of this chapter, in a sale, exchange, installment land sale contract, option to purchase, or residential stock cooperative improved with residential units, refers to the individual or entity that will or may acquire ownership of the property through the transfer. In a ground lease coupled with improvements, the "acquiring party" refers to the tenant.
- (B) **"Agricultural resource land,"**
for purposes of this chapter, means all that real property within the boundaries of Santa Cruz County that is designated as agricultural resource land in the General Plan—Local Coastal Program Land Use Plan. Agricultural resource land is also referred to as commercial agricultural land.
- (C) **"Agricultural operations"**
includes, but is not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including yet not limited to viticulture, horticulture, mushroom farming, insectaries, apiculture, raising of livestock, fur bearing animals, fish or poultry; growing, raising, breeding, harvesting, or processing of any living organism and any agricultural practices, including composting, aerial or terrestrial application of fertilizers and pesticides, performed as incidental to or in conjunction with such operation, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.
- (D) **"Agricultural use"**
means agricultural activities including but not limited to the cultivation and tilling of soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodity such as viticulture, horticulture, apiculture, the raising of livestock and poultry, agricultural processing, and other practices ancillary to a farming operation such as delivery to storage or market, and delivery to carriers for transport to market, all subject to the policies and regulations, standards and criteria in the General Plan and SCCC.
- (E) **"Nuisance"**
has the same meaning as defined in California Civil Code Section 3479 that reads, in part, "[a]nything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the use of property, so as to interfere with the comfortable enjoyment of life or property... is a nuisance."
- (F) **"Pest"**
means any of the following that is, or is liable to become, dangerous or detrimental to the agricultural or nonagricultural environment of the County:
- (1) Any insect, predatory animal, rodent, nematode, or weed.
 - (2) Any form of terrestrial, aquatic, or aerial plant or animal, virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living humans or other living animals).
 - (3) Anything that the State Secretary of Food and Agriculture or the Director of Pesticide Regulation, by regulation, declares to be a pest.
- (G) **"Pesticide"**
includes any of the following:
- (1) Any spray adjuvant.

- (2) Any substance or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined above, which may infest or be detrimental to vegetation, humans, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.

(H) "Transfer,"

for the purposes of this chapter, includes the following: sale, exchange, installment land sale contract, lease with option to purchase, any other option to purchase, or ground lease coupled with improvements or residential stock cooperative improved with residential units.

(I) "Transferor,"

for purposes of this chapter, in a sale, exchange, installment land sale contract, option to purchase, or residential stock cooperative improved with residential units, refers to the individual or entity that owns the property immediately before the transfer. In a ground lease coupled with improvements, the "transferor" refers to the owner of the leased premises.

(Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.030. Designation of agricultural resource land types.

The agricultural resource lands designated by the County General Plan shall be further classified into the following agricultural land types, identified in the County GIS System as "agricultural resources," and as amended from time to time. These types of agricultural land shall be defined individually and collectively as "agricultural resource land" and are typically zoned "commercial agriculture" (CA). Agricultural resource land also includes all land which is enforceably restricted with a Land Conservation Act contract for agricultural preservation.

Table 16.50.030-01: Agricultural Resource Land Types	
Type 1A	Viable Agricultural Land
Type 1B	Viable Agricultural Land in Utility Assessment Districts
Type 2A	Limited Agricultural Lands in Large Blocks
Type 2B	Geographically Isolated/Limited Agricultural Lands
Type 2C	Limited Agricultural Lands in Utility Assessment Districts
Type 2D	Limited Agricultural Lands Experiencing Use Conflicts
Type 2E	Vineyard Lands
Type 3	Coastal Zone Prime Agricultural Land

(Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 3602 § 1, 1984; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.040. Criteria for designation.

The following criteria shall be used to determine into which agricultural land type the agricultural resource lands (commercial agricultural land) of the County will be classified:

- (A) Type 1—"Commercial Agricultural Land." This type is for viable agricultural lands outside the Coastal Zone which have been in, or have a history of, commercial agriculture over a long period of time, and are likely to continue to be capable of commercial agricultural use in the foreseeable future.

- (1) Type 1A—"Viable Agricultural Land." Type 1A agricultural lands comprise areas of known high productivity which are not located in any utility assessment district for which bonded indebtedness has been incurred. These lands essentially meet the U.S. Department of Agriculture Soil Conservation Service and the California Department of Food and Agriculture criteria for "prime" and "unique" farmland and "prime" rangeland.

- (2) Type 1B—"Viable Agricultural Land in Utility Assessment Districts." This type includes viable agricultural lands, as defined above, which are within a utility assessment district for which bonded indebtedness has been incurred, except agricultural preserves.

- (B) Type 2—"Commercial Agricultural Land." This category is for agricultural lands outside the Coastal Zone which would be considered as Type 1A, except for one or more limiting factors, such as parcel size, topographic conditions, soil characteristics or water availability or quality, which may adversely affect continued productivity or which restrict productivity to a narrow range of crops. Despite such limitations, these lands are considered suitable for commercial agricultural use. Type 2 agricultural lands are currently in agricultural use (on a full-time or part-time basis) or have a history of commercial agricultural use in the last 10 years (the Agricultural Resources map generally reflects conditions as of 1982 when agricultural designations were established) and are likely to continue to be capable of agricultural use for a relatively long period. In evaluating amendments to Type 2 designations the preceding factors, along with adjacent parcel sizes, degree of nonagricultural development in the area and proximity to other agricultural uses, shall be considered in addition to the criteria listed under each individual type below.

- (1) Type 2A—"Limited Agricultural Lands in Large Blocks." These lands are in fairly large blocks, are not in any utility assessment district which has incurred bonded indebtedness, and are not subject to agricultural-residential use conflicts.

- (2) Type 2B—"Geographically Isolated Agricultural Land with Limiting Factors." This category includes agricultural lands with limiting factors which are geographically isolated from other agricultural areas. These lands are not in a utility assessment district which has incurred bonded indebtedness and are not subject to agricultural-residential use conflicts.

- (3) Type 2C—"Limited Agricultural Lands in Utility Assessment Districts." This type includes agricultural lands with limiting factors which are in a utility assessment district which has incurred bonded indebtedness.

- (4) Type 2D—"Limited Agricultural Lands Experiencing Use Conflicts." These are agricultural lands with limiting factors which are experiencing extreme pressure from agricultural-residential land use conflicts such as pesticide application, noise, odor or dust complaints, trespass, or vandalism.

- (5) Type 2E—"Vineyard Lands." These are agricultural lands that may or may not be located on lands zoned Commercial Agriculture (CA), and often occur in the Rural Residential (RR), Special Use (SU) Agriculture (A), and Rural Residential (RA) zone districts.

- (C) Type 3—"Coastal Zone Prime Agricultural Land." This category includes all of the following lands outside the urban services line and the rural services line within the Coastal Zone in Santa Cruz County:

- (1) Land which meets the U.S. Department of Agriculture Soil Conservation Service criteria of prime farmland soils and which are physically available (i.e., open lands not forested or built on) for agricultural use.

- (2) Land which meets the California Department of Food and Agriculture criteria for prime rangeland soils and which are physically available (i.e., open lands not forested or built on) for agricultural use.

- (3) Land planted with fruit or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years, and which normally return during the commercial bearing period on an annual basis from the production of unprocessed plant production not less than \$200.00 per acre; the \$200.00 per acre value shall be utilized to establish a base value per acre as of 1965. This base value per acre figure shall be adjusted annually in accordance with any change in the San Francisco Bay Area Consumer Price Index to reflect current values.

- (4) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200.00 per acre for three of the five previous years, as provided in subsection (C)(3) of this section.

- (5) Land which meets the California Department of Food and Agriculture criteria for unique farmland of Statewide importance and which is physically available (i.e., open lands not forested or built on) for agricultural use. The criteria for "prime farmland soils," "prime rangeland soils," and "unique farmland of Statewide importance" are further defined in the General Plan and Local Coastal Program glossary.

(Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4406 § 23, 1996; Ord. 4416 § 23, 1996; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.050. Amendment of designations.

- (A) Amendments to the designations of agricultural resource land types may be initiated by an applicant, the Board of Supervisors, the Planning Commission, the Agricultural Policy Advisory Commission, or the Planning Director. Consideration of such proposals for the addition, removal or change of agricultural resource land type designations shall be limited to instances where new information has become available regarding the appropriateness of specific designations based on the criteria set forth under SCCC § 16.50.040.
 - (B) Applications for amendments to the designation of agricultural resource land types shall be considered in accordance with the requirements of Chapter 18.50 SCCC (General Plan Administration) and/or 18.60 SCCC (Local Coastal Program Administration), and with the procedures established in Chapter 18.10 SCCC for consideration of legislative matters, for which the Board of Supervisors is the approving body.
 - (C) Applications to amend the designations of agricultural resource land types shall be reviewed periodically and are preferred to be timed to coincide with the Land Conservation Act/Agricultural Preserve application review process. All proposed amendments shall be subject to a report and environmental review by the Planning Director or designee, a public hearing and recommendation by the Agricultural Policy Advisory Commission, a public hearing and recommendation by the Planning Commission, and a public hearing and final decision by the Board of Supervisors.
 - (D) The Board of Supervisors, after a public hearing, may approve a proposed amendment, consisting of either the removal or change of a Type 1 or Type 2 designation if it makes the following findings:
 - (1) That there has been new information presented, which was not available or otherwise considered in the original decision to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses;
 - (2) That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in SCCC § 16.50.040, for the existing agricultural land type designation for said parcel(s); and
 - (3) That the proposed amendment will meet the intent and purposes of the agricultural land preservation and protection ordinance and the commercial agriculture zone district ordinance.
 - (E) The Board of Supervisors may, after a public hearing, approve amendments to remove a Type 3 designation and the subsequent conversion (changing the land use designation from agriculture to nonagricultural uses) of agricultural lands, only if it makes the following findings:
 - (1) That there has been new information presented, which was not available or otherwise considered in the original decisions to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses;
 - (2) That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in SCCC § 16.50.040, for the existing agricultural land type designation for said parcel(s);
 - (3) That the proposed amendment will meet the intent and purposes of the agricultural land preservation and protection ordinance and the commercial agriculture zone district ordinance;
 - (4) That the viability of existing or potential agricultural use on the periphery of urban areas (as defined by the urban services line or rural services line) is already severely limited by conflicts with the urban uses; the evaluation of agricultural viability shall include, but not be limited to, an economic feasibility evaluation which contains at least:
 - (a) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of filing the application; and
 - (b) Analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of filing application;
 - (5) That the conversion of such land on the periphery of the urban areas (as defined by the urban services line or rural services line) would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development; and
 - (6) That the conversion of such land would not impair the viability of other agricultural lands in the area.
 - (7) That the conversion is consistent with General Plan/Local Coastal Plan Policies BE-5.1.3 and ARC-1.3.1.
 - (F) Any amendment to eliminate or add a Type 1, Type 2 or Type 3 agricultural land designation constitutes a change in the County General Plan and must be processed concurrent with a General Plan amendment. Any amendment of a Type 3 designation also constitutes a change in the Local Coastal Program Land Use Plan which must be processed concurrently with a land use plan amendment subject to approval by the State Coastal Commission.
- (Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 3685 § 1, 1985; Ord. 4406 § 24, 1996; Ord. 4416 § 24, 1996; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022; Ord. 5443 § 4, 2024)

16.50.060. Fees.

Fees for applications to amend designations of agricultural land types shall be set by resolution of the Board of Supervisors.
(Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.070. Preservation of Type 1 agricultural lands.

- (A) Lands designated as Type 1 agricultural land shall be maintained in the Commercial Agriculture ("CA") Zone District, or if within an area designated as a timber resource, be maintained in the Timber Production ("TP") Zone District, or if within a public park owned either by a public agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation ("PR") Zone District. Type 1 land shall not be rezoned to any other zone district unless the Type 1 designation is first removed pursuant to SCCC § 16.50.050.
 - (B) Land division applications for parcels within the Type 1 designation shall not be approved, except where it is shown, pursuant to SCCC § 13.10.315, that such divisions will not hamper or discourage long-term commercial agricultural operations.
 - (C) Expansion of sewer or water district boundaries, or expansion of municipal boundaries, onto Type 1 agricultural lands shall not be approved, except to allow the expansion of water or sewer districts to serve existing development on CA parcels with failing sewage disposal systems or with wells that do not meet minimum drinking water standards.
- (Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4496-C § 93, 1998; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.075. Preservation of Type 2 agricultural lands.

- (A) Lands designated as Type 2 agricultural land shall be maintained in the Commercial Agriculture ("CA") Zone District, or if within an area designated as a timber resource, be maintained in the Timber Production ("TP") Zone District, or if within a public park owned either by a public agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation ("PR") Zone District. Type 2 land shall not be rezoned to any other zone district unless the Type 2 designation is first removed pursuant to SCCC § 16.50.050.
 - (B) Land division applications for parcels with a Type 2 designation shall not be approved, except where it is shown, pursuant to SCCC § 13.10.315, that the viability of the land for commercial agricultural use will not be reduced by such land division.
- (Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4496-C § 94, 1998; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.080. Preservation of Type 3 agricultural lands.

- (A) Lands designated as Type 3 agricultural land shall be maintained in the Commercial Agriculture ("CA") Zone District, or if within an area designated as a timber resource, be maintained in the Timber Production ("TP") Zone District, or if within a public park owned either by a public agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation ("PR") Zone District. Type 3 land shall not be rezoned to any other zone district unless the Type 3 designation is first removed pursuant to SCCC § 16.50.050.

- (B) Land divisions for parcels within the Type 3 designation shall not be approved, except where such land divisions meet the requirements set forth in SCCC § 13.10.315.
- (C) The placement of sewer or water lines on Type 3 agricultural land shall be prohibited, except as required for agricultural use; to serve existing development that has failing wells and/or sewage disposal systems; or to prevent saltwater intrusion, recharge groundwater basins, or provide tertiary treated wastewater for agricultural purposes in areas served by the Pajaro Valley Water Management Agency. Sewer transmission lines to and from the City of Watsonville sewage treatment plant and raw water transmission lines from North Coast sources to the City of Santa Cruz shall be exempt from this policy only with safeguards to ensure that such facilities will not result in the conversion of Type 3 agricultural lands to nonagricultural uses. Such safeguards shall include, but not be limited to:
- (1) Deed restrictions to prohibit hookups to trunk lines through agricultural lands, except where hookup to trunk lines is necessary to provide access to water and sewer service pursuant to this section;
 - (2) Prohibiting the levying of assessment fees against prime agricultural lands for the construction of sewage transmission lines running through them, unless at an appropriate rate for service to any allowed farmworker housing or other agricultural uses that may be approved by the County; and
 - (3) Locating water and sewer lines on commercial agricultural land below the tillable soil depth, with buffers as may be advised by agricultural professionals.
- (D) The expansion of municipal boundaries to include Type 3 agricultural land, or the expansion of sewer district boundaries to include Type 3 agricultural land, shall be consistent with General Plan Policy ARC-1.1.13, Utility District Expansion, and Policies BE-5.5.1 through BE-5.5.5 regarding development west of Watsonville.
- (Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4496-C § 95, 1998; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.085. Protection of noncommercial agricultural land.

- (A) The division of land which is designated in the General Plan as Agriculture ("AG"), but which is not designated as Type 1 or Type 2 agricultural resource (commercial agricultural) land, shall be permitted only to minimum parcel sizes in the range of 10 to 40 acres per parcel based on Chapter 13.14 SCCC pertaining to rural residential density requirements. Where the Agricultural Policy Advisory Commission confirms that such land is not viable for commercial agricultural use, land divisions may be permitted to minimum parcel sizes in the range of two and one-half to 20 acres per parcel based on Chapter 13.14 SCCC, unless 50 percent or more of parcels within one-quarter mile of the subject property are designated in the General Plan as agricultural resource (commercial agricultural land) and/or mountain residential, and all proposed building sites are not within one-half mile of a through County-maintained road and adequate buffering cannot be provided between any proposed nonagricultural use and adjacent commercial agricultural uses, in which case the minimum density shall be 10 to 40 acres per parcel.
- (B) Land without a Type 1 or Type 2 designation may be divided from parcels with such a designation (including parcels subject to Land Conservation Act contracts) only when:
- (1) The division is for a public purpose, and the potential use of the "removed" parcel will not adversely impact the agricultural activities of the larger area;
 - (2) There is little likelihood for subsequent intrusion of nonagricultural development into larger, exclusively agricultural areas;
 - (3) The "removed" property is at the edge of an agricultural area and is physically separated from the adjacent agriculture by topographic features, extensive vegetation, or physical structures; or the nonagricultural land is part of an agricultural parcel which exists separately from other agricultural areas; and
 - (4) A cancellation petition is filed, prior to filing of the final map, for the "removed" parcel when the property is subject to a Land Conservation Act contract.
- (C) The division of land designated as Agriculture ("AG") on the Local Coastal Program Land Use Plan, but not designated as Type 3 agricultural land, shall be permitted only to minimum parcel sizes in the range of 10 to 40 acres per parcel based on Chapter 13.14 SCCC pertaining to rural residential density requirements and only where:
- (1) It is documented that renewed or continued agricultural use of such land is not feasible;
 - (2) It is documented that such land does not meet the criteria for Type 3 agricultural land as defined in SCCC § 16.50.040(C);
 - (3) It is shown that such division will not hamper or discourage long-term agricultural use of adjacent lands;
 - (4) Adequate building setbacks can be maintained to buffer adjacent agricultural activities; and
 - (5) The owner and residents of the subject property have executed a hold harmless agreement with the adjacent agricultural operators and owners.
- (D) Notwithstanding any other provision of this code, property inside the Coastal Zone with a minimum parcel size of 40 acres may have that portion of the land without a Type 3 designation divided from that portion with such a designation only when:
- (1) The division is for a public purpose on land in public ownership;
 - (2) Potential use of the "removed" parcel will not adversely impact the agricultural activities of the larger areas;
 - (3) There is little likelihood for subsequent intrusion of nonagricultural development into larger, exclusively agricultural areas; and
 - (4) The "removed" property is at the edge of an agricultural area and is physically separated from the adjacent agriculture by topographic features, extensive vegetation, or physical structures; or the nonagricultural land is part of an agricultural parcel which exists separately from other agricultural areas.
- (Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 3602 § 2, 1984; Ord. 3845 § 2, 1987; Ord. 4406 § 25, 1996; Ord. 4416 § 25, 1996; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.090. Notification and disclosure statement requirements.

- (A) A person who is acting as an agent for a transferor of real property which is located in the unincorporated portion of the County, or the transferor if they are acting without an agent, shall disclose to the acquiring party that:

Santa Cruz County has a strong rural character and an active historical agricultural sector. As a property owner or lessee you should be prepared to accept properly conducted agricultural practices that are allowed for in Federal, State and County laws and regulations, are consistent with accepted customs and standards, and are operated in a non-negligent manner. Accepted agricultural practices that may cause inconveniences to property owners during any 24-hour period may include but are not limited to: Noise, odors, fumes, dust, smoke, pests, operation of farm equipment, storage and application and disposal of manure and the application of pesticides and fertilizers by ground or air. The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with Federal, State, and local law. Nothing herein is intended to limit rights under Federal, State, and local regulations governing pesticide use.

- (B) The County Planning Director or designee shall require, prior to issuance of building permits for parcels within 200 feet of agricultural lands, as designated on the Agricultural Resources Map, either:

- (1) Recordation of the following statement of acknowledgment by the owners of the property on a form approved by the Planning Director:

The undersigned, [Name(s)] , do hereby certify that they are the owner(s) of the real property commonly known as [Property Description] , located in the County of Santa Cruz, State of California, and do hereby acknowledge that the property described herein is within 200 feet of land utilized for agricultural purposes and that residents or users of this property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including pesticides and fertilizers; and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting which occasionally generate dust, smoke, noise and odor. It is understood that the County has established a 200-foot agricultural setback (unless a lesser distance is formally approved through issuance of an Agricultural Buffer Reduction Permit) on the herein described property to separate agricultural parcels and nonagricultural uses involving habitable spaces to help mitigate these conflicts. Any development on this property must provide a buffer and setback as specified in County Code.

The undersigned further acknowledge that Santa Cruz County has established agriculture as a priority use on productive agricultural lands, and that residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations. The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with Federal, State, and local law. Nothing herein is intended to limit rights under Federal, State, and local regulations governing pesticide use.

This statement of acknowledgment shall be recorded and shall be binding upon the undersigned, any future owners, encumbrancers, their successors, heirs, or assignees. The statements contained in this statement of acknowledgment are required to be disclosed to prospective purchasers of the property described herein, and are required to be included in any deposit receipt for the purchase of the described property, and in any deed conveying the described property.

Or, in the alternative:

- (2) Evidence that the above statement has been made part of the parcel deed.
(Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 3750 § 1, 1986; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.095. Agricultural buffer setbacks.

- (A) The purpose of agricultural buffer setback requirements is to prevent or minimize potential conflicts between either existing or future commercial agricultural and other land uses (e.g., residential, recreational, institutional, commercial, or industrial) that involve habitable structures or other areas of intensive human activity. This buffer is designed to provide a physical barrier to noise, dust, odor, and other effects which may be a result of normal commercial agricultural operations such as: plowing, disking, harvesting, spraying or the application of agricultural chemicals, and animal rearing.
- (B) Buffer Requirements.
- (1) Recording of Deed Notice. All development for which an agricultural buffer is required shall comply with SCCC § **16.50.090(B)** and/or § **14.01.407.5** pertaining to recording deed notices of adjacent agricultural use. Such deed notice shall contain a statement acknowledging the required permanent provision and maintenance of the agricultural buffer setbacks and any required barriers (e.g., fencing or vegetative screening).
 - (2) Requirements for Development Projects. All development for habitable uses, including residential habitable accessory structures and primary and accessory dwellings; for commercial, industrial, recreational, or institutional uses where the public will gather or be stationed for work; for agricultural uses involving intensive human activity (such as facilities for public assembly, sleeping quarters or workplace facilities where employees are stationed); and for outdoor areas designed for intensive human use that are within 200 feet of the property line of any parcel containing Type 1, Type 2, or Type 3 commercial agricultural land shall provide and maintain a 200-foot buffer setback from the Type 1, Type 2 or Type 3 commercial agricultural land. The 200-foot agricultural buffer setback shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts. Where required to comply with agricultural buffer setback requirements, an accessory dwelling unit (ADU) may be located more than 100 feet from the main dwelling, with the additional distance from the main dwelling limited to the distance required to meet the buffer setback requirements. Agricultural buffers shall not be required between nonagricultural and commercial agricultural uses on the same parcel unless otherwise specified by the SCCC. For buffer requirements for farmworker housing, see SCCC § **13.10.631**.
 - (3) Requirements for Subdivisions. A subdivision of land that results in residential development at net density of one or more dwelling units per acre adjacent to Type 1, Type 2, or Type 3 agricultural land shall provide and maintain a buffer setback distance of at least 200 feet between habitable structures or areas of intensive human activity and the property line of any parcel containing Type 1, Type 2, or Type 3 land. Vegetative screening or other physical barriers shall be required as appropriate.
- (C) Exemptions. The following exemptions from the 200-foot buffer requirement shall meet the requirements of subsection **(D)(3)** of this section.
- (1) Where an existing legal structure is already located within the 200-foot setback, accessory structures, structural additions thereto, or private recreational facilities shall not be required to maintain a 200-foot buffer setback so long as the proposed development:
 - (a) Does not exceed 1,000 square feet in size;
 - (b) Does not encroach further than the existing structure into the buffer setback; and
 - (c) Includes an appropriate vegetative and/or other physical barrier for all existing and proposed development.
 - (2) Where an existing legal structure is already located within the 200-foot setback, an ADU proposed to be located within 100 feet of the main dwelling shall not be required to maintain a 200-foot buffer setback so long as the proposed ADU:
 - (a) Does not encroach further than the existing structure into the buffer setback; and
 - (b) Provides an appropriate vegetative and/or other physical barrier for all existing and proposed development.
 - (3) Structures of less than 1,000 square feet in size that are used exclusively for the administration of an on-site agricultural operation shall not be required to maintain a 200-foot buffer setback; provided, however, that structures that contain conference rooms or meeting facilities for public use, or that are open to the public for visitation, shall not be exempt from the provisions of this section.
 - (4) An agricultural buffer setback shall not be required for repair or reconstruction of a structure damaged or destroyed as the result of forces beyond the control of the owner, such as a fire or earthquake, or a natural disaster for which a local emergency has been declared by the Board of Supervisors, or by State and/or Federal authorities, when:
 - (a) The structure, after repair or reconstruction, will not exceed the floor area, height, or bulk of the damaged or destroyed structure by more than 10 percent; and
 - (b) The new structure will be located in substantially the same location, but no closer to the agricultural land than was the original structure.
- (D) Reductions to Agricultural Buffers.
- (1) Development Projects. Notwithstanding the buffer setback provisions of subsections **(B)** and **(C)** of this section, an agricultural setback distance of less than 200 feet may be established for developments on existing parcels of record when the Agricultural Policy Advisory Commission (APAC) makes one of the following findings in addition to the requirements in subsection **(D)(3)** of this section:
 - (a) Significant topographic differences exist between the agricultural and nonagricultural uses that eliminates or minimizes the need for a 200-foot agricultural buffer setback;
 - (b) Permanent substantial vegetation (such as a riparian corridor or woodland protected by the County's riparian corridor or sensitive habitat ordinances) or other physical barriers exist between the agricultural and nonagricultural uses that eliminate or minimize the need for a 200-foot agricultural buffer setback;
 - (c) A lesser setback distance is found to be adequate to prevent conflicts between the nonagricultural development and the adjacent agricultural development and the adjacent agricultural land, based on the establishment of a physical barrier (unless it is determined that the installation of a barrier will hinder the affected agricultural use more than it would help it, or would create a serious traffic hazard on a public or private right-of-way) or the existence of some other factor that effectively supplants the need for a 200-foot agricultural buffer setback; or
 - (d) The imposition of a 200-foot agricultural buffer setback would preclude building on a parcel of record in which case a lesser buffer setback distance may be permitted; provided, that the maximum possible setback distance is required, coupled with a requirement for a physical barrier (e.g., solid fencing and/or vegetative screening) to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.
 - (2) Subdivisions Outside of the Coastal Zone. Notwithstanding the provisions of subsections **(B)** and **(C)** of this section, an agricultural buffer setback distance of less than 200 feet may be established for subdivision developments involving habitable uses on proposed parcels adjacent to lands designated as an agricultural resource by the County's General Plan maps; provided, that all of the following conditions are met:
 - (a) The proposed land division site is:
 - (i) Located within the urban services line; and
 - (ii) Suitable for development at buildout level within the carrying capacity of the area;
 - (b) APAC finds that one or more of the following special circumstances exist:
 - (i) Significant topographic differences exist between the agricultural and nonagricultural uses which minimize or eliminate the need for a 200-foot setback;
 - (ii) Permanent substantial vegetation (such as a riparian corridor or woodland permanently protected by the County's riparian corridor or sensitive habitat ordinances) or other physical barriers exist between the agricultural and nonagricultural uses which minimize or eliminate the need for a 200-foot setback; or
 - (iii) The imposition of the 200-foot agricultural buffer setback would, in a definable manner, hinder infill development or the development of a cohesive neighborhood, or otherwise create a project incompatible with the character and setting of the existing surrounding residential development;
 - (c) APAC determines the need for agricultural buffering barriers based upon an analysis of the adequacy of the existing buffering barriers, the density of the proposed land division and the proposed setback reduction, in the event that APAC finds that one or more of the above special circumstances exist; and

- (d) The approving body finds that the proposed reduction of the agricultural buffer setback(s) will not hinder or adversely affect the agricultural use of the commercial agricultural lands located within 200 feet of the proposed development.
- (3) Minimize Land Use Conflicts. In the event that an agricultural buffer setback reduction is proposed and the proposed nonagricultural development is located on Type 1, Type 2 or Type 3 commercial agricultural land, the nonagricultural development shall be sited so as to minimize possible conflicts between the agricultural land use located on the subject parcel, and the nonagricultural development shall be located so as to remove as little land as possible from production or potential production.
- (E) Farmworker Housing.
- (1) Farmworker housing, as an agricultural use, is not subject to this section, but is subject to the buffering provisions in SCCC § 13.10.631. The presence of farmworker housing, which is an agricultural use, on an agricultural parcel does not exempt any proposed habitable development on any adjacent parcels from the requirement to provide an agricultural buffer along the edge of the development nearest the farmworker housing pursuant to this section.
- (2) Notwithstanding subsection (F)(1) of this section, farmworker housing developments located on Type 1, Type 2, or Type 3 commercial agricultural land shall provide a buffer between habitable structures and outdoor areas designed for human use and areas engaged in agricultural production located on the same parcel. Said buffer shall be 200 feet if feasible, and if a 200-foot buffer is not feasible, then the maximum buffering possible shall be provided, utilizing physical barriers, vegetative screening, and other techniques as appropriate.
- (F) Agricultural Buffer Reduction Permits. Except as noted in subsection (G) of this section relating to administrative agricultural buffer reduction permits for residential uses, proposals to reduce the required 200-foot agricultural buffer setback shall require a regular agricultural buffer reduction permit. Decisions on regular agricultural buffer reduction permits shall be made by APAC at a scheduled public hearing pursuant to procedures specified in Chapter 18.10 SCCC, with the exception that the required findings shall be only those of subsection (D) of this section. Appeals of agricultural buffer reduction permit decisions by APAC shall be heard at public hearings held by the Board of Supervisors as provided by SCCC § 16.50.100.
- (G) Administrative Agricultural Buffer Reduction Permits for Residential Uses.
- (1) The following agricultural buffer reductions shall require an administrative agricultural buffer reduction permit:
- (a) Proposals to reduce the required 200-foot agricultural buffer setback for additions to existing residential dwellings, habitable accessory structures, and private residential recreational facilities not otherwise exempted by subsection (C) of this section; and
- (b) Proposals to reduce the required 200-foot agricultural buffer setback for new single-family dwellings, habitable accessory structures or ADUs, where the resulting agricultural buffer is a minimum of 100 feet from the property line of any parcel in the CA zone district.
- (2) Processing Requirements for Administrative Agricultural Buffer Reduction Permits. Administrative agricultural buffer reduction permits shall be processed in accordance with the requirements provided in Chapter 18.10 SCCC for administrative permits with public notice, with the exception that the required findings shall be only those of subsection (D) of this section. In addition to the processing requirements provided in Chapter 18.10 SCCC, the following requirements shall apply:
- (a) The required notice of pending action on the administrative permit shall be provided to the applicant, to all members of APAC, to the Agricultural Commissioner, to owners of commercial agricultural land within 300 feet of the project location, and to members of the Board of Supervisors. There shall not be a minimum number of property owners required to be noticed.
- (b) Administrative agricultural buffer reduction permit decisions made by the Planning Director or designee are appealable by any party whose interests are adversely affected directly to APAC pursuant to the appeal procedures outlined in Chapter 18.10 SCCC.
- (c) The Planning Director or designee may refer any administrative agricultural buffer reduction permit application proposed pursuant to this subsection for a decision by APAC at a public hearing, if, in the opinion of the Planning Director, the application merits more extensive review; or is warranted due to input from APAC, concerns from neighbors or other members of the public, or concerns regarding potential impacts to agricultural land.
- (Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4030 § 5, 1989; Ord. 4037 § 3, 1989; Ord. 4284 § 1, 1993; Ord. 4311 § 1, 1994; Ord. 4496-C § 96, 1998; Ord. 4753 § 3, 2003; Ord. 4921 §§ 26, 27, 2008; Ord. 5321 § 7, 2019; Ord. 5424 § 3, 2022)

16.50.100. Appeals.

- (A) Any property owner or other person aggrieved, or any other person whose interests are adversely affected by any action on an agricultural buffer reduction application that is taken by the Agricultural Policy Advisory Commission (APAC) acting as the approving body, may appeal the action directly to the Board of Supervisors in accordance with Chapter 18.10 SCCC.
- (B) If any recommendation or determination of APAC regarding an application for which the APAC is not the approving body, but which is incorporated as part of the terms or conditions of action taken on an application for a discretionary permit or other discretionary approval for which another appeal is provided, then such act or determination of APAC shall be considered as part of the appeal on the discretionary permit or other discretionary approval in accordance with Chapter 18.10 SCCC. Within the Coastal Zone, such appeals shall also be subject to the provisions of Chapter 13.20 SCCC pertaining to coastal development permit procedures.
- (Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4753 § 3, 2003; Ord. 5182 § 15, 2014; Ord. 5424 § 3, 2022)

16.50.110. Agricultural Policy Advisory Commission hearing notices.

Notice of pending action on administrative permits, or of public hearings for regular permits, that will be considered or held by the Agricultural Policy Advisory Commission pursuant to SCCC § 16.50.050 shall be given in accordance with Chapter 18.10 SCCC.

(Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

16.50.115. Violations.

It shall be unlawful for any person whether as owner, principal, agent, employee, or otherwise to perform an action or allow a situation to continue that violates the provisions of this chapter or violates any conditions of agricultural buffer setback determinations required pursuant to this chapter.

(Ord. 3336 § 1, 1982; Ord. 3447 § 1, 1983; Ord. 3750 § 2, 1986; Ord. 4392A § 27, 1996; Ord. 4753 § 3, 2003; Ord. 5424 § 3, 2022)

EXHIBIT 4

February 19, 2026

Hand-Delivered at APAC Meeting

Dear Agricultural Policy Advisory Commissioners,

Your Commission will soon be reviewing the Santa Cruz County Draft Battery Energy Storage System (BESS) Ordinance as well as the proposed Seahawk BESS Project at 90 Minto Road, Watsonville, currently in permit process. It will present a very complex series of issues, including converting substantial agricultural acreage from an apple orchard to an industrial utility.

We respectfully request that you schedule a Study Session for these matters well in advance of making your recommendations. Please be advised that the County Planning Commission, also being required to review the two projects (County Draft BESS Ordinance and Seahawk BESS at 90 Minto Road), is very clear in this necessity and their recent request of staff to schedule a Study Session before their Commission makes any recommendations.

Many people in Santa Cruz County are concerned by the potential significant and damaging impacts of the Seahawk Energy Storage Facility at 90 Minto Road, Watsonville that is in permit process and being evaluated concurrently with the County Draft Battery Energy Storage System (BESS) Ordinance.

The Seahawk BESS Project, next to College Lake, proposes to remove 10-16 acres of existing productive apple orchard, spanning two parcels (APN 051-101-77 and -78), claiming the land is not economically viable.

The remaining portion of the parcels the developer claims are better soil would continue to be farmed and placed in an agricultural conservation agreement as a mitigation for removing agricultural land from production. To our knowledge, there have been no on-site soil samples taken to verify the developer's claim the soils are hydric and not able to be economically farmed, instead relying only on soil map units for the area.

On January 13, 2026, during their meeting held in Scotts Valley, the Santa Cruz County Board of Supervisors approved moving the two projects forward for environmental review. The level of environmental review taken will depend upon the contents of the Initial Study of the Seahawk BESS project that is being written by the Seahawk BESS Project developer consultant. This document has not yet been submitted to the County Planning Department, nor has the County released an RFP for an environmental consultant to conduct the review work related to that project and the Draft BESS Ordinance.

There have been no town hall meetings held in Watsonville regarding the Seahawk BESS project. Notice of the one public meeting required of the developer by the County before filing the

project application was very minimal, and the post card failed to provide the time of the meeting, resulting in very low attendance.

Because the Seahawk BESS Project developers propose removing viable agricultural land from production, conflicting with Santa Cruz County Measure J and County Policies mandating preservation of agricultural resources, the County Planning Department required the developer (New Leaf Energy and Sequoia Energy LLC) to submit an Agricultural Viability Analysis Report for the project.

We believe that you have received a copy of this Report in your agenda packet with correspondence already submitted by Becky Steinbruner on February 15, 2026 to Mr. Evan Ditmars.

In our informed opinion, we feel the Ag. Viability Analysis Report merits your careful examination and questioning, for the following reasons:

- 1) There are discrepancies and inaccuracies (examples below) in the Ag Viability Report submitted by Rush & Duttie Consulting, Agricultural Consultants from Fresno, CA to John Swift at Swift Consulting Services in Santa Cruz: "Re: Agricultural land assessment of APN 051-101-77 and APN 051-101-78, 90 Minto Road, Watsonville, California"**

The report makes claims, and presents photos supporting, that the land is not economically viable. No date is provided when the photos were taken, or coordinates for photos purportedly within the orchard.

Example 1:

Per the report, Exhibit 10 page 17, provides a photo and refers to abandoned berry fields adjacent to the BESS project parcel, supporting an image of the area as struggling economically.

As you can see in the more recent photo we have provided marked "Example #1", taken early February 2026, this same "abandoned berry field" is now fully planted in strawberry production.

Example 2;

Our photos of the orchard at 90 Minto Road, taken September 17, 2025, show trees laden with apples and harvest boxes standing by. This is a testament that the orchard is productive. You can see that the branches are supported by stakes to support the branches, due to a good crop of apples.

Example 3:

Recent photos at the 90 Minto Road orchard not only show that the farmer has maintained the having the stakes at all trees to support heavy branches and abundant harvests, but also tall mustard uniformly throughout the orchard, indicating good soil. (Photos taken early February 2026 at 90 Minto Road orchard.)

- 2) The report uses financial data with limited number of years which were also economically atypical due to the pandemic and provides vague information supporting developer's objective that the soils are not productive.**

Economic fluctuation does not equal physical impossibility of agricultural use. The developer's consultant chose to report data for 2019 -2023, but with vague and inconclusive data in the final year. The time frame for data analysis should be at least a full 10-year trend for a more accurate representation of the orchard's economic viability.

Also, the data does not reflect productivity during the years when the owner, Mr. John Lukrich, was managing the land as an experienced apple grower. It is unknown if the recent tenants have managed the land effectively or efficiently, or what their experience level has been as apple growers.

- 3) The financial data must include audited statements, not submitted by an unknown source.**

We have researched the *"Sample Costs to Produce and Harvest Apples for Processing"* Central Coast Region in 2023 by the University of California Agriculture and Natural Resources UC Cooperative Extension data

(<https://coststudyfiles.ucdavis.edu/uploads/pub/2023/11/13/2023applesccfullfinal-nov23.pdf>) and raise questions about the figures presented in the developer's Report.

For example, if the Cost /Ton average for the Central Coast Region is \$376 (page 14), why does the developer claim the Cost / Ton ranges from \$1,190 (2019) to \$556 (2021), and provided no data for this in 2023 (page 28)?

- 4) The developer claims the soil is very poor in the area proposed for the BESS facility but claims the adjacent area is excellent soil and will continue farming it.**

The developer's Ag. Viability Analysis Report claims (supported with their photos as Exhibit 13 on page 25) the soils in the area where the BESS Project is proposed to be located is very poor-quality "hydric" soil, citing only a soil unit map, but without any on-site soil sampling to verify actual soil quality. The "Soil Survey" (page 3 of the Report) cites the USDA Soil Map (Exhibit 16) indicating a Watsonville Loam (Soil Map Unit 177)

that is declared "*Farmland of Statewide Importance*" yet the developer categorically claims it is not economically productive.

According to the USDA and National Soil Conservation Resources (NSCR) data, hydric soils may present management challenges for apple orchards but do not automatically render land agriculturally non-viable.

Once again, we wish to point out to your Commission that NO site-specific soil analysis is included in the developer's Agricultural Viability Analysis Report to substantiate the claim that the Map Unit 177 soil area where the BESS facility is proposed to be located, conveniently alongside Minto Road, is very poor quality, or that it is vastly different than the parcel's soils in Map Unit 162, which the developer claims is "excellent".

There is no data to show differences in production within the parcel to support this notion, yet the developer claims there is.

The developer's consultant cites hear-say narratives about the drainage of the surrounding areas and within the orchard itself. (page 2, last paragraph)

The claim that the land is non-viable is scientifically inaccurate without site-specific hydrologic data.

5) Santa Cruz County Measure J mandates agricultural resources be preserved.

In 1978, Santa Cruz County voters approved the Measure J referendum that mandates preservation of agricultural resources. This mandate is codified in the Santa Cruz County Code Chapter 16.50. The voters have never approved changing this preservation requirement. Measure J also established the existence of the APAC, to monitor and protect agricultural resources.

Your Commission's recommendations regarding permanent conversion of the existing productive apple orchard at 90 Minto Road in Watsonville will require the Seahawk BESS Project developer to demonstrate true agricultural incapacity, NOT management limitations. Hydric soil classification alone does not establish that lack of capability.

6) Other agricultural uses are possible for this land.

Other forms of agricultural practice are possible and are in fact being implemented near the 90 Minto Road farmland. High-value containerized cane berries and nursery crops exist on farmland adjacent to Holohan Road as well as Highway 152 near the Santa Cruz County Fairgrounds. (See photos "Example #4")

7) Other agricultural parcels near 90 Minto Road are potentially planned for BESS facility use.

We have learned that the Seahawk BESS owner, Sequoia Energy LLC, has already made agreements with property owners of agricultural parcels adjacent to the 90 Minto Road site. (See recorded document package ~~attached~~ *in the record*)

Your recommendations to the Board of Supervisors regarding the Draft BESS Ordinance and Seahawk BESS Project will set a precedent for future conversion of agricultural land to BESS-related facility applications.

8) Defending Measure J mandate to preserve agricultural land is critical for the economic future of Santa Cruz County.

Our group explored the use of AI to learn more about agricultural viability and soils in Santa Cruz County. We asked AI to answer this question:

Compare the number of acres of viable agricultural land converted to non-agricultural uses in Santa Cruz County before and after Measure J was approved.

The answer supports the need for defending Measure J:

Between 1955-1978, 15,000-25,000 acres of agricultural land in Santa Cruz County was converted to non-agricultural use, at the rate of 50 - 1,000 acres annually.

After Measure J was approved by the voters in 1978, the rate of agricultural land conversion to non-agricultural use has averaged 30-70 acres/year.

From 1984 -2,000, State Farmland Mapping & Monitoring Program (FMMP) has identified conversion of agricultural land in Santa Cruz County to non-agricultural uses to be 1,500 - 3,000 acres over 40 years.

[here is a link to the 2004 FMMP Report, stating the purpose and goals of the farmland mapping requirement by the legislature:

https://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/Archive/fmmp_guide_2004.pdf

There current action to remove a large area of agricultural land south of Watsonville, recently reported by County Supervisor Justin Cummings. Now, more than ever, your Commission must carefully review any proposal to convert agricultural land to other non-agricultural use.

We again request that your Commission schedule a Study Session soon, before you are required to review and make recommendations on the Draft County BESS Ordinance and/ or the Seahawk BESS Project at 90 Minto Road.

Please feel free to contact us for further discussion. Thank you.

Sincerely,



Linda Santos



Elizabeth Quinn

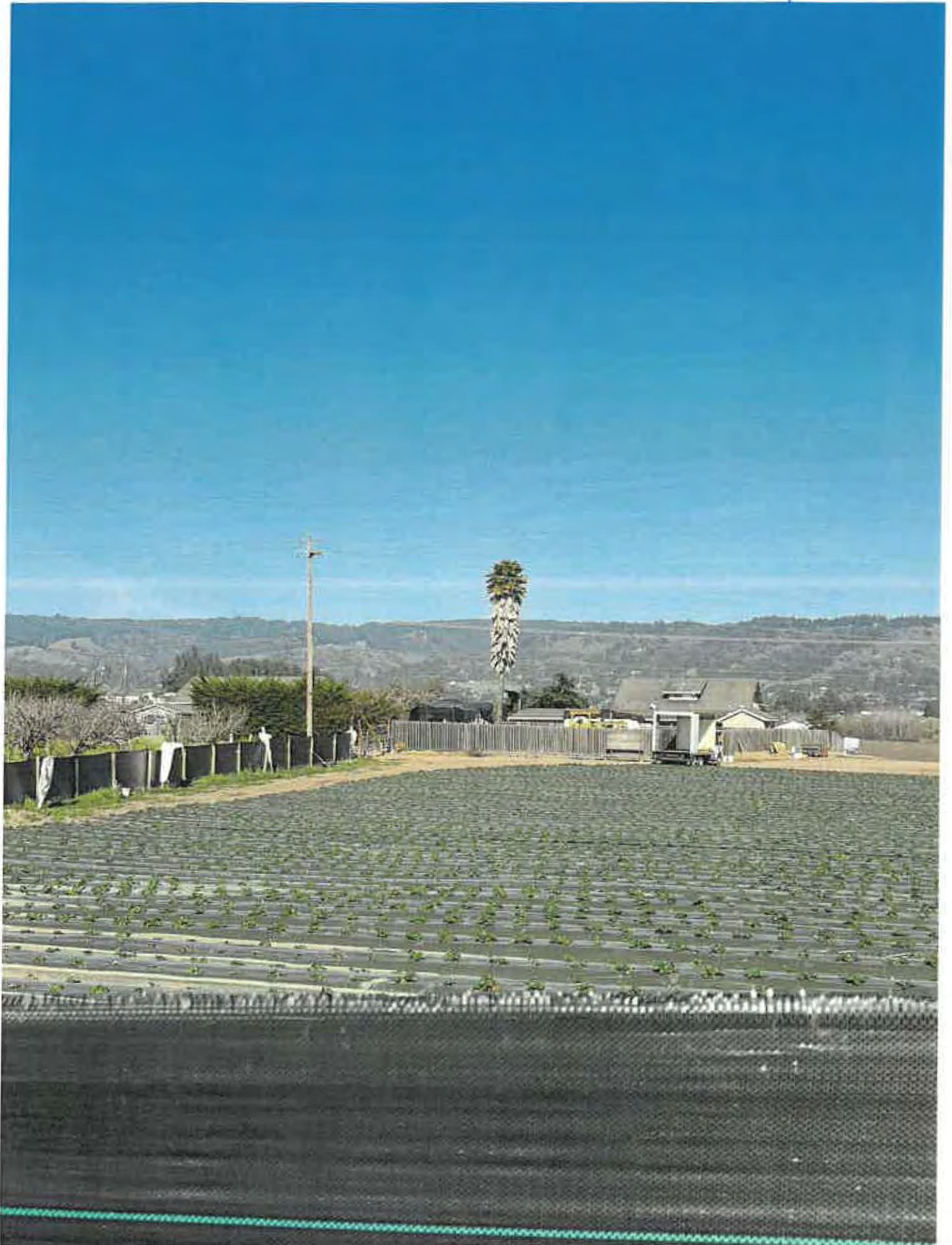


Becky Steinbruner

Exhibit 10
+
Example #1



Exampel #1 + #3



Example #2



Example #2

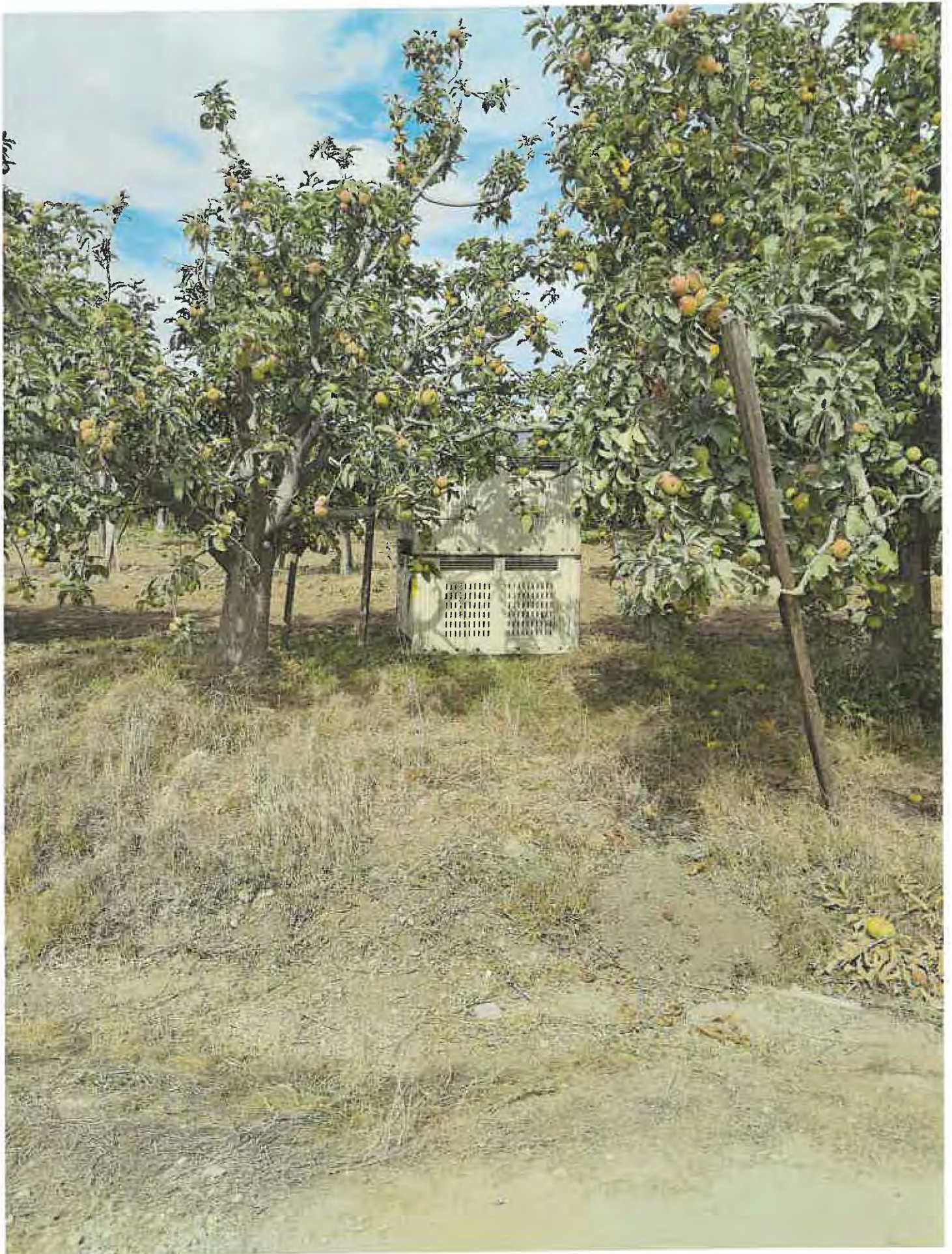
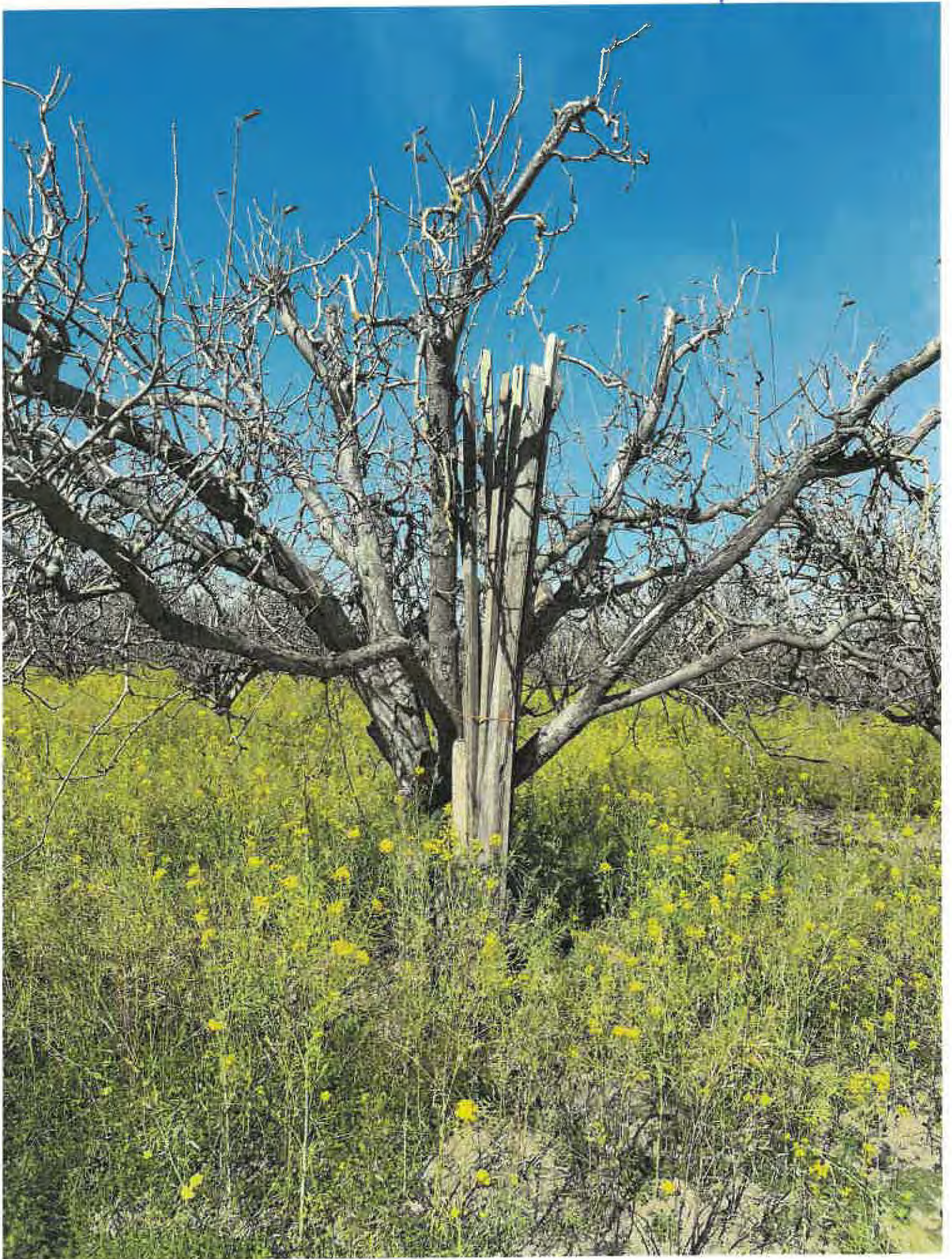


EXHIBIT ~~10~~ 13
+
Example #3



Example #3



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#3





Exemple #4



Example #4

EXHIBIT 5

Title 13. Planning and Zoning Regulations

Chapter 13.10. ZONING REGULATIONS

Part I. Authority And Purpose

13.10.120. Purpose.

The purposes of this chapter and of the Zoning Ordinance are:

- (A) To implement the General Plan and Local Coastal Program, and any applicable town, village, or area plan, by providing specific regulations as to the allowable uses of land and structures;
- (B) To promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare;
- (C) To protect the character, stability, and satisfactory interrelationships of residential, commercial, industrial, agricultural, recreational, and open space areas of the County; and
- (D) To protect the natural environment in compliance with the California Environmental Quality Act.
(Ord. 3432 § 1, 1983; Ord. 5423 § 1, 2022)

13.10.130. Scope.

Pursuant to California Government Code Section 65850, this chapter contains provisions to:

- (A) Regulate the use of buildings, structures, and land as between industry, business, residents, and open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes;
- (B) Regulate signs and billboards;
- (C) Regulate location, height, bulk, number of stories, and size of buildings and structures; the size and use of lots, yards, courts, and other open spaces; the percentage of a lot which may be occupied by a building or structure; and the intensity of land use;
- (D) Establish requirements for off-street parking and loading; and
- (E) Establish and maintain building setback lines.
(Ord. 3432 § 1, 1983; Ord. 5423 § 1, 2022)

13.10.140. Applicability.

- (A) **Compliance With Zoning Ordinance.** No person shall construct, enlarge, or move a building, and no person shall establish a new use of land or expand or intensify an existing use unless it conforms to the permitted uses provided in the zone district or conforms to a permit and regulations authorizing a discretionary use or discretionary development in the zone district in which the land is located. All construction, alteration, reconstruction, or enlargement of buildings and all uses of buildings and land shall comply with all provisions of this chapter and other applicable chapters of the Zoning Ordinance except as otherwise provided for nonconforming structures and uses.
- (B) **Conformance by Government Agencies.** No government unit whether city, County special district, or State agency shall be exempt from the provisions of this chapter and other chapters of the Zoning Ordinance, except for State agencies and cities engaged in a sovereign activity or a local public agency exempted by Sections 53090 et seq., of the California Government Code. Except as specifically exempted from coastal development permit requirements of the Coastal Act and the LCP by State law, all development in the Coastal Zone that is proposed by such government unit shall be subject to the same LCP requirements as any other proposed development.
(Ord. 3432 § 1, 1983; Ord. 4027 § 2, 1989; Ord. 4166 § 5, 1991; Ord. 5182 § 4, 2014; Ord. 5423 § 1, 2022)

Title 13. Planning and Zoning Regulations

Chapter 13.10. ZONING REGULATIONS

Part III. Districts

Article I. Agricultural Districts

13.10.311. Purposes of agricultural districts.

- (A) CA Commercial Agriculture. The purposes of the CA Commercial Agriculture Zone District are to preserve the commercial agricultural lands within Santa Cruz County which are a limited and irreplaceable natural resource; to maintain the economic integrity of the economic farm units comprising the commercial agricultural areas of the County, to implement the agricultural preservation policy of SCCC § 16.50.010, and to maintain and enhance the general welfare of the County as a whole by preserving and protecting agriculture, one of the County's major economic sectors. Within the CA Commercial Agriculture Zone District, commercial agriculture and associated activities related to the viability of the commercial agricultural sector such as produce stands and agri-tourism/education shall be encouraged, and development of non-agricultural uses which may conflict with commercial agriculture shall be excluded.
- (B) A Agriculture. The purposes of the A Agriculture Zone District are to support a diversity of farm operations on agricultural land in the County which is not designated Type 1, Type 2, or Type 3, but which contributes to open space and/or rural character and may constitute a productive natural resource; to encourage noncommercial agricultural uses such as family farming, gardening, and animal raising; to allow limited appropriately scaled commercial agricultural activities on the small amounts of agricultural land remaining in the County which are not designated as commercially suitable, but which still constitute a productive natural resource; to provide for agricultural uses of a higher intensity in rural areas than those allowed in the RA Residential Agricultural Zone District where such use is compatible with the surrounding land uses and the environmental constraints of the land; to provide for agricultural support uses such as agricultural service establishments, agricultural processing facilities, and produce markets, and agriculturally related uses such as tree service and kennels as scaled, sited, and designed to protect agricultural production, minimize land use conflicts and to maintain the public health and general welfare; to maintain options for a diversity of farm operations; to implement the agricultural preservation policy of Chapter 16.50 SCCC; and to maintain productive open space and rural character in the County.
- (C) Agricultural Preserve and Farmland Security (-P) Combining District. Lands enrolled in the Williamson Act Program under the California Land Conservation Act of 1965 are subject to the requirements in Government Code Section 51200 et seq., and SCCC § 13.10.471 through § 13.10.473, and are designated as falling within an Agricultural Preserve and Farmland Security (P) Combining District, to denote lands that are restricted by Williamson Act contracts, and to regulate permitting on lands so restricted.
- (D) Interpretation of Provisions. The provisions of this chapter shall be liberally interpreted insofar as they apply to accommodating agricultural pursuits and services and shall not be deemed or construed to interfere with any normal accessory use conducted in conjunction therewith. It is the intention of the County to retain commercially viable agricultural areas for commercial agricultural production, and to encourage the commercial agricultural use of lands designated by the Board of Supervisors as Type 1, Type 2, or Type 3 agricultural lands as identified in the County GIS System; to provide maximum protection to existing and future agricultural enterprises from restrictions which may be instituted later at the request of future residents; to restrict incompatible development on or adjacent to agricultural land; and to maintain the existing parcel sizes for parcels zoned CA, except where it is clearly demonstrated that any division of such parcels shall not diminish the productivity or in any way hamper or discourage the long-term commercial viability of agricultural operations on said parcels or adjoining or nearby parcels.
- (Ord. 3432 § 1, 1983; Ord. 5423 § 8, 2022)

13.10.312. Uses in agricultural districts.

- (A) Allowed Uses. The uses allowed in the agricultural districts shall be as provided in the agricultural uses chart in subsection (D) of this section. Certain disallowed uses that are preexisting on a parcel and were legally established may be considered legal nonconforming uses. See SCCC § 13.10.260 and § 13.10.261 for regulations regarding legal nonconforming uses.
- (B) Use Permits. A discretionary permit for an allowed use is known as a "use permit." Certain allowed uses are permitted by right and other allowed uses require a use permit as indicated in the agricultural uses chart. The processing procedures and findings for use permits are detailed in Chapter 18.10 SCCC, Discretionary Permit Approval Procedures. All conditional use permits in the CA Zone District are also subject to the special findings required by SCCC § 13.10.314.
- (C) Other Discretionary Permits. Physical site development may require a site development permit pursuant to SCCC § 13.11.037, a coastal development permit pursuant to SCCC § 13.20.050, or other discretionary review.
- (D) Agricultural Uses Chart. Allowed uses and permit requirements for agricultural zone districts are identified in the following chart. Uses that are not specifically identified in the chart but are determined by the Planning Director to be of the same general character as an identified use may be permitted subject to the same permit requirements as the identified use.

KEY:

P	Permitted by right: Use is allowed without a use permit.
ZC	Zoning Clearance: Ministerial review for conformance with Zoning Ordinance, no use permit required.
MUP	Minor Use Permit: Discretionary permit, no public notice.
AUP	Administrative Use Permit: Discretionary permit with public notice.
CUP	Conditional Use Permit: Discretionary permit with public notice and a public hearing. Hearing is before the Zoning Administrator except where the Planning Commission (PC) or the Board of Supervisors (BOS) is specified.
A	Use must be ancillary to the main agricultural use of the subject parcel; or where so indicated in SCCC § 13.10.631—13.10.639, ancillary to a farming operation on another parcel or parcels in the County, owned or leased by the same entity.
NA	Use not allowed in this zone district.

"Development area" refers to the area of a parcel or site associated with an allowed use or development that is covered with structures, paving, or other impermeable or semi-permeable surface material such as baserock or gravel which may affect the long-term agricultural viability of the underlying soil.

Table 13.10.312-1: Agricultural Uses Chart

Table 13.10.312-1: Agricultural Uses Chart			
Use	Permit Required by Zone		References and Notes
	CA	A	
	Agriculture		
Apiculture	P	P	Chapter 7.32
Aquaculture (fish, shellfish, or other animals)	CUP	CUP	
Biomedical livestock operations	CUP	CUP	13.10.647
Container crops, including horticulture and food production, outdoor			13.10.639

Use	Permit Required by Zone		References and Notes
	CA	A	
1 acre or less	ZC	ZC	
Area larger than 1 acre	MUP	MUP	
Crop production	P	P	13.10.700-C
Dairy	MUP	CUP	Chapter 7.08, 16.22.060
Farmworker Housing: EHA (Employee Housing Act) project as defined in SCCC § 13.10.631, providing permanent, temporary, or seasonal housing for five or more farmworkers (agricultural employees). Includes employer-provided farmworker housing, rural farmworker housing, streamlined EHA project*, and EHA small farmworker housing project.	P	P	13.10.631 16.50.095(F) 13.11.037 *Streamlined project allowed outside Coastal Zone only.
Small farmworker housing project not subject to EHA, consisting of 1 to 4 dwelling units housing no more than 4 farmworkers total:			13.10.631 16.50.095(F) 13.11.037
Inside Coastal Zone:	CUP ^A	CUP	
Outside Coastal Zone:	P ^A	P	
Affordable rental farmworker housing project pursuant to development reserve, outside the Coastal Zone only (see SCCC § 13.10.631 for map of eligible areas)	CUP-BOS	CUP-BOS	13.10.631 16.50.095(F) 13.11.037
Greenhouse, hoop house	P/ ZC	P/ ZC	13.10.636 13.20.073 13.11.037 ZC required for greenhouses > 500 sf.
Hatchery facility, poultry	P	P	SCCC § 13.10.700-H
Hydroponic farm	MUP	AUP	
Livestock production and grazing			
Large animals (horses, cows, llamas) up to 8 per acre; hogs up to 2 per acre; medium animals (sheep, goats, alpacas) up to 16 per acre; small animals (rabbits, mink, poultry) up to 100 animals per acre, in any combination	P	P	13.10.645 13.10.646 16.22.060
Animals at a greater density	P	AUP	13.10.313
Timber harvesting and associated operations (allowed outside the Coastal Zone only)	P	NA	
Water pollution control facility, agricultural, to comply with waste discharge requirements or other orders of the Regional Water Quality Control Board	MUP	MUP	16.20, 16.22 16.30
Agricultural Support			
Agri-tourism and education			
School visits, preschool—12th grade, no limit on number of events per year or number of students	P ^A	P	13.10.633; 13.10.700-A 13.11.037
Other agri-tourism and education events, not exceeding 12 per year	50 or fewer guests per event	P	Agri-tourism facility buildings limited to a total of 3,500 sf.
	51—100 guests per event	AUP	
	Parcel less than 15 acres	P	
	Parcel 15 acres or larger	P	
Other agri-tourism and education events, exceeding 12 per year or number of guests provided above	MUP ^A	AUP/CUP*	*CUP for events located within 200 feet of a residentially zoned parcel or within 200 feet of a residence.
Any agri-tourism and education event(s) with outdoor amplified music	AUP ^A	AUP/CUP*	*CUP for event(s) located within 200 feet of a residentially zoned parcel or within 200 feet of a residence.
Administrative offices, agricultural	P ^A	P ^A	13.11.037
Agricultural processing facility			13.11.037
Up to 5,000 sq. ft. development area	MUP	AUP	13.10.632
>5,000 sq. ft. up to 60,000 sq. ft. development area	AUP/CUP*	AUP	13.10.700-A 13.11.037
>60,000 sq. ft. development area	NA	CUP	*CUP inside Coastal Zone
Agricultural service establishment			13.10.638 13.10.700-A 13.11.037
<1,000 sq. ft. development area	MUP ^A	MUP	* On CA, limited to a total development area of 10,000 sf.
1,000 to 7,500 sq. ft. development area	CUP ^A	AUP	
>7,500 sq. ft. development area*	CUP ^A -PC	CUP	
Consumer harvesting	P	P	
Farmstay/homestay	MUP ^A	MUP ^A	13.10.641, 13.10.700-F
Fuel storage tanks and pumps	ZC	ZC	
Home occupation	P ^A /CUP ^A	P ^A /CUP ^A	See 13.10.613 to determine when a CUP is required
Indoor growing facility for mushrooms or other crops, excluding greenhouses			
Up to 1,000 sq. ft.	P	P	13.10.634 13.11.037
>1,000 sq. ft.—20,000 sq. ft total indoor structure area on the parcel	P	CUP	
Kennel	MUP ^A	AUP	13.10.646 13.11.037
Lumber mill	NA	CUP	
Museum, agriculture or natural history	CUP ^A -PC	CUP-PC	*On CA, limited to a total development area of 12,000 sf.
Produce sales area, temporary; produce stand			
< 800 sq. ft.	P ^A	MUP ^A	13.10.640
800 sq. ft. to 1,600 sq. ft.	P ^A	MUP ^A	13.11.037

Table 13.10.312-1: Agricultural Uses Chart			
Use	Permit Required by Zone		References and Notes
	CA	A	
Produce market			
Up to 1,800 sq. ft.	NA	MUP ^A	13.10.640
1,800 to 3,600 sq. ft.	NA	CUP ^A	13.11.037
Research and development establishment, agricultural	P ^A	P	13.10.644 13.11.037 On CA, limit of 35,000 sf development area, excluding areas for container crops.
Storage of agricultural equipment and supplies, indoor or outdoor			13.10.635
Up to 12,000 sq. ft. development area	P ^A /ZC*	P/ZC*	13.11.037
>12,000 sq. ft. development area, located off Type 1—3 soils	MUP ^A	AUP	*ZC required for storage buildings, and for storage areas larger than 1,000 sf
>12,000 sq. ft. development area on Type 1—3 soils	CUP/PC ^A	CUP	13.10.313(E)
Stable, commercial riding or boarding; riding academy	P/CUP ^A	P/CUP	See 13.10.644 for permit requirements
Tree service	NA	AUP	
Veterinary office, animal hospital	CUP ^A	CUP	13.10.644 13.11.037 On CA, limited to a total development area of 15,000 sf.
Water wells, storage tanks and distribution lines, well covers, and small pump houses utilized for agriculturally related activities	ZC	ZC	13.20.073
Winery, brewery, or distillery			
Production only, less than 1,000 gallons	P ^A	P ^A	See 13.10.637 for features that may increase permit requirements. On CA, limited to a total development area of 35,000 sf.
Small: up to 10,000 gallons wine or spirits, or 3,000 barrels beer, per year	MUP ^A	MUP ^A	
Medium: >10,000 – 30,000 gallons wine or spirits, or 3,000 – 6,000 barrels beer, per year	AUP ^A	AUP ^A	
Large: >30,000 gallons wine or spirits, or >6,000 barrels beer, per year	CUP ^A	CUP ^A	
Winery signs			13.10.637
Up to 12 sq. ft., non-illuminated	P ^A	P ^A	
Greater than 12 sq. ft. or illuminated	MUP ^A	MUP ^A	
Zoo	NA	CUP	13.10.644 13.10.700-Z 13.11.037
Zoo, petting	P ^A	P ^A	13.10.644 13.11.037
Commercial Cannabis Cultivation, Manufacturing, and Distribution			
<i>All uses subject to SCCC § 13.10.650 (Non-retail commercial cannabis) and with a license pursuant to Chapter 7.128 SCCC.</i>			
Indoor cultivation: existing legal structure (including greenhouses)	P	AUP ^X	X: CUP for non-Class CG licensed cultivation activities, and greenhouses over 20,000 square feet
Greenhouse replacement, reconstruction, or structural alteration	P	CUP	Subject to 13.10.636(B) and (C)
Indoor cultivation: new non-greenhouse structure			New structures not permitted in the coastal zone and 1-mile buffer.
≤ 2,000 sf	MUP	AUP ^X	X: CUP for non-Class CG licensed cultivation activities.
> 2,000 sf	CUP	CUP	
Indoor cultivation: new greenhouse			New structures not permitted in the coastal zone and 1-mile buffer.
< 2,000 sf	MUP	AUP ^X	X: CUP for non-Class CG licensed cultivation activities. N: AUP if adjacent parcel is developed with a residential structure in the PR, A, TP, SU, or any residential zone district.
2,000 – 20,000 sf	MUP ^N	NA	
> 20,000 sf	AUP	NA	
Outdoor cultivation (including hoop house)	P	AUP ^X	New hoop houses not permitted in the coastal zone and 1-mile buffer. X: CUP for non-Class CG licensed cultivation activities.
Water tank	P ^A	MUP ^A	A: Accessory to cannabis cultivation
Manufacturing, Class 1 and 2			
Outside the coastal zone and 1-mile buffer:			New structures not permitted in the coastal zone and 1-mile buffer.
≤ 2,000 sf	MUP	MUP ^{A±}	
> 2,000 sf	AUP	AUP ^{A±}	
Inside the coastal zone and 1-mile buffer:			A: Cannabis manufacturing uses must be ancillary to on-site commercial cannabis cultivation in the A district.
≤ 2,000 sf	MUP	MUP [±]	±: CUP if manufacturing activity involves cannabis imported from off site or employees (not including the owner). *CUP on parcels < 5 acres.
> 2,000 sf	CUP	CUP	
Manufacturing, Class 3	AUP*	NA	New structures not permitted in the coastal zone and 1-mile buffer. *CUP for existing structures > 2,000 sf in the coastal zone
Distribution, Class 1: existing legal structure			A: Cannabis distribution uses must be ancillary to on-site commercial cannabis cultivation in the A district.
≤ 2,000 sf	P	MUP ^A	
> 2,000 sf	P	CUP ^A	
Distribution, Class 1: new structure			New structures not permitted in the coastal zone and 1-mile buffer.
≤ 2,000 sf	MUP	MUP ^A	A: Cannabis distribution uses must be ancillary to on-site commercial cannabis

Table 13.10.312-1: Agricultural Uses Chart			
Use	Permit Required by Zone		References and Notes
	CA	A	
> 2,000 sf	AUP	CUP ^A	cultivation in the A district.
Distribution, Class 2: existing legal structure	P	NA	Class 2 distribution is not permitted in new structures in agricultural zone districts.
Distribution, transport only	P	P	
Community and Public Facilities			
Energy facilities, cogeneration	MUP ^A	MUP	13.10.700-C; 13.11.037 On CA land, limited to a total development area of 5,000 sf.
Energy facilities, microgrid	CUP ^A	AUP	13.10.700-M; 13.11.037 On CA land, limited to a total development area of 5,000 sf.
Facilities for fish and wildlife enhancement and preservation	P	P	
Fire protection facilities	NA	AUP	13.11.037
Flood control works, including channel rectification and alteration, for agricultural use	ZC	ZC	
Flood control projects, other than for agricultural use			
1 acre or less	CUP	CUP	
More than 1 acre	CUP-BOS	CUP-BOS	
Dams, canals, and aqueducts of public water projects	CUP-PC	CUP-PC	13.11.037
Public or private recreational uses (such as playfields) that do not include permanent structures or paving	CUP	CUP	13.11.037
Reservoirs			
25 acre feet or less	CUP	CUP	13.11.037
>25 acre feet	CUP-BOS	CUP-BOS	
Sanitary landfill, publicly owned or contracted, as an interim public use	CUP-PC	CUP-PC	13.10.639; 13.11.037
Septic tank sludge disposal sites approved by County Health Officer, outside the Coastal Zone	NA	CUP-PC	Chapter 7.42
Wastewater treatment plant for the production of recycled water for agricultural irrigation use	CUP-PC	CUP-PC	13.10.643; 13.11.037
Wireless communication facilities	P/CUP	P/CUP	*Refer to 13.10.660 et seq., for permitting requirements Subject to SCCC § 13.10.660 through § 13.10.664, inclusive
Other public facility and public/quasi-public community facilities as defined in SCCC § 13.10.700-P, where determined to be of significant benefit to public health, safety, and welfare, with any loss of agricultural land mitigated	NA	CUP-PC	13.10.314; 13.10.635(D) 13.10.700-M (microgrid) 13.10.700-P; 13.11.037
Housing and Accessory Uses			
Single-family dwelling, < 5,000 sf			13.10.313(F); 13.10.314(B); 13.10.324(C); 13.11.037; 16.50.095
Inside Coastal Zone	CUP ^A	P	13.10.313(E) On CA, limit of one single-family dwelling per parcel.
Outside Coastal Zone	P		
Single-family dwelling, >5,000 sf	CUP	CUP	
Dwelling groups (other than agricultural employee housing and caretaker units or accessory dwelling units), subject to dwelling group density standards			13.10.313 16.50.095
2—4 units	NA	AUP	
5 or more units	NA	CUP-PC	
Accessory dwelling unit (ADU) or junior ADU located within 100 feet of the primary dwelling	P ^A	P	13.10.313; 13.10.681 13.11.037; 13.20.107—108 16.50.095
Residential accessory structure, habitable* or non-habitable	P ^A	P	*Limit of one habitable accessory structure in CA, located within 100 feet of the primary dwelling 13.10.313; 13.10.611; 13.11.037; 16.50.095
Foster homes for seven or fewer children, not including those of the proprietary family	P	P	On CA, allowed only within the main dwelling.
Foster homes for eight or more children, not including those of the proprietary family	CUP	AUP	13.10.700-F; 16.50.095
Residential care home serving 6 or fewer residents	P	P	In CA, allowed only within the main dwelling. 13.10.700-R; 16.50.095
Family (child) day care home (must be in conjunction with residential use)	P ^A	P ^A	Serving up to 14 children. SCCC § 13.10.613; 13.10.700-D 16.50.095
Home occupations	P ^A /CUP ^A	P ^A /CUP ^A	13.10.616
Visitor Accommodations			
Bed and breakfast inn	CUP ^A -PC	CUP	13.10.691; 13.11.037 Not allowed on sites with a farmstay use. In CA, allowed only in the main dwelling.
Hosted rental	ZC ^A	ZC ^A	13.10.690
Vacation rentals, new, with 3 or fewer bedrooms and all vacation rental renewals	AUP ^A	AUP ^A	In CA, allowed only within the main dwelling.
Vacation rentals, new, with 4 or more bedrooms	CUP ^A	CUP ^A	13.10.694

(Ord. 3432 § 1, 1983; Ord. 3593 § 3, 1984; Ord. 3632 § 5, 1985; Ord. 3646 § 1, 1985; Ord. 3766 § 1, 1986; Ord. 3787-C § 2, 1986; Ord. 3842 § 1, 1987; Ord. 3845 § 2, 1987; Ord. 3893 § 1, 1988; Ord. 4036 § 3, 1989; Ord. 4094 § 2, 1990; Ord. 4097 § 2, 1990; Ord. 4099 § 2, 1990; Ord. 4158 § 2, 1991; Ord. 4346 § 7, 1994; Ord. 4369 § 1, 1995; Ord. 4406 § 2,

1996; Ord. 4416 § 2, 1996; Ord. 4471 § 1, 1997; Ord. 4474-C § 1, 1998; Ord. 4495 § 2, 1998; Ord. 4578 §§ 1, 2, 1999; Ord. 4659 § 1, 2002; Ord. 4715 § 1, 2003; Ord. 4738 §§ 1, 2, 2003; Ord. 4744 § 1, 2003; Ord. 4751 § 4, 2003; Ord. 4770 § 1, 2004; Ord. 4808 §§ 1–5, 2005; Ord. 4814 § 1, 2006; Ord. 4821 § 1, 2006; Ord. 4836 §§ 12–41, 2006; Ord. 4883 § 1, 2007; Ord. 4921 §§ 2, 3, 4, 2008; Ord. 5018 §§ 1–5, 2008; Ord. 5061 §§ 4–8, 2009; Ord. 5092 § 1, 2011; Ord. 5152 § 1, 2013; Ord. 5229 § 1, 2016; Ord. 5239 § 2, 2017; Ord. 5264 § 2, 2018; Ord. 5265 § 1, 2018; Ord. 5266 § 1, 2018; Ord. 5272 § 2, 2018; Ord. 5302 § 1, 2019; Ord. 5321 § 1, 2019; Ord. 5325 § 3, 2020; Ord. 5326 § 3, 2020; Ord. 5334 § 2, 2020; Ord. 5336 § 2, 2020; Ord. 5345 § 1, 2020; Ord. 5365 § 1, 2021; Ord. 5382 § 1, 2021; Ord. 5402 § 1, 2022; Ord. 5423 § 8, 2022; Ord. 5439 § 1, 2023)

13.10.318. Agricultural Policy Advisory Commission review.

Agricultural Policy Advisory Commission (APAC) review, and approval where indicated, shall be required for all of the following development projects having the potential to affect agricultural lands, as designated on the County's Agricultural Resources Map:

- (A) Approval of agricultural buffer setback reduction permits pursuant to SCCC § **16.50.095**;
- (B) Lot line adjustments to reduce the size or arable area of a CA zoned parcel, as provided by SCCC § **13.10.317**;
- (C) Applications for residential uses requiring a use or site development permit on parcels zoned CA in the Coastal Zone pursuant to SCCC § **13.10.314(B)**;
- (D) Land divisions on lands designated as Agricultural Resources in the County General Plan;
- (E) Amendments to agricultural resource designations;
- (F) Actions to establish, amend, or cancel Williamson Act contracts;
- (G) Determinations of agricultural viability associated with the conversion of Commercial Agricultural lands (Agricultural Resource Lands) to noncommercial lands, such as a proposal to rezone lands out of the Commercial Agricultural Zone District, or findings of nonviability;
- (H) Any use on Commercial Agricultural Land which requires review by the Planning Commission or Board of Supervisors per SCCC § **13.10.312(D)**;
- (I) Any other project for which APAC review is required pursuant to the Santa Cruz County Code, General Plan, or other applicable regulations; and
- (J) Matters referred to the APAC by the Board of Supervisors.
(Ord. 5423 § 9, 2022)

Title 2. Administration and Personnel

Chapter 2.82. AGRICULTURAL POLICY ADVISORY COMMISSION

§ 2.82.010. Established—Statutory authority.

The Agricultural Policy Advisory Commission is established under the authority of Government Code Section 31000.1, in compliance with Chapter 2.38 SCCC. (prior code § 3.59.010; Ord. 2521, 1978; Ord. 5290 § 5, 2019)

§ 2.82.020. Membership.

The Commission shall consist of seven members appointed as follows:

- (A) Five of the members shall be voting members. The voting members shall be appointed by the Board of Supervisors and shall be residents of or employed in the County. Each Supervisor shall nominate one person to serve on the Commission. Membership on the Commission shall be open to those who are active in the production of agricultural commodities or a related agricultural industry. Each Supervisor may also nominate one alternate member to serve on the Commission when the regular member appointed by that Supervisor is absent or is unable to vote on an item for any reason. Such alternate member may vote only when the regular member nominated by the same Supervisor is absent.
- (B) The other two members of the Commission are the Director of the County Cooperative Extension and the County Agricultural Commissioner. These individuals shall have seats on the Commission but shall not vote.
(prior code § 3.59.030; Ord. 2521, 1978; Ord. 5290 § 5, 2019; Ord. 5468 § 1, 2025)

§ 2.82.040. Organization and procedures.

- (A) General Organization. The Commission shall comply in all respects with SCCC § 2.38.110 through § 2.38.280 unless otherwise provided herein. The Commission may also, from time to time, consult with authorities in the field.
- (B) Staff Support.
 - (1) The Community Development and Infrastructure Department shall cooperate in providing staff support for the Commission. Such support shall consist of a Secretary to the Commission, coordination with and support to the Agricultural Commissioner related functions, application receipt and processing, agenda preparation and public noticing, staff report preparation, and presentation of appeals of Agricultural Policy Advisory Commission decisions to the Board of Supervisors.
 - (2) The Agricultural Commissioner, or their designee, shall provide staff support for the Commission. The Agricultural Commissioner, or their designee, shall prepare minutes of Commission meetings and annual reports from the Commission to the Board of Supervisors in coordination with the Secretary, and receive copies of all minutes, reports and recommendations submitted to the Board of Supervisors by the Commission.
- (C) Compensation. Each member or alternate member of the Agricultural Policy Advisory Commission shall receive as compensation for services a sum as established annually by the Board of Supervisors for each meeting of the Agricultural Policy Advisory Commission at which the member is in attendance. Compensation for attendance at meetings of the Agricultural Policy Advisory Commission shall be in addition to expenses or other compensation, which such members may otherwise be entitled by law to receive.
(prior code § 3.59.050; Ord. 2521, 1978; Ord. 2677, 1979; Ord. 5290 § 5, 2019; Ord. 5468 § 2, 2025)

§ 2.82.050. Powers and duties.

The Commission shall perform the following duties:

- (A) Advise and assist the Board of Supervisors by providing information on the County's agricultural industry and evaluating matters referred to the Commission by the Board;
- (B) Review, in cooperation with the Community Development and Infrastructure Department, proposed development projects having the potential to affect agricultural lands, as designated on the County's Agricultural Resources Map and Commercial Agricultural Zone District. Such review shall consist of buffer setback determinations, agricultural viability determinations, agricultural land use regulation and policy interpretations, recommendations regarding land division proposals in, or adjoining, CA Zone Districts, and recommendations regarding proposed amendments to the agricultural land type designations as shown on the Agricultural Resources Map. The Commission shall also perform the functions specified in Chapters 13.10, 13.14, and 16.50 SCCC.
- (C) Exercise any other responsibilities which may be set forth in the Commission's bylaws approved by the Board of Supervisors.
(prior code § 3.59.020; Ord. 2521, 1978; Ord. 2677, 1979; Ord. 5290 § 5, 2019; Ord. 5468 § 3, 2025)

Title 13. Planning and Zoning Regulations

Chapter 13.10. ZONING REGULATIONS

Part II. Ordinance And Permit Administration

13.10.275. Violations of zoning use regulations.

- (A) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land, located in the CA Commercial Agriculture Zone District, in the A Agriculture Zone District, or in the AP Agricultural Preserve Zone District unless that use is either (1) listed in SCCC § **13.10.312** as a permitted use in the agricultural zone district in which the land is located; or (2) is listed in such section as a discretionary use in the agriculture zone district in which the land is located and a development permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal nonconforming use or structure in conformance with SCCC § **13.10.260**, § **13.10.261** and § **13.10.262**.
- (B) It shall be unlawful for any person to establish, cause or permit a new use of land, or intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land, located in the RA Residential Agricultural Zone District, in the RR Rural Residential Zone District, in the R-1 Single-Family Residential Zone District, in the RB Ocean Beach Residential Zone District, or in the RM Multifamily Residential Zone District unless that use is either (1) listed in SCCC § **13.10.322** as a permitted use in the residential zone district in which the land is located; or (2) is listed in such section as a discretionary use in the residential zone district in which the land is located and a development permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal nonconforming use or structure in conformance with SCCC § **13.10.260**, § **13.10.261** and § **13.10.262**.
- (C) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand or intensify an existing use of land, or construct, enlarge, or move a building for a use of land, located in the PA Professional Administrative Office Zone District, in the VA Visitor Accommodations Zone District, in the C-1 Neighborhood Commercial Zone District, in the CT Tourist Commercial Zone District, in the C-2 Community Commercial Zone District, or in the C-4 Commercial Services Zone District unless that use is either (1) listed in SCCC § **13.10.332** as a permitted use in the commercial zone district in which the land is located and a development permit has been obtained and is in effect which authorizes that discretionary use; or (2) is a legal nonconforming use or structure in conformance with SCCC § **13.10.260**, § **13.10.261** and § **13.10.262**.
- (D) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land, located in the M-1 Light Industrial Zone District, in the M-2 Heavy Industrial Zone District, or in the M-3 Mineral Extraction Industrial Zone District unless that use is either (1) listed in SCCC § **13.10.342** as a permitted use in the industrial zone district in which the land is located; or (2) is listed in such section as a discretionary use in the industrial zone district in which the land is located and a development permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal nonconforming use or structure in conformance with SCCC § **13.10.260**, § **13.10.261** and § **13.10.262**.
- (E) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land, located in the PR Parks, Recreation and Open Space Zone District unless that use is either (1) listed in SCCC § **13.10.352** as a permitted use in the Parks, Recreation and Open Space Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Parks, Recreation and Open Space Zone District in which the land is located and a development permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal nonconforming use or structure in conformance with SCCC § **13.10.260**, § **13.10.261** and § **13.10.262**.
- (F) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land, located in the PF Public and Community Facilities Zone District unless that use is either (1) listed in SCCC § **13.10.362** as a permitted use in the Public and Community Facilities Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Public and Community Facilities Zone District in which the land is located and a development permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal nonconforming use or structure in conformance with SCCC § **13.10.260**, § **13.10.261** and § **13.10.262**.
- (G) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land, located in the TP Timber Production Zone District unless that use is either (1) listed in SCCC § **13.10.372** as a permitted use in the Timber Production Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Timber Production Zone District in which the land is located and a development permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal nonconforming use or structure in conformance with SCCC § **13.10.260**, § **13.10.261** and § **13.10.262**.
- (H) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land, located in the SU Special Use Zone District unless that use is either (1) listed in SCCC § **13.10.382** as a permitted use in the Special Use Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Special Use Zone District in which the land is located and a development permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal nonconforming use or structure in conformance with SCCC § **13.10.260**, § **13.10.261** and § **13.10.262**.
- (Ord. 3451-A § 6, 1983; Ord. 4346 § 6, 1994; Ord. 4390A, 1996; Ord. 4496-C §§ 3, 4, 1998; Ord. 5119 §§ 9–16, 2012)

EXHIBIT 6



PROCEEDINGS OF THE COUNTY OF SANTA CRUZ BOARD OF SUPERVISORS

November 18, 2025

ACTION SUMMARY MINUTES

INTRODUCTORY ITEMS

1. CALL TO ORDER – 9:00 AM

Attendance	Attendee Name
Present	Manu Koenig, First District Supervisor Kimberly De Serpa, Second District Supervisor Justin Cummings, Third District Supervisor Felipe Hernandez, Fourth District Supervisor Monica Martinez, Fifth District Supervisor

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. CONSIDERATION OF LATE ADDITIONS TO THE AGENDA; ADDITIONS AND DELETIONS TO CONSENT AND REGULAR AGENDAS
None

4. ANNOUNCEMENT BY BOARD MEMBERS OF ITEMS REMOVED FROM CONSENT TO REGULAR AGENDA
None

5. PUBLIC COMMENT
13 people addressed the Board in chambers
5 people addressed the Board via Zoom

6. ACTION ON THE CONSENT AGENDA (ITEMS 13-39)

REGULAR AGENDA

Scheduled and Regular Departmental items – 9:00 AM or thereafter

7. Presentation from Visit Santa Cruz County on recent updates regarding the County's tourism and hospitality sector (County Executive Office)

Action:

Received a presentation from Visit Santa Cruz County on recent updates regarding the County's tourism and hospitality sector.

Public Comment:

3 people addressed the board in chambers
1 person addressed the board via zoom

8. Consider certification of the ballot tabulation results for the proposed Mosquito, Vector and Disease Control Assessment, and adopt a resolution approving the Engineer's Report and ordering the levy of the assessment beginning Fiscal Year 2026-27 (Agricultural Commissioner)

Actions:

1. Accepted the certified results of the proposed benefit assessment ballot proceeding conducted in accordance with Proposition 218 procedures;
2. Adopted the attached resolution 223-2025 approving the Engineer's Report prepared by SCI Consulting Group and order the levy of the Mosquito, Vector and Disease Control Assessment beginning Fiscal Year 2026-27.

Public Comment:

2 people addressed the board in chambers
1 person addressed the board via zoom

RESULT:	Approved [5 to 0]
MOTION/SECOND:	Martinez, De Serpa
AYES:	Koenig, De Serpa, Cummings, Hernandez, Martinez
NAYES:	None
ABSTAIN:	None

9. Hold a public hearing to consider approving in concept an "Ordinance of the Board of Supervisors of the County of Santa Cruz Amending Chapter 12.10 of the Santa Cruz County Code to Adopt the 2025 California Building Standards Code with Local Amendments" and an "Ordinance of the Board of Supervisors of the County of Santa Cruz Amending Chapter 7.92 of the Santa Cruz County Code to Adopt the 2025 California Fire Code with Local Amendments", confirm the proposal is exempt from requirements of the California Environmental Quality Act, and take related actions (Community Development and Infrastructure)

Actions:

1. Held a public hearing to consider the proposed ordinances amending Chapter 12.10 and Chapter 7.92 of the Santa Cruz County Code;
2. Adopted the attached resolution 224-2025 finding adoption of the proposed ordinances are exempt from further environmental review under the California Environmental Quality Act (CEQA), directing staff to file the CEQA Notice of Exemption, and making findings regarding administrative and technical amendments of the California Building Standards Code;
3. Approved in concept an "Ordinance of the Board of Supervisors of the County of Santa Cruz Amending Chapter 12.10 of the Santa Cruz County Code to Adopt the 2025 California Building Standards Code with Local Amendments";
4. Approved in concept an "Ordinance of the Board of Supervisors of the County of Santa Cruz Amending Chapter 7.92 of the Santa Cruz County Code to Adopt the 2025 California Fire Code with Local Amendments";

5. Directed the Clerk of the Board to publish the Notices of Proposed Ordinance Summary in a newspaper of general circulation at least five days prior to the scheduled second reading and final adoption, no later than December 4, 2025, pursuant to Government Code Section 25124;
6. Directed the Clerk of the Board to schedule the ordinances for second reading and final adoption on December 9, 2025: and
7. Directed the Director of the Department of Community Development and Infrastructure to submit a copy of the technical amendments to the 2025 California Building Standards Code, and a copy of the Board's adopted Resolution containing associated findings, to the California Building Standards Commission.

Public Comment:

1 person addressed the board in chambers

No one addressed the board via zoom

RESULT:	Approved [5 to 0]
MOTION/SECOND:	Cummings, Martinez
AYES:	Koenig, De Serpa, Cummings, Hernandez, Martinez
NAYES:	None
ABSTAIN:	None

10. Consider approving in concept "An Ordinance Amending Sections 4.06.030 and 4.06.070 of the Santa Cruz County Code Regarding Cannabis Business Tax Application to Non-Cannabis Goods and the Cannabis Business Tax Rate for Consumption", and take related actions (County Executive Office)

Actions:

1. Approved in concept "An Ordinance Amending Sections 4.06.030 AND 4.06.070 of the Santa Cruz County Code Regarding Cannabis Business Tax Application to Non-Cannabis Goods and the Cannabis Business Tax Rate for Consumption" to provide ancillary goods exemptions from cannabis business tax and set a new tax rate for cannabis consumption;
2. Scheduled the ordinance for second reading and final adoption on December 9, 2025; and
3. Directed the Clerk of the Board to publish the Notice of Proposed Ordinance Summary in a newspaper of general circulation at least five days prior to the scheduled second reading and final adoption, no later than December 4, 2025, pursuant to Government Code Section 25124.

Public Comment:

2 people addressed the board in chambers

2 people addressed the board via zoom

RESULT: **Approved [3 to 2]**
MOTION/SECOND: Cummings, Koenig
AYES: Koenig, Cummings, Hernandez
NAYES: De Serpa, Martinez
ABSTAIN: None

11. Consider the principal components of the Draft Energy Storage Combining, direct the Community Development and Infrastructure Department to proceed with environmental review, public hearings, and commission recommendations on the Draft Ordinance, and take related actions (Community Development and Infrastructure)

Actions:

1. Considered the proposed principal components of the Draft Energy Storage Combining District Ordinance (Draft Ordinance);
2. Directed staff to return to the Board on or before March 24, 2026, with a revised ordinance that incorporates the feedback provided by the Board of Supervisors;
3. Directed staff to review correspondence from the City of Watsonville for concerns relevant to the proposed ordinance; and
4. Directed the chair to write a letter to New Leaf expressing the County's forward movement with a local ordinance and when the item will return to the Board for further consideration.

Public Comment:

28 people addressed the board in chambers
 8 people addressed the board via zoom

RESULT: **Approved [5 to 0]**
MOTION/SECOND: Martinez, Koenig
AYES: Koenig, De Serpa, Cummings, Hernandez, Martinez
NAYES: None
ABSTAIN: None

CLOSED SESSION AGENDA

12. SCHEDULE A CLOSED PERSONNEL AND LITIGATION SESSION TO BE HELD AT THE CONCLUSION OF THE BOARD'S CONSENT OR REGULAR AGENDA, OR AT ANY OTHER TIME DURING THE COURSE OF THE MEETING ANNOUNCED BY THE CHAIRPERSON OF THE BOARD

A. CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Agency Negotiator: County Executive Officer and Director of Human Resources
 Employee Organization: Unrepresented Employees.

Report of County Counsel – no reportable actions.

CONSENT AGENDA

RESULT: **Approved [5 to 0]**
MOTION/SECOND: Koenig, Cummings
AYES: Koenig, De Serpa, Cummings, Hernandez,
Martinez
NAYES: None
ABSTAIN: None

12. Approval of Minutes
Minutes of November 4, 2025
13. Accept claims as approved by the Auditor-Controller-Treasurer-Tax Collector
(Auditor-Controller-Treasurer-Tax Collector)
14. Adopt "An Ordinance of the Board of Supervisors of the County of Santa Cruz
Amending Santa Cruz County Emergency Services Sections 2.26.020, 2.26.030,
2.26.040, 2.26.050, 2.26.060, 2.26.110, and 2.26.120" (Approved in concept
November 4, 2025) (Clerk of the Board)

Ordinance 5501
15. Adopt resolution approving the updated County Bail Schedule for 2025-26, and
take related actions (Clerk of the Board)

Resolution 225-2025
16. Defer to on or before February 24, 2026, the report on cost and timing of
implementing the Women's Commission Convention on the Elimination of All
Forms of Discrimination Against Women recommendations (County Executive
Office)
17. Accept and file status update on implementation of the Project Labor Agreement
pilot program, and take related actions (General Services Department)
18. Defer to on or before December 9, 2025, the status update on broadband and
digital equity activities in Santa Cruz County (Information Services Department)
19. Defer to on or before February 10, 2026, the status report on County artificial
intelligence initiatives (Information Services Department)
20. Accept nomination of Anita Aguirre for appointment to the Santa Cruz-Monterey-
Merced-San Benito-Mariposa Managed Medical Care Commission, as an at-large
health care provider representative, for a term to expire November 11, 2029, with
final appointment to be considered on December 9, 2025 (Board of Supervisors)
21. Approve appointment of Chief Sarah Ryan to the Emergency Medical Care
Commission, as the at-large representative of the Santa Cruz County Law
Enforcement Chiefs Association, for a term to expire April 1, 2027 (Board of
Supervisors)
22. Approve appointment of Monik Delfin as the Fourth District appointee to the Equal
Employment Opportunity Commission, for a term to expire April 1, 2027 (Board of
Supervisors - Fourth District)

23. Approve the name “HOPE Village” for the Watsonville Tiny Homes Low Barrier Navigation Center, and take related actions (Board of Supervisors - Fourth District)
24. Defer to on or before February 28, 2026, the status report on the Emergency Watershed Protection Program in Santa Cruz County (Office of Response, Recovery and Resilience)
25. Defer to on or before January 13, 2026, the study session on the Climate Resilience Project Inventory (Office of Response, Recovery and Resilience)
26. Ratify first amendment to revenue agreement/Memorandum of Understanding with the Superior Court of California, County of Santa Cruz in the amount of \$436,342, for Senate Bill 129 pretrial services (Probation)

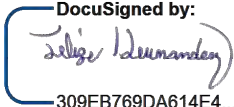
1- Amendment to Memorandum of Understanding 26R0338
27. Ratify agreement with Office of Youth and Community Restoration in the amount of \$648,069, to provide reentry support services for justice-involved youth (Probation)
28. Accept and file 2025 Inspection Report of Santa Cruz County Juvenile Hall (Probation)
29. Accept cash donations designated for use by the Aztecas Youth Soccer Academy in the amount of \$339,671 received in Fiscal Year 2024-25, and take related actions (Probation)
30. Approve first amendment to agreement with the County of Sonoma to increase the daily rate to \$390 per day for youth court-ordered to a Secure Youth Treatment Facility, and take related actions (Probation)
31. Approve contract with Telecare Corporation in the amount of \$11,927,528 for Psychiatric Health Facility inpatient services, with a retroactive start date of July 1, 2025, approve contract with Telecare Corporation in the amount of \$7,809,476 for Crisis Stabilization Program outpatient services, with a retroactive start date of July 1, 2025, and take related actions (Health Services Agency)

Contract 26H3952
Contract 26H3953
32. Accept and file report on safe parking and faith-based housing coordination and expansion efforts (Human Services Department)
33. Accept and file Traffic and Engineering Report for February 2025 (Community Development and Infrastructure)
34. Accept and file status update on emergency equipment replacement and installation of landfill gas system control panel at Ben Lomond Landfill, find that the emergency continues to exist pursuant to Public Contract Code Section 1102, and take related actions – 4/5 vote required (Community Development and Infrastructure)
35. Approve fixed asset purchase of four electric utility carts, two gas-powered utility carts, and a line striper in the total amount of \$108,977.68 for Recycling and Solid Waste Services, and take related actions (Community Development and Infrastructure)

36. Approve second amendment to agreement with SCS Engineers, increasing the amount by \$247,742, for the Buena Vista Landfill Redevelopment Project, and take related actions (Community Development and Infrastructure)

2- Amendment Agreement 22D0607
AUD 74
37. Defer to on or before February 24, 2026, the award of contract for Professional Civil Engineering and Environmental Services for the Pleasant Way Bridge Replacement project (Community Development and Infrastructure)
38. Defer to on or before February 24, 2026, the award of contract for Engineering, Geotechnical, and Environmental Services for December 2022 and March 2023 Storm Damage Projects (Community Development and Infrastructure)

Adjournment- Meeting adjourned at 4:21 PM

Approved:  12/9/2025
309EB769DA614E4...
Felipe Hernandez, Chair, Board of Supervisors

Attest:  12/10/2025
466B074F3141450...
Juliette Rezzato, Clerk of the Board

Date: _____ Approved December 9, 2025

NOTE: This set of Board of Supervisors Minutes is scheduled for approval by the Board on December 9, 2025.

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County of Santa Cruz

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County of Santa Cruz

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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	12/9/2025 5:38:25 PM
Certified Delivered	Security Checked	12/16/2025 3:34:53 PM
Signing Complete	Security Checked	12/16/2025 3:35:05 PM
Completed	Security Checked	12/16/2025 3:35:05 PM
Payment Events	Status	Timestamps
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EXHIBIT 7



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Community Development and Infrastructure

Subject: Principal Components of Draft Energy Storage Combining District Ordinance

Meeting Date: January 13, 2026

Item 9
25-2796

Formal Title: Consider principal components of ordinance allowing for the development of Energy Storage System Facilities in the unincorporated area, direct staff to conduct environmental review of the ordinance under the California Environmental Quality Act, and take related actions

Recommended Actions

1. Consider draft general plan amendments and draft County Code amendments that would be required in order to allow for the development of energy storage system facilities in the unincorporated area of the County, with specific restrictions as outlined in the attached documents;
2. Direct staff to conduct environmental review of the proposal to allow the development of such energy storage system facilities, using the attached documents, along with any additional changes made by the Board at the hearing of this matter, as the principal base documents capturing the essence of the amendments;
3. Direct staff to present the documents to the Agricultural Advisory Commission and the Planning Commission for their review and recommendations;
4. Place a report on the Board's Consent Agenda no later than the first meeting of August 2026, updating the Board on the status of the project and the anticipated timeline for returning to the Board; and
5. Return to the Board no later than November 2026 with recommendations for adoption of an ordinance (for the contemplated County Code amendments) and a resolution (for the contemplated General Plan Amendments) that would allow for the development of energy storage system facilities as described in the attached documents.

Executive Summary

On November 18, 2025, staff provided the Board with a presentation on the principal components of a potential ordinance governing Energy Storage System ("ESS") facilities. The staff report and attachments related to that item can be located here: [Meeting](#) (Item 11).

After a robust discussion, the Board directed staff to return on or before the second meeting in March 2026 with draft Code amendments for an ESS ordinance that would use staff's original proposal as a base, but include a number of additional provisions based on specific Board feedback. Staff worked diligently on this matter through the month of December in order to keep this process moving forward as expeditiously as possible. The recommended actions described above are consistent with Board's direction.

Discussion

Allowing for the existence of ESS facilities in the unincorporated area would require changes to the County's General Plan and to the County Code. It would also require environmental review in compliance with the California Environmental Quality Act ("CEQA"). Attached to this item are 1) Draft General Plan Amendments and 2) Draft County Code Amendments. If the Board finds these documents satisfactory, they will provide the core basis for the environmental review necessary to complete this project.

At the November 18, 2025 meeting, Board members asked staff to add or refine existing language in the attached documents to reflect the core principles listed below (see yellow-highlighted text in the attached draft ordinance). For ease of reference, each core principle notes the specific draft Code provision that addresses that item. These principles include:

- Robust safety standards to protect the public. Additional standards related to setbacks from sensitive receptors, including residences (300 feet). See Section 13.10.408(A)(3)(a).
- 3:1 ratio for replacement of agricultural resources. See Section 13.10.408(B)(1)(b).
- Ensuring adequate ingress and egress for first responders, including a perimeter road, double-entry requirement, and adequate turn-around space for fire engines. See Section 13.10.408(G)(6).
- Requirement for run-off catchment system on site. See Sections 13.10.408(G)(8) and 13.10.409(C)(10).
- Requirements to use best available technology for ESS development. See Sections 13.10.409(B) and 13.10.409(C)(7).
- Soil and water quality pre-project testing and continued monitoring. See Section 13.10.409(C)(13).
- Ensuring that ESS facility developers provide bonding, insurance, or other financial guarantees to address any hazardous incident or other emergency at the facility, including reimbursement or compensation to any individuals injured by the facilities. See Section 13.10.409(C)(15).
- Language ensuring use of certified apprentices for construction of facilities, and related labor concerns. See Section 13.10.409(C)(16).
- A decommissioning plan that includes adequate steps for battery disposal. See Section 13.10.409(C)(18).
- Ensuring that ESS facility developers pay for all costs associated with the development of ESS facilities, including any public infrastructure upgrades to roads and drainage, first responder training, and emergency response equipment necessary to support the existence of the facilities. See Section 13.10.409(D).
- Reviewing and addressing the City of Watsonville's expressed concerns authorization of ESS facilities. These concerns included coordination and safety and risk concerns. See Sections 13.10.408 and 13.10.409.

In addition, additional definitions were added to section 13.10.407 for clarity, additional security measures were added to 13.10.408(D), noise standards were added to 13.10.408(E), and a requirement for a dedicated water supply was added to 13.10.409(C)(12). Item 9
25-2796

The attached draft documents contain language to address all of the issues the Board raised at the November 18, 2025 meeting. Some requirements, such as the 3:1 replacement ratio for impacts to Commercial Agriculture-zoned (CA) land, may be disproportionate to the impact, cost-prohibitive, and/or infeasible, with the result of driving developers to bypass the County's local ordinance in favor of the state process. To avoid this, staff suggests retaining the 1:1 replacement ratio when CA land is protected in a conservation easement, and adding additional language that allows the conservation of other land types, such as Agriculture-zoned (A) land, timber land, or habitat, at a 3:1 ratio to meet the offset requirement if protection of CA land is not feasible.

Financial Impact

This work will not impact the General Budget but does require significant staff time. If the Board decides to move forward, a consultant team will be hired to prepare the Supplemental Environmental Impact Report (EIR) to address both the ordinance and the proposed project at 90 Minto Road, as originally directed by the Board. Costs associated with the EIR consultants will be borne by the project applicant.

Strategic Initiatives

Climate Action - Energy

Submitted By:

Matt Machado, Deputy CEO / Director of Community Development and Infrastructure

Recommended By:

Nicole D. Coburn, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

General Plan Amendments

PPF-4.6.10 Public Utility-Scale Energy Storage Systems and Other Climate Resiliency Projects. Support improvements that increase the resiliency of the county's electrical energy system by allowing public utility-scale energy storage systems, including Battery Energy Storage Systems (BESSs), and other emerging technologies, in appropriate locations throughout the county outside of the coastal zone.

PPF-4.6I Amend the County Code to create a new Combining District to allow public utility-scale energy storage systems and other climate resiliency technologies to be located adjacent to existing electrical transmission substations outside the coastal zone. Proposed energy storage systems must meet required findings in the Combining District regulations, incorporate state-of-the art technology and safety measures, and may be located on designated agricultural land when an agricultural viability study is prepared to determine the lack of economic viability of farming on the land. Systems shall be sited outside of Prime Farmland, as established by the State Department of Conservation where possible. Where agricultural protection policies within the General Plan or County Code conflict with the siting of an energy storage system within the Combining District, impacts to agricultural resource soils shall be offset through the establishment of an agricultural conservation easement, as provided by County Code.

County Code Amendments

Add note to use charts 13.10.312, 13.10.322, 13.10.332, 13.10.342, 13.10.352, 13.10.362, 13.10.372: For public utility-scale energy storage systems, see specific regulations in SCCC 13.10.405 through 13.10.409 for the Energy Storage Combining District.

13.10.700-P “P” definitions.

“Public/quasi-public community facility” means a publicly or privately operated facility that provides essential community services to benefit the public, such as medical services, governmental services, housing/supportive services, library services, educational services, or utilities. For public utility-scale energy storage systems, see specific regulations in SCCC 13.10.405 through 13.10.409 for the Energy Storage Combining District.

13.10.400 Combining districts.

The following combining designations may be applied to basic zone districts in order to impose particular limitations or exercise some type of planning control. A combining district shall be denoted by the use of a dash and the letter(s) listed below under “Designation,” following the basic zoning designation:

Table 13.10.400-1: Combining Districts

SCCC	Designation	Summary of Limitations Imposed
<u>13.10.405 through 13.10.409</u>	<u>ESS (Energy Storage System)</u>	<u>Denotes parcels designated as appropriate for the development of public utility-scale energy storage systems due to proximity to existing electrical transmission substations.</u>
13.10.416 through 13.10.418	D (Designated Park Site)	Denotes parcels designated in the General Plan and Local Coastal Program Land Use Plan in whole or part as proposed park sites.
13.10.421 through 13.10.423	GH (Geologic Hazards)	Denotes the presence of a particular physical hazard on the property; use and development is subject to the Geologic Hazard Ordinance (Chapter <u>16.10</u> SCCC) regulations.
13.10.424 through 13.10.429	PRH (Permanent Room Housing Combining District)	Denotes parcels with structures originally in use as Type A visitor accommodations, nursing homes, residential care facilities, or other transient accommodations or care facilities, which may be used as permanent multifamily rental housing in multifamily structures or dwelling groups,

		with specific use and development standards. ¹
13.10.431 through 13.10.433	H (Assisted Housing)	General Plan and Local Coastal Program Land Use Plan policies regarding affordable housing priority sites apply.
13.10.434 through 13.10.436	SBE (Seascape Beach Estates) (Combining Zone District)	Denotes parcels in the Seascape Beach Estates neighborhood with special residential development standards intended to maintain characteristics of the existing built environment and ensure protection of the public viewshed.
13.10.437 through 13.10.439, 13.12	AIA (Airport Influence Area Combining District)	Denotes parcels within two miles of the boundary of the Watsonville Municipal Airport; use and development is subject to the Airport Combining Zone District Ordinance (Chapter 13.12 SCCC) regulations.
13.10.441 through 13.10.443	I (Statement of Intention)	Board of Supervisors has agreed not to rezone the property in the foreseeable future.
13.10.444 through 13.10.448	PP (Pleasure Point Community Design)	Denotes parcels subject to special residential design standards and guidelines specific to the Pleasure Point neighborhood, to be applied in addition to the residential site standards found in SCCC 13.10.323(B) .
13.10.451 through 13.10.453	L (Historic Landmark)	Property/structure has been designated a historic landmark and is subject to the regulations of the Historic Resources Ordinance (Chapter 16.42 SCCC).
13.10.456 through 13.10.458	MH (Mobile Home Park)	Denoted property upon which a mobile home park has been established pursuant to an approved development permit or legally established prior to the requirement for a development permit; mobile home park development, operation, rental, sale and conversion are subject to all provisions of Federal, State and County regulations.
13.10.461 through 13.10.463	O (Open Space Easement)	Owner has executed an open space easement contract with the County to maintain the land in its natural state for a period of 10 years. The 10-year period is renewed every year.
13.10.471 through 13.10.473	P (Agricultural Preserve and	Owner has executed an agricultural preserve contract with the County to maintain the land in agricultural and open

	Farmland Security)	space use for a period of 10 years. The 10-year period is renewed every year.
13.10.475 through 13.10.477	R (Regional Housing Need)	Special use and development standards for development of housing at density of 20 units per acre with any RM-2 zoned parcel, or in C-1, C-2, or PA commercial zones, or public facility zones ² .
13.10.481 through 13.10.483	SP (Salamander Protection)	The regulations of the Sensitive Habitat Protection Ordinance (SCCC 16.32) apply and require special site development standards to protect the endangered species.
13.10.491 through 13.10.493	W (Watsonville Utility Prohibition)	Prevention of urban services to undeveloped/rural areas west of the City of Watsonville to protect farmlands and environmentally sensitive areas in the Coastal Zone west of Watsonville.
13.10.494 through 13.10.497	Min (Ministerial Combining District)	Proposed rental or for-sale multi-family housing developments in the -Min combining district shall be processed on a ministerial basis (i.e., a “by-right” or “non-discretionary” development review process), if at least 20% of the total units in the multi-family development are restricted lower-income units available for rent or for sale to lower-income households (at or below 80% of Area Median Income). Ministerial projects are exempt from CEQA review pursuant to the Public Resources Code and CEQA Guidelines. Qualifying development applications in this district are subject to and shall be processed consistent with Government Code Subsections 65583.2(c), (h) and (i), or their successor Subsections, and with Programs H-1B and H-1C of the 2023-2031 Housing Element of the General Plan, as further set forth in SCCC 13.10.494 – .497.

1 PRH Zoning Map Amendments in the Coastal Zone are Local Coastal Plan Amendments. Coastal Zone properties are subject to Local Coastal Program policies related to conversion of priority uses.

2 Property that is proposed for rezoning into the Regional Housing Need R Combining District shall include a proposed PUD, and an LCPA if located within the Coastal Zone pursuant to SCCC [18.30.184](#)(C) and (D).

13.10.405 Purposes of the “ESS” Energy Storage System Combining Zone District.

- (A) The Energy Storage System (“ESS”) Combining District is established to support the use and expansion of renewable energy resources, energy efficiency, and electrification in the county. The Energy Storage System Combining District denotes those parcels that have been designated as appropriate to accommodate public utility-scale energy storage systems, including Battery Energy Storage System (BESS) facilities, or similar energy storage facilities, capable of storing 200 megawatt hours of electricity or more, and which provide community benefits, such as supporting the county’s electrical needs, climate resiliency, grid stability, peak shaving, backup power, frequency regulation, and energy reliability.
- (B) The regulations applicable to the ESS Combining District are adopted with the intent of advancing and protecting the health, safety, and welfare of the community by establishing regulations for the installation, use, and emergency response protocols of ESS facilities. These regulations are intended to ensure compatible land uses in the areas affected by energy storage facilities, and to mitigate the impacts of energy storage facilities on the environment.

13.10.406 Designation of the “ESS” Energy Storage System Combining District.

The “ESS” Combining District shall apply to parcels that contain a minimum of 10 acres within the unincorporated county and that are adjacent to existing electrical substations. “Adjacent,” includes a parcel sharing a boundary with an existing electrical substation, a parcel that is located directly across a public street or private access from an existing electrical substation, and any entire adjoining parcel that is under the same ownership as the parcel adjacent to the existing substation.

13.10.407 Definitions. For the purpose of interpreting terms used in the County Code provisions applicable to ESS facilities constructed in the Energy Storage System Combining District, the following definitions apply:

- (A) “Commissioning” is a systematic process that provides documented confirmation that an ESS facility functions according to the intended design criteria and complies with applicable code requirements.
- (B) “Decommissioning” is the process of removing equipment and other infrastructure associated with an ESS facility and restoring the site for viable reuse consistent with the zoning district.
- (C) “Energy storage system” carries the same definition as that contained in California Public Utilities Code (PUC) Section 2835, as amended. “Energy storage system” is also referred to as “ESS” herein.

(D) “National Fire Protection Association” (NFPA) is a nonprofit organization that develops and publishes consensus codes and standards intended to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, and installation in the United States and internationally.

(E) “Public utility-scale” means a facility that is capable of storing 200 megawatt hours of electricity or more and supports, is connected to, or modifies a “public utility” as defined in PUC Section 216, as amended.

(F) “Thermal runaway” refers to an uncontrollable, self-sustaining exothermic chain reaction within a battery energy storage system, initiated by a failure mechanism (e.g., internal short circuit, overcharging, physical damage, or thermal exposure). This reaction results in a rapid increase in cell temperature, leading to the release of flammable electrolytes, generation of toxic gases (e.g., hydrogen fluoride, carbon monoxide), and potential cascading failures to adjacent cells. If unmitigated, thermal runaway may cause fire, explosion, or hazardous material release, posing risks to public safety, property, and the environment.

(G) “UL” refers to “Underwriters Laboratories,” an independent product testing and certification organization.

13.10.408 Use and development standards in the “ESS” Energy Storage System Combining District.

(A) Energy storage systems on properties within the “ESS” Combining District shall be subject to the following development standards in lieu of any development standards in the underlying zoning district:

(1) The minimum parcel size shall be 10 acres.

(2) The total development area, including all internal access and improvements, shall be located within a maximum 20-acre site area outside of the Coastal Zone.

(3) Setbacks. Energy storage systems shall comply with all State and NFPA 855 requirements related to setbacks and buffers for such systems, and shall also meet the following County requirements. Where NFPA 855, State, and County standards differ, the more stringent standard shall apply. These setback requirements can be increased at the discretion of the Board of Supervisors based on technical studies required as part of the application.

(a) The minimum distance of an energy storage module from any existing sensitive receptor, as defined in California Health and Safety Code section 42705.5(a)(5), as amended is 300 feet.

(b) All structures containing energy storage modules shall be set back 1,000 feet from any parcel containing a hospital, school, commercial day care center, or residential care facility for the elderly that is existing and operational at the time of complete application.

(c) Battery modules for ESS facilities shall be set back a minimum of 100 feet from all exterior roadways and property lines, except that no setback shall be required from the transmission substation boundary. Perimeter fencing and drainage infrastructure shall have no required setback.

(4) All structures, except for power poles and wires, shall not exceed 25 feet in height.

(B) Environmentally sensitive resources shall be protected as required by SCCC Title 16. Any impacts to environmentally sensitive resources that cannot be protected shall be offset as required by SCCC Title 16, except as noted below.

(1) Agricultural Resources.

(a) Energy storage systems and all associated improvements, except perimeter fencing and drainage, shall be located a minimum of 100 feet from adjacent properties designated in General Plan maps as agricultural resource soil types, unless a lesser distance is determined to better accomplish the objectives of the agricultural buffering standards in SCCC Chapter 16.50, as approved by the Agricultural Policy Advisory Commission.

(b) Energy storage systems proposed on Commercial Agricultural (CA)-zoned parcels in the "ESS" Combining District shall offset impacts to any agricultural resource soils that are identified in an agricultural viability study at a 1 to 1 ratio (e.g., one new acre protected for every one acre removed from agricultural production capability).

(i) Where an energy storage system occupies a portion of a site with Types 1-3 agricultural resource soils, the remainder of the site shall be permanently protected under an agricultural conservation easement, regardless of a proposed land division.

(ii) Where the agricultural easement on the remainder of the parcel does not equal the required 1 to 1 ratio, additional Types 1-3 agricultural resource land shall be placed into a permanent agricultural conservation easement, such that the full ratio of required agricultural land is protected.

(iii) In the event that the full acreage of CA-zoned lands within the county cannot be identified, other resource lands, such as lands zone (A), timber lands, or habitat, may be protected within conservation easements at a 3:1 ratio.

(C) In order to ensure that environmental protections are in place with respect to potential discharge of hazardous materials, all energy storage systems shall be subject to the requirements of SCCC Title 7, Chapter 7.100, including but not limited to SCCC Section 7.100.060 and SCCC Section 7.100.110.

(D) Security and Screening. Energy storage system facilities shall comply with the following security and screening requirements.

(1) The facility shall have a non-scalable and transparent perimeter fence of at least 10 feet in height. The perimeter fence shall have at minimum two entrance gates equipped with a rapid access system chosen in consultation with the fire agency with jurisdiction over the project site.

(2) The facility shall be equipped with a security system to prevent break-ins, including video cameras. The cameras must be monitored 24 hours a day, 7 days a week, with any threats immediately reported to law enforcement.

(3) Signage shall be located on all energy storage modules, perimeter fences and any other security barriers. Signage shall include a site map. Signage shall contain 24-hour emergency contact information, product description, site owner and hazard warnings. Signage or maps should identify isolation distances response personnel shall maintain from energy storage modules during an emergency. Signage shall be provided for grid-interactive energy storage modules operating in parallel with other power generating sources. Signage shall be provided indicating explosion hazard zones. Signage must be compliant with all NFPA 704 standards.

(4) Energy storage systems shall be protected from cyber security attacks with protections regularly updated as necessary.

(E) Sound Levels. The average noise generated from the operation of an ESS facility, its components, and associated ancillary equipment, measured at the occupied structure or public right-of-way, shall not exceed noise thresholds contained in the General Plan.

(F) Below Grade Utility Interconnection. All on-site utility lines shall be placed underground to the extent feasible, except for the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation, any poles, with new easements and right-of-way as required.

(G) Safety standards. Operator shall comply with the following safety standards during the commissioning process and during operations of any ESS facility.

(1) All energy storage systems shall meet or exceed all state standards for energy facilities, including applicable sections of the Public Utilities Code, the Public Resources Code, the California Building Standards Code, Public Utilities Commission general orders, and any regulations issued by the State Fire Marshal.

(2) Energy storage systems shall be located in non-combustible, dedicated-use buildings or containers, or in outdoor installations.

(3) Energy storage systems shall not utilize nickel manganese cobalt (NMC) chemistry.

(4) Energy storage systems shall be equipped with a battery management system that features continuous monitoring and audio and visual alarm systems for smoke, heat, and hydrogen.

(5) Fire protection standards. All energy storage systems shall meet, at minimum, the National Fire Protection Association (NFPA) Standard 1, Fire Code; NFPA 68 and 69, Explosion Protection; NFPA 70, National Electric Code; NFPA 72, Fire Alarm and Signaling Code; NFPA 800, Battery Safety Code; NFPA 855, Installation of Stationary Energy Storage Systems; as well as the California Fire Code and SCCC 7.92 (Fire Code).

(6) An access road must encircle the entire module array inside the secure perimeter fence. There must be a minimum of two entrances to the access road for ingress and egress. The entrances must be of sufficient width to accommodate any first responder vehicles entering the facility from the nearest public road. Where necessary, the road shall accommodate enough width for fire truck turnarounds.

(7) All ESS facilities shall test air, surface water, groundwater, and soil on a yearly basis to compare the samples with baseline quantities for all contaminants tested during the commissioning of the facility. Comparative test results shall be sent to the Director of

the County's Environmental Health Division and Emergency Management Organization for review.

(a) All ESS facilities shall include a PM2.5 sensor network around the perimeter of the facility to constantly monitor air quality. In addition, a meteorological station shall be installed at or close the facility (within one quarter of a mile) for the same purposes.

(8) All ESS facilities shall be supported by an engineered catchment system capable of collecting and retaining on-site all potential runoff of liquids and materials used to combat a fire, a failure of the ESS facilities, or any other emergency incident. The catchment system shall be designed to prevent any liquids or materials from escaping onto and damaging lands surrounding the ESS facilities.

(H) Landscaping. Except as modified by the fire code or responsible fire district requirements, a 20-foot buffer of mature landscaping shall be provided along the perimeter of the ESS facility and associated improvements. The landscaping shall be installed to screen the development from public view to the extent possible. Landscaping shall include at least 50 percent native or drought tolerant species and shall include 15-gallon sized shade trees which would provide coverage to at least 20 percent of the landscape area within 15 years. Landscaping shall be located 30 feet from any structures containing batteries and 10 feet from any roadways. Landscaping shall not obstruct the line of site at access roads and any gates.

(I) Additional Obligations Associated with ESS Facility Development and Use.

(1) Testing. Prior to commissioning, energy storage systems shall undergo required testing to meet UL9540, UL9540A, UL1973, and UL1741 standards.

(2) Training. Prior to commissioning, the responsible fire district(s) shall inspect the energy storage system, and staff from responsible fire district(s) and other responding agencies shall receive an initial emergency response training, as well as annual table-top and on-site trainings. The trainings shall be paid for by the ESS facility operator.

13.10.409 Application and approval of energy storage projects in the "ESS" Energy Storage System Combining District.

(A) Applicants for proposed ESS facilities shall submit a Conditional Use Permit application and Conditional Site Development application for approval by the County of Santa Cruz Board of Supervisors, following a recommendation by the Santa Cruz County Planning

Commission. Projects impacting agricultural resource land shall require a recommendation from the Agricultural Policy Advisory Commission to the Board of Supervisors. Public hearings, noticing, and community meetings shall be conducted according to the requirements for conditional use permits in SCCC 18.10.

(B) ESS Facility Best Available Technology. ESS facilities shall utilize commercially available ESS technologies that minimize the risk of thermal runaway. Applicants are strongly encouraged to select technologies with no or low thermal runaway risk. All ESS facility applications must include third-party written documentation evaluating the proposed ESS technology's risk of thermal runaway.

(1) If the proposed ESS technology is determined by the County to present a thermal runaway risk, the applicant shall submit a comprehensive technology comparison analysis. This analysis must include, at a minimum: A techno-economic comparison of alternative energy storage technologies based on publicly available information; an assessment of hazardous chemicals involved in the event of a thermal runaway; qualitative and quantitative risk analysis of thermal runaway; a thermal runaway plume modeling analysis; and any additional information deemed necessary by the Director of Community Development and Infrastructure.

(2) If the proposed battery technology is determined by the County to present no risk of thermal runaway, applicants shall submit third-party verification of system stability (e.g., material safety analysis, abuse tolerance testing results) and basic chemical hazard documentation reduce the risk of thermal runaway propagation to the extent feasible.

(C) Applications for development of proposed ESS facilities shall be accompanied by the following:

- (1) Site plan, showing battery locations, setbacks from property lines, water source locations, and proper enclosure spacing based on burn test results.
- (2) Landscape plan and other items required by the County's List of Required Information.
- (3) Visual simulation of the fully constructed facility from any public viewpoint within 500 feet of the structures, and from each direction on any adjacent right-of-way;
- (4) If located on agricultural resource type land, an agricultural viability study confirming that the project minimizes the loss of highest quality resource type land;
- (5) Agreement with the substation operator authorizing the storage of energy;

(6) Statement(s) from the local fire district responsible for fire suppression at the site confirming that the applicant met with and conferred with the district at least 30 days prior to submittal, discussed the energy storage system design, sought input on mitigating potential fire and life safety concerns, and sought input on the content of emergency action plans required by Section 761.3 of the Public Utilities Code, as amended. For applications submitted before the effective date of this ordinance, the applicant shall submit the statement(s) within 30 days of ordinance adoption.

(7) Alternatives analysis and: memorandum describing:

(a) Alternative sites considered and reason(s) for eliminating these options.

(b) Alternative battery and chemistry analysis and reason(s) for the choice of battery and chemistry.

(8) Technical Reports.

(a) Report addressing noise and electromagnetic field exposure;

(b) Report addressing the community benefit, including climate resiliency, electrical grid stability, and direct benefits to Santa Cruz County residents;

(c) Geologic and geotechnical report, per SCCC 16.10;

(d) Report(s) addressing any on-site or otherwise impacted environmental resources, as defined by SCCC Title 16;

(e) A Fire Risk Assessment (FRA) and Failure Modes and Effects Analysis (FMEA) which include, at a minimum, a smoke drift/plume study to determine the potential travel pathways and communities potentially impacted in the event of a fire, given the technology proposed, scope of event, and atmospheric conditions, and including a community risk assessment showing flammable and toxic extents for worst-case release scenarios; and

(f) Report(s) analyzing baseline air quality, surface water, groundwater, and soils within one mile of the energy storage system or within the distance analyzed in the smoke drift/plume study, whichever is greater. The report(s) shall address concentrations of relevant chemicals of concern as determined by the County Environmental Health Services Division and/or the California Department of Toxic Substances Control (e.g., nickel, manganese, cobalt, and polychlorinated biphenyls [PCBs], etc.). Soil samples must be analyzed on a dry-weight basis (analyzed for percent solid or moisture) and wet-weight basis, and compared to risk thresholds adopted under state law.

(9) (g) A hazardous materials management plan and material safety data sheets meeting the requirements of SCCC 7.100 ("Hazardous Materials-Hazardous Waste-Underground Storage Tanks").

(10) A liquid run-off mitigation and containment plan for any emergency or incident that requires an emergency response that results in water, fire retardant, or other materials in liquid form from escaping the immediate area of the ESS facility.

(11) Emergency response and emergency action plan meeting the requirements of PUC 761.3(g), as amended, including applicable optional requirements of that section, and addressing all phases of the project, including construction, commissioning, operations, emergency response and communications protocols and thresholds, and decommissioning. The plan shall be coordinated with the County's Emergency Operational Area Coordinator (Office of Response, Recovery & Resilience) and responsible fire district(s), and take into account the County's Emergency Operations Plan and delineating communications during and after an emergency event. The plan shall be updated every two years and submitted to the Office of Response, Recovery & Resilience and responsible fire district(s).

(12) Documentation of a dedicated fire water supply is required. This requirement can be waived if the Director of the Office of Response, Recovery, and Resilience, in conjunction with the fire agency having jurisdiction over the project, confirms that a water supply is not required. The request to omit a water supply shall be in accordance with NFPA 855.

(13) Air, Water, and Soil Quality Inspection, Testing, and Monitoring Plans.

(a) All ESS facilities shall include a PM2.5 sensor network around the perimeter of the facility.

(b) A meteorological station shall be installed at or close to the facility (within one-quarter of a mile).

(c) The applicant shall include a plan for regularly monitoring the quality of air, surface and ground water, and soil at the facility site to compare them to the baseline quality and ensure that any negative impacts resulting from the use of the facility are reported to the Director of the Environmental Health Division of the County's Health Services Agency.

(14) Augmentation plan that prioritizes replacement of any battery packs with non-flammable, non-explosive technology as it becomes available.

(15) A financial assurances plan, including liability insurance that includes coverage for thermal runaway events and other hazardous incidents, pollution and other environmental damages, decommissioning bonds, and an agreement indemnifying the County and all emergency response agencies in the event of an incident associated with the ESS facility that causes environmental damage or causes injury to persons or property. Insurance shall address all phases of construction, development, and operations.

(a) As part of the financial assurances, the applicant shall acknowledge that relevant and responsible agencies having jurisdiction over the site will oversee and coordinate subject matter experts to conduct a root cause analysis related to any hazardous incident, with all costs borne by the ESS facility owner.

(b) As an additional aspect of the financial assurances, the applicant shall acknowledge the responsibility and agreement to reimburse all damaged parties for an assessment of damage to the environment, agriculture, residents, and businesses conducted by one or more third-party consultants selected by the County and all testing, damages, and remediation conducted by responsible entities that is required to return all sites in the path of any plume caused by thermal runaway or otherwise subject to a hazardous incident to the previous site conditions.

(16) Labor Standards. A commitment from applicant that all aspects of the ESS facility and any associated infrastructure shall be constructed by a Skilled and Trained Workforce as defined in Section 2601 of the California Public Contract Code, as amended. Applicants shall certify in their applications that they will comply with this requirement and shall also provide proof of compliance prior to final inspection. In addition, all apprentices working on ESS facility projects must be enrolled in state-certified joint labor-management programs.

(17) Necessary Public Infrastructure Improvements. A commitment to fully fund any off-site public infrastructure improvements that are reasonably and proportionately related to the proposed ESS and required for safe implementation and operation of the project, including but not limited to widening of external roads, immediate site access, addition or upgrades to water delivery systems, and drainage facilities.

(18) Decommissioning Plan. An ESS applicant shall provide a decommissioning plan that complies with the following requirements. The decommissioning plan shall include any agreements reached between the applicant and other landowners of property on which the ESS is sited that ensures the return of all such properties to a useful condition, including removal of above-surface facilities and infrastructure that have

no ongoing purpose. Land that was used for agricultural production within the ten years prior to ESS construction must be restored to a condition conducive for agricultural production.

(a) The decommissioning plan shall also include the following:

(i) An overview of the decommissioning process developed specifically for the ESS that is to be decommissioned.

(ii) Roles and responsibilities for all those involved in the decommissioning of the ESS.

(iii) A detailed description of each activity to be conducted during the decommissioning process and who will perform that activity and at what point in time.

(iv) Procedures to be used in documenting the ESS and all associated operational controls and safety systems that have been decommissioned.

(v) Guidelines and format for a decommissioning checklist and relevant operational testing forms and necessary decommissioning logs and progress reports.

(vi) A description of how any changes to the surrounding areas and other systems adjacent to the ESS facility, including, but not limited to, structural elements, building openings, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

(vii) Estimated costs associated with decommissioning.

(viii) Evidence of insurance for bankruptcy in the form of a bridge policy. This includes financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excludes cash. The amount of financial assurance shall not be less than the estimated cost of decommissioning the ESS facility, after deducting salvage or recycling value, as calculated by a third party with expertise in decommissioning ESS facilities, which the County has the discretion to select, to be paid for by the applicant. The entire financial assurance must be posted by the start of full commercial operation of the ESS facility.

(ix) Battery disposal plan and acknowledgment of the facility owner's responsibility to recover and recycle battery cells at an authorized recycling facility upon decommissioning.

(D) If a proposed ESS facility carries a risk of thermal runaway, the application may be subject to mitigation measures at the discretion of the County including, but not limited to, the following:

(1) Annual contribution for fire response equipment as deemed necessary by the responsible fire district;

(2) Annual contribution for training of emergency response agencies and mutual aid partners for emergency responses to hazardous incidents, as deemed necessary by the responsible fire district; and

(3) Contribution to radio interoperability to assist in efficient and effective ESS emergency response, as determined by the County Office of Response, Recovery, and Resilience.

(E) Application review. Given the technical nature of energy storage systems, the County reserves the right to, at the applicant's expense, engage third-party reviewers of any application materials.

(F) Findings. In addition to applicable findings in SCCC Chapter 18.10, approval of applications shall be based on the following findings:

(1) That the community benefit of the proposed facility includes climate resiliency enhancing the County's ability to adapt to future climate change;

(2) That any conversion of commercial agricultural land/soils is off-set by the community benefits offered by the facility;

(3) That public safety and environmental resource protection is addressed to the extent provided by state and local law;

(4) The proposed project meets the criteria for the siting of energy facilities in General Plan Policy PPF-4.6.5, except that the "full protection" of agricultural uses shall not apply to the conversion of agricultural lands necessary to site the facility but shall apply to remaining agricultural lands;

(5) Impacts to agricultural lands are proposed to be offset by the establishment of an agricultural conservation easement, as required by SCCC Section 13.10.408(B);

(6) Documented costs to respond to a thermal runaway or other hazardous incident, including costs incurred by emergency management and fire district responders and post-incident environmental testing, recovery, and clean up, shall be reimbursed to the County and responsible fire district/department; and

(7) The application requirements set forth in Section 13.10.409(C) have been satisfied.

(G) The Community Development and Infrastructure Department shall issue any required building or ministerial permits only upon approval of Conditional Use and Site Development Permits by the Board of Supervisors.

(H) Final inspection and occupancy shall be contingent upon submittal of an operational plan for the facility and operator's liability insurance that includes thermal runaway events and other hazardous incidents, pollution and environmental damage insurance, decommissioning bonds, and an agreement indemnifying the County in the event of an emergency or hazardous incident. Insurance shall address all phases of the development, and shall be maintained for the life of the project by the operator once the facility is operational.

(I) Ownership Changes. If the owner of an ESS facility changes, or the owner of the property changes, project approvals shall remain in effect, provided that the successor owner or operator assumes in writing all the obligations of the project, site plan approval, and decommissioning plan. A new owner or operator of the ESS facility shall notify the Community Development and Infrastructure Department of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Department in writing. The project and all approvals for the ESS facility will be void if a new owner or operator fails to provide written notification to the Department in the required timeframe and fines and penalties may be assessed to the new owner for failure to comply with County Code. Reinstatement of a voided project or approvals will be subject to the same review and approval processes as new ESS facility applications under this chapter.

REGULAR AGENDA

Scheduled and Regular Departmental items – 9:00 AM or thereafter

Item 9

25-2796

9. Consider principal components of ordinance allowing for the development of Energy Storage Systems Facilities in the unincorporated area, direct staff to conduct environmental review of the potential ordinance under the California Environmental Quality Act, and take related actions

Name: Becky Steinbruner

Comment - 01/06/2026 10:10 AM: (Against)

Dear Supervisors,

Do not allow New Leaf Energy to control your actions. Do not allow lithium BESS because it is flammable and explosive. [While the Ordinance prohibits nickel manganese cobalt BESS, those contaminants are included in the Ordinance list for monitoring soils and water. Does this mean that NMC technology could be allowed?]

Please add residential subdivision boundaries to the 1000' setback requirement, especially in disadvantaged communities. Medically-fragile individuals reside in these subdivisions and deserve equal protection and consideration as the Ordinance grants to hospitals and care facilities.

Require New Leaf Energy to conduct a full EIR of the 90 Minto Road Seahawk BESS project; I do not see anything in the Draft Ordinance that requires that environmental assessment be conducted under CEQA process but this is what the CEC would require of New Leaf Energy. A complete analysis of alternative sites must be included in any project, but the Ordinance does not require this.

The Ordinance should not allow waiving of secured water supplies for fire suppression, especially if lithium BESS is planned. Fire responders require 1400-1600gpm sustained for long hours for cooling BESS containers near the container(s) in thermal runaway in order to prevent the fire from expanding. The 90 Minto Road project could drain water supply for fire suppression within the nearby residential areas, leaving them vulnerable to a conflagration.

Please include language that if there is not a responding fire station within 2 miles of a BESS project, the owner must pay to build one, and pay for all units, including a ladder truck, and to pay for full 24/7 staffing. Please amend the Ordinance fencing requirement to require be 15' in height and be masonry construction if lithium technology is planned. This will provide maximum safety for responders when the lithium BESS containers explode and the doors become projectiles (as is stated in the 90 Minto Road Risk Assessment Report on file with Planning Dept.) Please amend the Ordinance to require that the perimeter road of a project must be exterior to the project footprint if lithium BESS is planned and that all road widths and turn curvatures allow ladder trucks and two-way emergency response traffic flow. This will ensure maximum safety for responders to most effectively work to address thermal runaway events. the 90 Minto Road Risk Assessment on file with the County Planning Dept. warns that no responders should approach a BESS container within 100' because of doors becoming projectiles in explosion.

The Ordinance has inadequate requirement for plume analysis requirements. Plume studies must be conducted under the worst-case scenario, and with analysis of all batteries burning, not just one battery. The 90 Minto Road analysis states no smoke or gas would extend beyond the footprint of the project...that is not only ridiculous, but puts all area residents and first responders at great risk because of inadequate planning and air monitoring that would be required otherwise.

Water runoff management basins must be engineered to accommodate fire suppression effluent but also stormwater runoff in a 100-year storm. Our climate change models indicate future storms will be more intense, and any BESS project must be designed to accommodate this level of stormwater runoff with a **concurrent** thermal runaway event. This will protect the riparian habitats adjacent and, in the case of 90 Minto Road BESS, College Lake, which is now a water source for the Pajaro Valley Water Management Agency and the groundwater basin.

Do not allow ag land to be taken out of production to satisfy the economic wishes of New Leaf Energy. Allowing conservation easements for the sake of economic viability and mollifying New Leaf Energy in place of permanent preservation of precious ag soil should not be allowed. Doing so violates Measure J and will make the County legally-vulnerable. Remove all ag C and CA parcels that are soils class 1-3 from consideration for BESS projects. The 90 Minto Road BESS project land is viable agricultural land and must be preserved. Nearby farms on Holohan Road have berry crops being grown in containers with success. Marginal ag soils near Highway 152 and College Lake are now being used for container nursery grounds, with success.

The 90 Minto Road BESS places unfair burden on the disadvantaged communities nearby. Will they get a cheaper rate on their electric bills?

Please do not approve the Draft BESS Ordinance as it is currently written. Please amend the Ordinance to require developers to hold evening town halls in Spanish and English near the 90 Minto Road BESS project, and place 4' x 4' signs on public right-of-ways to notify the affected public. The County should do the same for any and all related Planning Commission and APAC meetings.

Please acknowledge receipt of this comment. Thank you.
Sincerely,
Becky Steinbruner

Name: Becky Steinbruner
Comment - 01/06/2026 10:49 AM: (Against)
Dear Supervisors,
Why are you holding this important discussion at 9am in Scotts Valley and not in Watsonville during the evening? Please take continue the item for a second discussion in Watsonville City Council Chambers during the evening and provide notice in Spanish and English.

Please acknowledge receipt of this comment.
Thank you.
Sincerely,
Becky Steinbruner

EXHIBIT 8

Agriculture, Natural Resources + Conservation Element

Chapter 5 of the Santa Cruz County General Plan/LCP

Adopted by the Santa Cruz County
Board of Supervisors:

November 15, 2022

Certified by the California Coastal
Commission:

December 15, 2023

Effective Date:

March 15, 2024



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5.1 INTRODUCTION

This chapter presents a framework for the conservation and sustainable management of agricultural land, natural and cultural resources, and open space in Santa Cruz County for today's residents and future generations.

In 1978, forward-thinking citizens of Santa Cruz County passed the Measure J voter initiative, which established the Urban and Rural Services Lines and other policies to preserve and protect these important resources for current and future generations. Since 1978, County land use policies have directed development to urbanized areas where services are available, and limited land divisions, development density and allowable land uses outside these areas and in areas with natural resources. Guided by the principle to preserve the County's unique natural resources and habitats by carefully managing new development outside the urban and rural services line, the Agriculture, Natural Resources + Conservation Element continues to preserve agricultural land for agricultural use; protect cultural resources; protect and restore natural resources including sensitive habitats and scenic areas; provide for the long-term sustainable management and conservation of water, timber, and mineral resources; and preserve open space in rural and urban areas.



Wilder Ranch State Park

Photo credit: Santa Cruz County



RELATIONSHIP TO OTHER ELEMENTS

The effectiveness of the Agriculture, Natural Resources + Conservation Element depends upon its integration with the other elements comprising this General Plan.

Chapter 2: Built Environment provides the overall development framework that limits development density and subdivisions outside the urban and rural service lines, while supporting the intensification of land uses in urban areas. This framework reduces pressure to develop outside of urban areas, supporting the long-term protection of agricultural land, natural resources, and open space outside urban areas. The development guidance and environmental review requirements further protect natural resources and open space. By identifying land with natural resources and other constraints that limit development, the Agriculture, Natural Resources + Conservation Element also informs the Built Environment Element in identifying sites suitable for development.

Chapter 7: Parks, Recreation + Public Facilities is essential to the preservation of open space and natural resources in the County. The County parks system protects natural habitats and provides important open space and recreation opportunities including beach access in urban and rural areas throughout the County. Policies in Chapter 7: Parks, Recreation + Public Facilities addressing water supply and demand, water conservation, and wastewater treatment, disposal and drainage are supported by the policies in this Agriculture, Natural Resources + Conservation Element that protect water quality and quantity.

Chapter 6: Public Safety protects the public health and safety and limits development in high hazard areas, including steep slopes, areas of seismic risk, and high fire hazard areas. These high hazard areas where development potential is limited contribute to open space in the County. In addition, Chapter 6 contains policies that protect air quality.

Conservation + Natural Resources

California state law requires the Conservation Element to address the conservation, development, and utilization of natural resources, including:

- Water and its hydraulic force, rivers and other waters, and harbors;
- The identification of rivers, flood corridors and land that can accommodate floodwater;
- Fisheries and wildlife; and
- Minerals, forests, soils, and other natural resources.

In updating the Conservation element, the County is required to coordinate with any countywide water agency and with all district and city agencies including groundwater agencies which have developed, served, controlled or conserved water within the County.



References to specific goals, objectives, and policies in other elements are provided in each section of the Agriculture, Natural Resources + Conservation Element.

RELATIONSHIP TO OTHER PLANS + REGULATIONS

This chapter of the General Plan/Local Coastal Program (GP/LCP) combines two required elements: Conservation and Open Space. The chapter also includes Agriculture as an optional component of the Open Space Element. The conservation and management of agricultural land, natural and cultural resources, and open space are interrelated: natural resource areas and agricultural land, along with parks addressed in Chapter 7: Parks, Recreation + Public Facilities, comprise most of the open space in the County. Therefore, policies for the conservation and sustainable management of natural resources and agricultural land are essential to the conservation of open space, and policies protecting open space also reinforce the protection of natural resources.

This element also implements California Coastal Act regulations pertaining to the management of coastal resources, including marine resources, environmentally sensitive habitat areas, coastal waters, agricultural land, and scenic and visual resources. Policies that are part of the LCP are identified with the letters “LCP.”

The policy framework provided in this element of the General Plan/LCP for the conservation and sustainable management of agricultural land, natural and cultural resources, and open space is implemented primarily through the Santa Cruz County Code (SCCC). Title 16, Environmental and Resource Protection, provides a comprehensive set of regulations protecting natural and cultural resources. The preservation of agricultural land and support for the local agricultural economy is also addressed comprehensively in the Zoning Ordinance and in the

Open Space

California State law requires counties to prepare a plan for the long-range conservation of open space land designated for the following uses:

- Natural resources;
- Managed production of resources, including forest and agricultural lands;
- Recreation;
- Public health and safety;
- Cultural/tribal resources.

Agriculture

In accordance with California State Law, the agricultural land component of an open space element shall include the following:

- Map agricultural land as designated in the State Farmland Monitoring and Mapping Program.
- Identify land to prioritize for conservation.
- Provide goals and policies to support the long-term protection of agricultural land.



Agricultural Land Preservation and Protection Ordinance. Open space is also protected through the Zoning Ordinance. The Rural Density Matrix of the SCCC implements policies in this element that limit development density and subdivisions to protect open space and natural resources. The countywide Geographic Information System (GIS) identifies known locations of resources, constraints, and land use designations addressed in this chapter (see Appendix F: Natural Resource and Environmental Hazard Areas: Maps and Development Constraints). The official adopted General Plan/LCP maps are the most current versions residing in the County's GIS system. The Agriculture, Natural Resources + Conservation Element policies and implementation strategies are also coordinated with other County plans. This element implements objectives of the County's *Climate Action and Adaptation Plan* (CAAP) to increase energy efficiency and strategies for natural systems and agriculture that foster adaption to climate change. The element also furthers the *County Strategic Plan* and vision for a sustainable environment, with policies and strategies to protect and restore natural resources, forests, coastlines, and agricultural land. Strategic Plan objectives to protect water quality and sustainably manage water resources, and promote renewable energy are also supported by policies of this element.

Implementation of the policies in the Agriculture, Natural Resources + Conservation Element requires close coordination and cooperation with local, state, and federal agencies, including local water and sewage disposal agencies, the Resource Conservation District, the California Department of Fish and Wildlife, the California Coastal Commission, the Regional Water Quality Control Board, and the California Department of Forestry. Details are provided in the policies and implementation strategies.



Tidepools in Pleasure Point. Photo credit: Santa Cruz County.



5.2 EXISTING CONDITIONS

Santa Cruz County is graced with unparalleled scenic beauty, with oak and redwood forests, grasslands and coastal scrub, networks of creeks and streams, and stunning coastlines, all providing outdoor recreation opportunities as well as supporting important, diverse habitats for rare and unique plant and animal species. The abundance of natural resources including water, timber and mineral resources, have supported a long history of human settlement that is reflected in the rich archaeological record and eclectic built environment. Prime and productive agricultural land concentrated along the north coast and in south county continues to support a strong agricultural industry and contributes to the open space and scenic landscapes in rural areas.

AGRICULTURE

Since the founding of Santa Cruz County, agriculture has shaped the economic, cultural, and physical landscape. Blessed with fertile agricultural soil and a mild year-round growing season, Santa Cruz County supports a thriving and diverse agricultural industry. Agricultural land also contributes to the character of rural areas and to the quality and extent of open space in the County.

Economic importance. Agriculture continues to be one of the largest industries in the County, with a gross value of nearly \$500 million annually from 2000-2018 (County of Santa Cruz Crop Reports 2000-2018). Organic farming and pastures represented approximately 25% of the total crop value as of 2018.

Santa Cruz County is also recognized as an important wine-growing region. The Santa Cruz Mountains American Viticultural Area includes, in general, all lands above the 400-foot topographical contour. “Santa Cruz County” is also a viticultural area. In addition, after the State legalized cannabis cultivation and manufacturing for recreational use in 2016, cannabis has also become a significant specialty crop in the County.

Agricultural Land. Commercial agricultural land, which is land that is best suited to the commercial production of food, ornamental crops and livestock and meets the General Plan criteria for agricultural resource soils, represents approximately 20.5% of the total land area of the County (Figure 5-1, Commercial and Non-commercial Agricultural Land). Parcels zoned for commercial agricultural uses are concentrated along the North Coast and in South County.

Non-commercial agricultural land in the County is not necessarily viable commercially but may support agricultural activities, and parcels zoned “A” (Agricultural) are often used for very low-density residential purposes, with large parcels developed with a residential dwelling in a manner that also assists with open space and habitat protection.



Non-commercial agricultural land is distributed throughout the rural areas of the County and represents approximately .6% of the area of the County (Figure 5-1).

The State also recognizes the importance of farmland in the County. The Department of Conservation Farmland Mapping and Monitoring Program in 2018 identified over 15,000 acres of prime farmland and farmland of statewide importance, and over 3,000 acres of unique farmland and farmland of local importance (Figure 5-2, Farmland). Additionally, approximately 20,000 acres are preserved under the Land Conservation Act (Williamson Act) contracts, some of which includes Open Space contracts.

Preserving Agricultural Land and Supporting Agriculture. Since the 1970s, County land use policies have preserved agricultural land by focusing development in urbanized areas where services are available. Agricultural policies that limit land divisions and development density and allow only agricultural uses and uses compatible with agriculture on commercial agricultural land, ensure that important farmland remains largely undeveloped, and values as productive farmland and open space are preserved.

Over the decades since the 1970s, the local agricultural economy has undergone significant changes. One trend has been the centralization and consolidation of farming operations in the County. Agricultural research and development (Ag R&D) has become increasingly important to ensure that the local agricultural economy remains at the forefront of agricultural innovation. To support the evolving needs of local agriculture, policies in this General Plan allow for centralized storage as well as Ag R&D facilities on commercial agricultural land. Policies for siting development ensure that it occurs in a manner that is protective of productive agricultural lands so that disturbance to agricultural soils is avoided and minimized as feasible, even as the facilities are allowed in order to support the agricultural economy and local agricultural operations.

At the other end of the economic scale, policies of the General Plan support the continued viability of smaller local farms by allowing innovative on-farm agritourism enterprises such as farm dinners and community education. Agritourism also provides an opportunity for county residents to connect with local agriculture and enjoy healthy outdoor activities. Many local wineries also rely on on-site events to remain profitable. Policies support agritourism on agricultural lands and on-site marketing events at wineries, with criteria to ensure compatibility with any adjacent residential or agricultural properties.



Figure 5-1: Commercial + Non-Commercial Agricultural Land



Farmworker housing that is safe, sanitary, and affordable is also essential to the farming community. As required under the State Employee Housing Act, the County recognizes farmworker housing meeting specified criteria as an agricultural use. County policies also provide additional options for larger farmworker housing projects as a discretionary use on agricultural lands located within a defined Pajaro Valley Development Reserve that is located outside of the Coastal Zone.

BIOLOGICAL RESOURCES

Santa Cruz County has a wide variety of natural habitats supporting rich biological diversity, including listed plant and animal species that are locally unique or rare or are identified as rare, threatened, or endangered under state and federal law (See Appendix K: Sensitive Habitat Plant and Animal Species). The natural habitats of listed plant and animal species and communities (sensitive habitats) include stream corridors, lakes, ponds and wetlands; beaches, reefs, and marine habitats; the Monterey Bay National Marine Sanctuary; the unique Sandhills habitat in the San Lorenzo Valley and North Coast; the salamander habitat around Aptos and Watsonville; the native grass lands of the coastal terraces; and the San Andreas oak woodland.

Sensitive habitats in the County may provide some of the last remaining habitat for plants and animals in danger of extinction due to low numbers of individuals or populations, or to highly limited, fragmented, or vulnerable habitats. This policies in this chapter, implemented by SCC Title 16, carefully regulate development to protect and restore sensitive habitats, and the rich biological diversity and special status species these habitats support, consistent with state and federal regulations. Some habitat areas are also considered to be Environmentally Sensitive Habitat Areas (ESHAs), which is a term that applies only within the Coastal Zone. Coastal Act Section 30107.5 defines ESHA as *"any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."* ESHA policies and limitations may affect development of all or portions of properties containing an ESHA.



Indian Paintbrush. Photo Credit: Santa Cruz County



Figure 5-2: Farmland

[INSERT FIGURE HERE]



WATER RESOURCES

Water is a precious natural resource that is limited in Santa Cruz County. Nearly 100% of the water supply comes from streams and groundwater aquifers, which are fed entirely by local rainfall. This is unusual within California, as most urbanized counties participate and rely upon "state water" to at least some extent, which is not the case in Santa Cruz County. However, in the County, as of 2020 stream flow is inadequate to meet demands during droughts and all the



Corralitos Creek

major groundwater aquifer basins in Santa Cruz County were in some level of overdraft. In order to protect the quality and quantity of the water supply essential to a sustainable community and to healthy natural habitats, this chapter provides policy guidance for development to allow the groundwater to recharge, support the water districts' long-term goals of adequate supply, eliminating overdraft, and of protecting the quality of surface and groundwater supplies, watersheds, and coastal waters (see Figure 5-3, Watersheds). This section is closely linked to Chapter 7: Parks, Recreation + Public Facilities sections on water supply, wastewater treatment and disposal, and drainage.

In addition to providing water to the community and maintaining healthy habitats, healthy rivers and streams are essential to public health and safety and to floodwater management. Figure 5-4 identifies lands that may accommodate floodwater for groundwater recharge and stormwater management, including rivers and creeks, and the 100-year floodplain. Chapter 6: Public Safety provides policies relating to flood management to protect public health and safety.



Figure 5-3: Watersheds

[INSERT FIGURE HERE]



Figure 5-4: Lands Able to Accommodate Floodwaters

[INSERT FIGURE HERE]



VISUAL RESOURCES

The County is highly scenic and supports diverse important scenic resources, from stunning ocean vistas along the entire coastline, open agricultural lands along the northern coasts and in South County, redwood forests, and the rolling hillsides and ridgetops of the Santa Cruz Mountains. These visual resources are important to County residents as well as the entire region, attracting visitors and helping to support the local tourism industry. Additional scenic resources include rivers, watersheds, reservoirs, special geologic formations such as sandhill outcroppings, and selected vegetative communities. Scenic areas of the County that have been mapped are identified in Appendix F: Natural Resource and Environmental Hazard Areas: Maps and Development Constraints. Policies in the General Plan, implemented through the Site Development and Design Chapter of the SCCC and Coastal Zone regulations, provide guidance for development to protect these important visual resources.

Public roads provide the broadest range and greatest level of public access to the various scenic and aesthetic resources within the County, offering important viewing areas and scenic corridors. Scenic roads and highways, such as portions of Highway 1, as well as Highways 9, 17, 35, 152, and 236, and local County roads provide public views of the Monterey Bay, agricultural fields, dense redwood forests, open meadows, and mountain hillsides. Any public vistas from County-designated scenic roads are afforded protection, and developments that could affect these vistas are carefully reviewed.



Wilder Ranch State Park



Photo Credit: Santa Cruz County

TIMBER AND MINERAL RESOURCES

The Santa Cruz Mountains and inter-mountain valleys support extensive forests with active timber production operations. Over 90,000 acres in the County are designated as timber resource lands (Appendix F: Natural Resource and Environmental Hazard Areas: Maps and Development Constraints). Some of these lands are also protected by Williamson Act and Open Space contracts that limits uses. These lands provide for the sustainable harvesting of timber, while also contributing to open space and providing important natural habitat. Policies in the General Plan as implemented by the County Code and the Timber Production Zone District provide for economically viable timber production and timber management practices to protect soil, water, and habitat values.

Minerals are also an important productive natural resource. Several active mining operations in Santa Cruz County provide important mineral resources for industry and construction, including sand and granitic rock (Figure 5-5, Quarry Sites). Other quarries are no longer in operation and are in the process of reclamation. Reclamation may result in alternate productive uses, open space, or a combination of uses.

In addition to the quarries, other lands in the County have been designated by the State as Regional or Statewide Significant Mineral Resource Areas and are identified as mineral resource areas in Appendix F: Natural Resource and Environmental Hazard Areas: Maps and Development Constraints and in the County GIS system. Policies in the General Plan/LCP and implementing regulations of the SCCC require environmentally sound quarry operation and restoration practices and provide guidance for land uses in areas designated as Mineral Resource Lands to support the conservation and future development of mineral resources.



Figure 5-5: Quarry Sites

[INSERT FIGURE HERE]



CULTURAL RESOURCES



St. Peters Wee Kirk Church in Ben Lomond, on the National Register

Photo Credit: Santa Cruz County

Santa Cruz County recognizes the importance preserving its historic and cultural resources. Archaeological sites reflect the long history of human occupation in the County, beginning with the arrival of the ancestors of the present-day Amah Mutsun Tribal Band (also referred to as the “Ohlone”) over 6,000 years ago, and are considered fragile, nonrenewable resources in California. There are also areas of the County that include additional cultural resources that are important to local tribes today. Policies protect archaeological sites and tribal cultural resources and require tribal consultations in accordance with state law in order to protect archaeological sites as well as the culture and heritage of the Native American community.

The built environment in Santa Cruz County has developed over time, from before the County’s founding in 1850 to the present day, resulting in a unique, vibrant and eclectic design character that tells the story of our community’s more recent history. Architectural styles such as Adobe, Mission-style, Victorian and Craftsman, and building types that reflect the economic development of the County including schools, churches, motels and agricultural buildings, and these help connect us to our history. These properties enhance the sense of community in historic town and village centers, rural and agricultural areas, and neighborhoods. Recognizing the importance of preserving the buildings that connect us to our past, the County has designated over 200 properties as historic, and these resources are protected through historic preservation policies in this element and SCCC regulations. Additionally, as of 2020, 12 historic properties in the unincorporated area of the County have been determined to be of national importance and are listed on the National Register of Historic Places.

OPEN SPACE

Open space is well-protected in Santa Cruz County. Approximately 11,577 acres of land in urban and rural areas of the County are preserved as open space through the Resource Conservation (O-C) land use designation, representing approximately 4.3% of the total unincorporated land area of the County (Figure 5-6). Additional land in the County is preserved as open space through open space contracts or easements. Many additional acres are essentially undeveloped and are



devoted to open space even though associated with other developed uses or activities, including natural resources conservation; preservation of commercial agricultural land; sustainable management of timber, mineral and water resources; and lands used for outdoor recreation, including State parks, federal land, and County parks.

The Agriculture, Natural Resources + Conservation Element provides an Open Space Plan that identifies the policies and regulations that preserve open space in the County. Figure 5-6 also identifies categories of land that are included in the County Open Space Inventory, with individual parcels identified in the County GIS system.

In addition to policies in the Open Space section, other policies in this element that protect natural resources, visual resources, and tribal resources also protect the open space values of these lands. Chapter 7: Parks, Recreation + Public Facilities also identifies and protects parks, recreation, and open space lands for outdoor recreation, and policies of that chapter further protect the open space character of those areas.



*Santa Cruz County North Coast.
Photo Credit: Santa Cruz County*



Figure 5-6: Open Space and Resource Land Use Map

[INSERT FIGURE HERE]



5.2 GOALS, OBJECTIVES, POLICIES + IMPLEMENTATION STRATEGIES

AGRICULTURE

GOAL ARC-1 SUSTAINING AGRICULTURE

Support the agricultural economy and protect agricultural lands for current and future generations, preserving commercial agricultural lands for agricultural use and allowing agricultural and other uses on agricultural lands that are not commercially viable.

OBJECTIVE ARC-1.1 PRESERVE COMMERCIAL AGRICULTURAL LAND

(LCP) To maintain for exclusive agricultural uses those lands identified on the County Agricultural Resources Map as best suited to the commercial production of food, fiber and ornamental crops and livestock, and to prevent conversion of commercial agricultural lands to non-agricultural uses that are not associated with farming and/or are necessary to support the agricultural economy. To recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands.



*Agricultural production facility
Photo credit: Santa Cruz County*



Policies

ARC-1.1.1 (LCP) Designation of Commercial Agricultural Land. Designate on the General Plan and LCP Resources and Constraints Maps as “Agricultural Resource” all lands that meet the criteria (as defined in the General Plan Glossary) for commercial agricultural lands.

See also Policy ARC-1.6.1 regarding non-commercial agricultural land that is designated as Agriculture, which may be used for a broader variety of purposes.

ARC-1.1.2 (LCP) Types of Agricultural Resource Lands. Maintain by County ordinance specific agricultural land type designations for parcels identified as commercial agricultural land based on the criteria set forth in the General Plan and LCP Land Use Plan* and maintain Agricultural Resources Maps to identify the distribution of the following types of Agricultural Resource Land in the County:

Type 1A – Viable Agricultural Land – Prime and unique farmland, and prime rangeland;

Type 1B – Viable Agricultural Land in Utility Assessment Districts – Prime farmland, unique farmland, and prime rangeland located in a utility assessment district;

Type 2A – Limited Agricultural Land – Land in large blocks suitable for commercial agricultural use, with one or more factors that may limit productivity;

Type 2B – Limited Agricultural Land-Geographically Isolated – Land suitable for commercial agricultural use that is geographically isolated from other agricultural areas;

Type 2C – Limited Agricultural Land in Utility Assessment Districts – Land suitable for commercial agricultural use that located in a utility assessment district and has other factors that may limit productivity;

Type 2D – Limited Agricultural Land Experiencing Use Conflicts – Land suitable for commercial agricultural use, but with limiting factors including pressure from residential land use;

Type 2E – Vineyard Lands – These are agricultural lands that may or may not be located on lands zoned “Commercial Agriculture” (CA), and often occur in the rural residential (RR), special use (SU), and non-commercial agricultural (A, RA) zoning districts;

Type 3 – Viable Agricultural Land Within the Coastal Zone – Prime farmland, unique farmland, and prime rangeland in the Coastal Zone that is protected by the Coastal Act.

**See Glossary for detailed definition of Agricultural Land, Commercial.*

ARC-1.1.3 (LCP) Land Use Designations for Agricultural Resource Lands. Lands designated as Agricultural Resource will be maintained in the Agriculture (AG) Land Use designation unless the property is included in a public/quasi-public park or biotic reserve, in which case it shall be assigned to the Parks, Recreation and Open Space (O-R), Resource Conservation (O-C), or Public Facility (P) land use designations.



ARC-1.1.4 (LCP) Development Density and Intensity on Commercial Agricultural Land. Limit development density and intensity on commercial agricultural land in order to preserve the land for long-term commercial agricultural use, accordance with Table 5-1.

Table 5-1: Development Density + Intensity on Agricultural Lands			
Land Use	Building Intensity		Maximum Residential Density ^{3,4}
	Maximum Building Height	Estimated Lot Coverage ²	
Commercial Agricultural Lands ¹ (Agricultural Resource soils)	40 feet (agricultural structures)	0% - 10%, or per Master Plan	1 single-family dwelling/ parcel
Non-commercial Agricultural Lands (Agricultural Land Use Designation/ Agriculture Zone District)	40 feet (agricultural structures); 28 feet (residential structures)	0% - 20%	1 single family dwelling/ 2.5 - 40 net developable acres ⁵
¹ See Policy ARC-1.1.3 and ARC-1.1.5 regarding applicable land use designations and zone districts. ² Lot coverage is provided as an estimated range and is not a regulatory standard. Allowable lot coverage is determined by the provisions of any contract, site conditions, and development criteria for the zone district and use. Greenhouses and agricultural storage structures do not count toward lot coverage. ³ Farmworker housing, including caretaker's units and other types, is considered an agricultural use and does not count towards residential density. ⁴ An accessory dwelling unit and residential accessory structures are considered accessory to a single-family dwelling and do not count toward residential density. ⁵ On non-commercial agricultural land, maximum residential density is determined through the rural density matrix.			

ARC-1.1.5 (LCP) Zoning of Agricultural Resource Land. Maintain all lands designated as Agricultural Resource in the Commercial Agricultural (CA) Zone District, except as follows: land in agricultural preserves designated by the Agricultural Preserve (-P) Combining District on either A-zoned lands or CA-zoned lands; timber resource land zoned to the Timber Production (TP) Zone District; and public parks, public/quasi-public recreation uses and open spaces, and biotic conservation areas zoned to the Parks, Recreation and Open Space (PR) Zone District.

ARC-1.1.6 (LCP) Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land. Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural uses, including farming and other limited uses and activities necessary to support the agricultural economy. Allow principal permitted uses in the CA Zone District to include agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops; raising of animals including grazing and livestock production; small-scale, ancillary agricultural support uses such as the marketing of products grown on site and agri-tourism events that are compatible with the primary agricultural use; Employee Housing Act (EHA) farmworker housing projects, and, outside the Coastal Zone only: Small Farmworker Housing Projects, Streamlined EHA



Projects” one single family dwelling, and timber harvesting operations. While these uses are principally permitted, establishing the use may require other discretionary permits such as a Site Development Permit and/or Coastal Development Permit, pursuant to the SCCC.

See also policies ARC-1.4.9, ARC-1.4.10, and ARC-1.4.11 regarding farmworker housing.

ARC-1.1.7 (LCP) Conditional Uses on Commercial Agricultural (CA) Zoned Lands. All conditional uses will be subject to standards that specify siting and development criteria, including: size, location, and density. Allow conditional uses on CA-zoned lands as identified in the Zoning Ordinance based upon the following conditions:

- (1) The use, if a primary use of the property, is directly related to necessary uses that support the commercial agricultural economy of Santa Cruz County; or
- (2) The use, if an ancillary, incidental, or accessory use to a primary agricultural farming or other use of the parcel, or is ancillary when taking into consideration the collective, multiple parcels owned or leased by the applicant for commercial agriculture operations, is directly related to necessary uses that support the commercial agricultural economy of Santa Cruz County; or
- (3) The use consists of a Small Farmworker Housing Project, as provided in Policy ARC-1.4.9 and defined in SCCC 13.10, and is proposed within the Coastal Zone to provide housing for four or fewer farmworkers in a manner that is ancillary, incidental, or accessory to a primary agricultural use of the parcel; or
- (4) The use consists of an Affordable Farmworker Rental Housing (“ARFH”) Project pursuant to the Pajaro Valley Development Reserve established in Policy 1.4.9 below and is located outside of the Coastal Zone; or
- (5) The use consists of:
 - a. An interim public use that does not impair long term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation, or other community or public facility use allowed in the CA Zone District use chart, and that minimizes and offsets the loss of agricultural land resulting from facility construction; or
 - b. A landfill, materials transfer station, or similar facility, which the County has determined is necessary to address a compelling public health and safety or environmental concern and for which mitigation will be provided; and
- (6) The use is sited to avoid conflicts with primary agricultural activities on the property and in the area; and



- (7) The use is sited on the property to avoid and minimize removal of land from production and to preserve productive agricultural resource soils.

ARC-1.1.8 (LCP) Agricultural Land in State Parks. In processing State Parks and Recreation Department development plans and projects for park units within the Coastal Zone:

- (1) Retain the maximum amount of commercial agricultural land in agricultural production within each state park unit.
- (2) Require a site-specific justification demonstrating the overriding public access or recreational need, for removing agricultural lands from production or for not offering lands capable of farm production for lease; and favor public/quasi-public open space and recreation as use alternatives to active agricultural farming use.

See also Objective PPF-2.5: Support for Local Park Providers

ARC-1.1.9 (LCP) Coastal Access and Agricultural Uses in the Coastal Zone. Protect coastal access and access to public lands, while also protecting agricultural land uses in the Coastal Zone by minimizing coastal accessways through and adjacent to agricultural land to the extent feasible, clearly designating coastal accessways, providing physical buffering and separation between accessways and agricultural land, and other appropriate measures.

ARC-1.1.10 (LCP) Biomedical Livestock Operations. Allow biomedical livestock operations as a Conditional Use on agriculturally zoned land, subject to all other provisions of the General Plan/LCP, to the provisions of the Zoning Ordinance applicable to agriculturally zoned land, and to standards which assure protection of the public health, safety and welfare, while prohibiting biomedical laboratories on agriculturally zoned land.

ARC-1.1.11 Agriculturally Oriented Structures. Allow only agriculturally oriented structures or dwellings on Commercial Agricultural Land, as either principally permitted or conditionally permitted uses. The following are considered agriculturally oriented structures: one residence and one accessory dwelling unit; farmworker housing of all types allowed by the zoning district; structures associated with recycled wastewater (i.e., tertiary treatment) facilities in the immediate proximity of existing municipal waste water treatment plants for the production of recycled wastewater to be used solely for agricultural irrigation; and other community or public facility use allowed in the CA Zone District use chart that the County has determined to be of significant benefit to the public health, safety and welfare. Prohibit non-agricultural residential land use when in conflict with the fundamental objective of preserving agriculture.

ARC-1.1.12 Location of Agricultural Support Facilities. Agricultural support facilities, where permitted, should be located off of agricultural resource soils, or when this is not feasible, should be sited to avoid and minimize loss of agricultural resource soils and impacts to farming operations.



Silva Ranch Barn in Corralitos
Photo Credit: Santa Cruz County

ARC-1.1.13 (LCP)(EJ) Utility District Expansion. Prohibit the expansion of County-controlled sewer district boundaries, and oppose the expansion (through annexation) of special district, or municipal, sewer or water boundaries, onto Types 1 and 3 Commercial Agricultural Land , except under the following exceptional circumstances related to public health and safety; and where sewer and water lines are located well below tillable soil depths and with sufficient construction and buffers from pipelines to ensure public health and safety; and where consistent with Built Environment policies BE-5.5.1 through BE-5.5.5 regarding the San Andreas Planning Area:

- (1) County sewer district boundaries may be expanded to serve existing development on commercial agricultural parcels with failing sewage disposal systems, where an enhanced onsite wastewater treatment system would be inadequate to serve the existing development, and where the expansion is limited in size to the minimum capacity necessary to serve the intended existing development so as to discourage additional urban development.
- (2) The County may support the expansion or annexation of water district boundaries to serve existing development on commercial agricultural parcels, on sites served by well water that does not meet minimum state drinking water standards, and where the expansion is limited in size to the minimum capacity necessary to serve the intended existing development so as to discourage additional urban development.



ARC-1.1.14 (LCP) Water and Sewer Lines in the Coastal Zone. Allow the placement of water or sewer lines on commercial agricultural lands in the Coastal Zone where the expansion is limited in size to the minimum capacity necessary to serve the intended existing or new development so as to discourage additional urban development, and only under the following circumstances and with safeguards (see Policy ARC-1.1.15) to ensure that such facilities will not impair agricultural viability, either through increased assessment costs or degraded air and water quality, of nearby agricultural lands or result in subsequent conversions of commercial agricultural lands to non-agricultural uses due to the utility extensions:

- (1) Allow water transmission lines from the North Coast to the City of Santa Cruz and allow service lines to be placed on commercial agricultural lands for the purpose of irrigation and related agricultural uses, which may include uses such as limited agricultural employee/farmworker housing as may be approved by the County.
- (2) Allow sewer transmission lines to and from the City of Watsonville sewage treatment plant to cross commercial agricultural lands without service to the affected parcels, except where necessary to allow for agricultural employee/farmworker housing as may be approved by the County.
- (3) Allow water and sewer lines to be placed on commercial agricultural lands to serve existing development which has failing wells and/or sewage disposal systems.
- (4) Within the area of the county served by the Pajaro Valley Water Management Agency, allow the placement of water lines on commercial agricultural land, if the purpose is to prevent saltwater intrusion, recharge groundwater basins, or provide tertiary treated wastewater for agricultural uses and purposes including irrigation and farmworker housing.

ARC-1.1.15 (LCP) Protection for Water and Sewer Lines in the Coastal Zone. For the purposes of policy 1.1.14, safeguards shall include, but not be limited to:

- (1) Prohibiting hookups to trunk lines through commercial agricultural lands, except where necessary to provide service in accordance with policies ARC-1.1.13 and 1.1.14;
- (2) Prohibiting the levying of assessment fees against commercial agricultural land for the construction of sewage transmission lines running through the commercial agricultural parcels, except that an appropriate service fee may be applied to an agricultural parcel to which sewage treatment service has been provided in accordance with policy ARC-1-1-14.; and



- (3) Locating water and sewer lines on commercial agricultural land below the tillable soil depth, with buffers as may be advised by agricultural professionals.

Implementation Strategies

ARC-1.1a Maintain, and update as warranted, designations of commercially important agricultural lands on the adopted Agricultural Resources Map. (Responsibility: Agricultural Policy Advisory Commission, Community Development & Infrastructure Department (CDID), Board of Supervisors).

ARC-1.1b Maintain an Agricultural Policy Advisory Commission (APAC) for the purpose of providing the Board of Supervisors information on the County's agricultural industry, and evaluating matters referred to the Commission by the Board. Such duties shall include those specified in section 2.82 and Chapter 13.10 of the County Code, or policy/code interpretation matters as referred by the Planning Director. (Responsibility: Board of Supervisors, CDID).

ARC-1.1c Develop a program to publicize agri-tourism opportunities and regulations and facilitate compliance for existing and new agri-tourism operations. (Responsibility: CDID, County economic development efforts).

ARC-1.1d (LCP) Encourage the use of Agricultural Preserve contracts and agricultural conservation easements to maintain land in agricultural use for the long term or in perpetuity. Investigate options for making such contracts and easements more attractive, such as changes in allowable uses or tax benefits. (Responsibility: CDID, Planning Commission, Agricultural Policy Advisory Commission, Board of Supervisors).

ARC-1.1e Support ongoing agricultural support efforts of the Agricultural Commissioner, UC Ag Extension, Farm Bureau, Land Trust of Santa Cruz County, Resource Conservation District, and similar entities. (Responsibility: CDID, Board of Supervisors).

ARC-1.1f Support tax assessments for agricultural land on the basis of land use. (Responsibility: Board of Supervisors, County Assessor).

ARC- 1.1g (LCP) Maintain, and enhance as feasible, the State Parks and Recreation Department policies toward agriculture in state parks in the Coastal Zone as follows: retain existing agricultural uses, including grazing within Coastal Zone park units, consistent with recreation uses and biotic production of existing environmentally sensitive habitats within the park. (Responsibility: Board of Supervisors, CDID).

ARC-1.1h (LCP) Maintain, and enhance as feasible, State Parks and Recreation Department and, California Department of General Services policies and agricultural lessees, which supports integrated pest management and experimental agricultural techniques on lands used for agriculture within State Parks as a means of enhancing the compatibility of agriculture with



recreation in the state parks. (Responsibility: Board of Supervisors, County Agricultural Commissioner).

ARC 1.1i (LCP) Minimize the number of accessways through and adjacent to agricultural areas as feasible. Delineate the accessways adjacent to agricultural areas, so it is clear where the public is allowed. As needed, use such methods as low barriers, fences, thorny hedges, and paving. (Responsibility: Agricultural Policy Advisory Commission, CDID).

ARC-1.1j (LCP)(EJ) Require separation of agricultural fields and identified accessways by as much distance as practicable and further providing buffer zones, elevation separations, fencing, landscaping with natural vegetation where practicable. For agricultural land adjacent to coastal accessways, consider, where appropriate, provision of a gate at the road and a sign on the gate for pesticide spray warnings. (Responsibility: Agricultural Policy Advisory Commission, CDID).

ARC-1.1k (LCP) Encourage agricultural operators with facilities adjacent to high use recreational areas and shoreline accessways to erect barriers, consistent with LCP policies, designed to discourage public encroachment while ensuring that beach access is protected. (Responsibility: Agricultural Policy Advisory Commission, CDID).

ARC-1.1l (EJ) Support the use of properties in urban areas for urban agriculture, where conducted in a manner which does not adversely impact adjacent residential neighborhoods and development.

See also Policy BE-1.4.8: Urban Agriculture.



OBJECTIVE ARC-1.2 LAND DIVISIONS OF COMMERCIAL AGRICULTURAL LANDS

(LCP) To ensure that any land divisions of Commercial Agricultural Lands protect agricultural land values and allow for long-term agricultural operations on the property and in the area.

ARC-1.2.1 (LCP) Type 1, 2 and 3 Land Division Criteria. Allow land divisions of Agricultural Resource Lands only for exclusive agricultural purposes, where post-division parcels are of sufficient size to allow for economic farming and comply with the minimum parcel size requirements, and where the division is consistent with other provisions of the Zoning Ordinance and the Agricultural Land Preservation and Protection Ordinance for land divisions.

ARC-1.2.2 (LCP) Dividing Off Non-Farmable Land. Land divisions involving commercial agricultural lands for the purpose of using the new parcel(s) for non-agricultural uses or for the purpose of dividing off land not usable for agriculture shall not be permitted, except as provided in Policy ARC-1.2.4 and other provisions of the Zoning Ordinance and the Agricultural Land Preservation and Protection Ordinance of the County Code.

ARC-1.2.3 (LCP) Division Must Not Hamper Long-Term Agriculture. No proposed division of CA lands shall be approved except where it is shown that such division will not have an adverse effect on or discourage long-term commercial agricultural operations in the area.

ARC-1.2.4 (LCP) Dividing Off Non-Designated or Non-Viable Land for Public/Quasi-Public and Related Purposes. Commercial Agricultural parcels may divide off portions of the land that are determined to not be commercially viable from the portion that is zoned as Commercial Agriculture (CA), or is identified as Type 1, 2 or 3 Agricultural Resource Land, only when the division is for a public/quasi-public community purpose, will not adversely impact agricultural activities of the commercial agricultural area, and is consistent with the Agricultural Land Preservation and Protection Ordinance and Policy ARC-1.2.1.

Implementation Strategies

ARC-1.2a Maintain criteria in the County Code for land divisions on commercial agricultural land in order to protect the viability of agricultural lands and the agricultural economy in accordance with the above policies. (Responsibility: CDID, Planning Commission)

ARC-1.2b (LCP) Agricultural Preserve Contracts. Support and monitor compliance with Agricultural Preserve (Williamson Act) contracts and covenant enforceable by the County to protect the use of the commercial agricultural land for agricultural uses purposes. (Responsibility: Agricultural Policy Advisory Commission, CDID)



OBJECTIVE ARC-1.3 PREVENT THE CONVERSION OF COMMERCIAL AGRICULTURAL LAND

(LCP) To prevent the conversion of Commercial Agricultural Land that is agriculturally viable to non-agricultural uses, in order to protect agricultural lands and support the local agricultural economy.

ARC-1.3.1 (LCP) Conversion of Commercial Agricultural Lands. Consider conversion and/or development of commercial agricultural lands to non-agricultural uses only when all of the following criteria are met:

- (1) It is determined that the land is not viable for farming or for other allowable agriculture uses, and that it is not likely to become viable in the future (see policy ARC-1.3.2); and
- (2) Findings are made that new information has been presented to demonstrate that the conditions on the land in question do not meet the criteria for commercial agricultural land; and
- (3) The conversion of such land or use to non-agricultural uses will not impair the viability of, or create potential conflicts with, other commercial agricultural lands in the area; and
- (4) The conversion of such land is concentrated on the site or parcel to the minimum area necessary to achieve the objectives of the proposed conversion.

ARC-1.3.2 (LCP) Determining Agricultural Viability. Require a viability study to be conducted in conjunction with an application that proposes to convert commercial agricultural and prime agricultural lands to non-agricultural land uses, to include but not limited to an economic feasibility evaluation which contains at least:

- (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of filing the application.
- (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of filing the application.
- (3) An identification of the geographic area used in the analyses. The area shall be of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for the land stated in the application*.

Recommendations regarding viability shall be made by the Agricultural Policy Advisory Commission based on evaluation of the viability study and the following criteria: parcel size, sizes of adjacent parcels, degree of non-agricultural development in the area, inclusion of the parcel



in utility assessment districts, soil capabilities and topography, water availability and quality, and proximity to other agricultural use.

**A viability study is not required for lands to be included in allowable public/quasi-public uses such as for a public park or biotic reserve, or land for use as setback levees for the Pajaro Levee project.*

ARC-1.3.3 (LCP) Conversion to Non-Agricultural Uses Near Urban Areas. Prohibit the conversion of commercial agricultural lands (changing the land use designation from Agriculture to non-agricultural uses) around the periphery of urban areas except where it can be demonstrated that the viability of existing commercial agricultural uses are already severely limited by conflicts with the urban uses, where the conversion of the lands 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 lands would not impair the viability of other commercial agricultural lands in the area. Within the Sphere of Influence of the City of Watsonville, no conversion of commercial agricultural land is allowed which would adversely affect the City's General Plan affordable housing goals, unless determined to be of an overriding public benefit.

See also Implementation Strategy BE-1.1d.

Implementation Strategies

ARC- 1.3a (LCP) Support LAFCO policies to prohibit urbanization of commercial agricultural land within the Coastal Zone. (Responsibility: Board of Supervisors)

ARC-1.3b (LCP) Oppose expansion of municipal boundaries which would include commercial agricultural land in the Coastal Zone within municipal boundaries. (Responsibility: Board of Supervisors; LAFCO)



OBJECTIVE ARC-1.4 RESOLVING LAND USE CONFLICTS TO PROTECT COMMERCIAL AGRICULTURAL LAND

(LCP) To ensure the long-term viability of local commercial agriculture by minimizing land use and operational conflicts, carefully regulating residential uses, and resolving conflicts in favor of protecting commercial agricultural lands and supporting continued agricultural operations on commercial agricultural lands.

Policies

ARC-1.4.1 (LCP) Agricultural Buffers Required. In order to prevent or minimize potential land use conflicts, nonagricultural habitable uses such as residences (excluding farmworker housing), habitable accessory structures and non-agricultural commercial businesses that are located on land adjacent to a parcel in the Commercial Agriculture or Agricultural Preserve zone districts are required to provide a 200-foot buffer setback to the property line of the adjacent commercial agricultural parcel, unless an exception, as provided in ARC 1.4.2, is approved to reduce the extent of the agricultural buffer.

ARC-1.4.2 (LCP) Reduced Agricultural Buffer Setbacks. Any reduction in the 200-foot agricultural buffer setback may only occur as approved by the APAC or other County decision-maker, as established by the Agricultural Land Preservation and Protection ordinance.

ARC-1.4.3 (LCP) Agricultural Policy Advisory Commission Review. Require the following projects to be reviewed by the Agricultural Policy Advisory Commission for the purpose of recommending or approving an appropriate setback and/or buffer area for non-developable land adjacent to commercial agriculture lands, consistent with the Agriculture Preservation and Protection Ordinance:

- (1) New residential development within 200 feet of commercial agricultural lands.
- (2) Land divisions within 200 feet of commercial agricultural lands.
- (3) Density Credit will be given for the buffer area.

ARC-1.4.4 (LCP)(EJ) Windbreaks. Windbreaks designed to reduce or eliminate the hazard of pesticide drift or other use conflicts based on the prevailing wind direction, should be incorporated into buffers, as warranted and feasible.



ARC-1.4.5 (LCP) Siting to Minimize Conflicts. Structures shall be sited to minimize possible conflicts with productive commercial agricultural lands in the area. Where structures are located on commercial agricultural land, the structures shall be sited in such a manner to remove as little land as possible from production while still meeting supportable project objectives.

ARC-1.4.6 (LCP) Residential Single-Family Dwellings on Commercial Agricultural Lands Located within the Coastal Zone. Issue a residential building permit for one single-family dwelling pursuant to Policy ARC-1.4.12 in areas designated as commercial agricultural land and located within the Coastal Zone, only upon documentation that:

- (1) The residential use is ancillary to commercial agricultural use of the parcel (see criteria in Policy ARC-1.4.8) and residential development will be concentrated on the site or parcel to the minimum area necessary to avoid disturbance of prime agricultural land; or
- (2) The parcel is less than one net acre in size or has physical constraints other than size which preclude commercial agricultural use.

In either case, single-family residential development shall be allowed only if the use does not conflict with on-site or adjacent commercial agricultural activities and the building site has approved agricultural buffer setbacks.

ARC-1.4.7 Accessory Dwelling Units on Commercial Agricultural Land within the Coastal Zone. Allow one accessory dwelling unit (ADU) on parcels in the Commercial Agriculture (CA) Zone District as accessory to a single-family dwelling, subject to locational requirements and other requirements in the Zoning Ordinance.

ARC-1.4.8 (LCP) Residential Use Ancillary to Commercial Agriculture. Utilize the following criteria for determining when a single-family residential use would be ancillary to commercial agriculture:

Farmworker Housing Types

Employee Housing Act (EHA) Projects (Health and Safety Code 17000-17062.5):

Standard EHA projects:

- Housing for five or more farmworkers;
- Up to 36 beds in group quarters; or
- Up to 12 dwelling units/housing accommodations for farmworker households.

Streamlined EHA Projects:

- 100% affordable;
- Up to 36 dwelling units for farmworker households; and
- Applicants are non-profit housing providers.

Non-EHA projects:

Small Farmworker housing projects:

- One to four dwelling units for farmworker households; and
- Houses at least five farmworkers total.

Affordable Rental Farmworker Housing (ARFH) projects:

- Up to 200 total units in Pajaro Valley Development Reserve (non-Coastal Zone);
- 100% affordable;
- Multi-family rental housing for farmworker households; and
- Applicants are non-profit housing providers.

See Glossary and SCCC for complete definitions.



- (1) Documentation that the farmable portion of the subject parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops – including within greenhouses – that are suited to the soils, topography, and climate of the area; or
- (2) Documentation that the owners have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel by another party; and
- (3) Documentation that the home structure is sited in such a manner so as to minimize possible conflicts with commercial agriculture in the area, and to remove as little land as possible from production.

ARC-1.4.9 (EJ) Farmworker Housing Approval. Recognizing that farmworker housing is essential to the viability of local agriculture, and that there is a shortage of safe and affordable farmworker housing, allow standard Employee Housing Act (EHA) Projects, , including Streamlined EHA Projects (outside the Coastal Zone only), within the Agriculture and Commercial Agricultural zone districts as principal permitted agricultural uses, consistent with the EHA and the licensing and permit approval procedures specified in SCCC 13.10. Allow Small Farmworker Housing Projects as a principally permitted use on CA and A parcels outside the Coastal Zone, and as a conditional use on parcels within the Coastal Zone, subject to applicable permit approvals provided in the SCCC. A. Require Site Development Permit review for all farmworker housing projects to ensure appropriate siting, buffering, and other objective development standards and conditions of approval as applicable.

See also ARC-1.14.11: Pajaro Valley Development Reserve for Affordable Rental Farmworker Housing (ARFH) Projects.



Photo Credit: California Human Development: <https://californiahumandevelopment.org/farmworkers-fair-share/>

ARC-1.4.10 Farmworker Housing as an Agricultural Use. Farmworker housing projects, proposed on property within an agricultural zone district (CA and A) are considered agricultural



land uses and are not subject to residential density determinations in the Rural Density Matrix. As an agricultural land use, farmworker housing proposed within agricultural zones is also not subject to provisions in the General Plan that limit residential density or require a minimum amount of land area per dwelling, including, policies within Objective BE-2.2: Rural Residential Designations, Policies ARC-4.2.6 (Land Division and Density Requirements in Water Supply Watersheds), ARC-4.5.2 (Land Division and Density Requirements in Primary Groundwater Recharge Areas), and ARC-4.5.9 (Development Densities With Poor Groundwater Availability). Except as indicated in the Zoning Ordinance for ARFH projects, which allow creation of a separate parcel for the project if needed to allow for ARFH project financing, any land division proposed in association with other types of farmworker housing (EHA or Small Projects), such as a parcel map, condominium or subdivision map, is subject to the minimum parcel size determinations in the Rural Density Matrix where applicable, to minimum parcel size requirements for the applicable zone district, and to minimum parcel size requirements in the above policies.

ARC-1.4.11 (EJ) Pajaro Valley Development Reserve for Affordable Rental Farmworker Housing (ARFH) Projects. For sites located outside of the Coastal Zone only, a Pajaro Valley Development Reserve has been mapped and established to allow development of no more than 200 total units of affordable, multi-family rental housing for farmworker households by qualified non-profit housing providers (“ARFH Projects”) within certain qualifying agricultural areas of unincorporated Pajaro Valley, as further set forth in SCCC 13.10. The ARFH Projects may be allowed as a conditional use on qualifying agricultural lands in CA or A zoning districts subject to CEQA review and approval by the Board of Supervisors. The Board may in the future take action to adopt policy and regulatory amendments to increase the reserve to more than 200 units, if determined to be warranted and in the broader interests of support for the agricultural economy. Each ARFH project is estimated to consist of approximately 40 to 60 multi-family dwelling units, therefore the initial 200-unit capacity of the Development Reserve is expected to be sufficient for four to five ARFH projects in total. ARFH projects are not EHA Projects.

ARC-1.4.12 (LCP) Agricultural Notification Recordation for Land Divisions. Continue to require an Agriculture Notification statement to be included on the Final Map or Parcel Map and in each parcel deed for land divisions within 200 feet of commercial agriculture land in accordance with the Subdivision Regulations ordinance. The purpose of the statement is to inform property owners about adjacent agricultural practices and advise them to be prepared to accept inconvenience or discomfort from normal operations.

ARC-1.4.13 (LCP) Agricultural Statement of Acknowledgment. In accordance with the Agricultural Land Preservation and Protection ordinance and the Subdivision Regulations ordinance, require the Recordation of a Statement of Acknowledgement for parcels within 200 feet of commercial agricultural land that informs property owners about adjacent agricultural practices and advises them to be prepared to accept inconvenience or discomfort from normal



operations. Where a reduction of the 200-foot buffer is approved, such deed notice shall also state that the permanent provisions and maintenance of the specified buffer setback shall be required.

ARC-1.4.14 Density on Parcels Adjacent to Commercial Agricultural Lands. Maintain, in rural areas, (i.e., areas outside the Urban Services Line [USL] and Rural Services Line [RSL]), minimum densities of 2.5 net developable acres for newly created residential parcels which adjoin Commercial Agricultural Land except where the General Plan/ LCP Land Use Map provides for suburban densities, and

- (1) the new parcels constitute infill development within the mapped Suburban designation,
- (2) the resulting parcel sizes will be no smaller than the smallest existing conforming parcel within that designation which adjoins or is generally established nearby said agricultural lands, and
- (3) the Agricultural Policy Advisory Commission has recommended that parcel sizes smaller than 2.5 net developable acres will not conflict with or otherwise hamper or discourage long-term commercial agricultural uses of said agricultural lands.

Implementation Strategies

ARC-1.4a (LCP) Encourage the development and application of integrated pest management programs for Coastal Zone crops as one means of minimizing pesticide related land use conflicts. (Responsibility: Agricultural Commissioner, Agricultural Policy Advisory Commission, University Cooperative Extension)

ARC-1.4b (LCP)(EJ) Encourage wind shelter from pesticide drift or dust for existing housing in agricultural areas. (Responsibility: Agricultural Commissioner, Agricultural Policy Advisory Commission)

ARC-1.4c (EJ) Create, make public on the County website, and distribute bi-lingual materials to agricultural landowners, managers and lessees regarding opportunities and applicable development standards for farmworker housing, in order to support the development of farmworker housing in the community. (Responsibility: CDID)



OBJECTIVE ARC-1.5 SUSTAINABLE AGRICULTURAL PRACTICES

(LCP) To support sustainable agricultural and land management practices on commercial and non-commercial agricultural lands, including efficient use of water and energy, reduction of agricultural waste entering landfills, and adaption to climate change.

ARC-1.5.1 Energy Efficiency and Resource Protection. Encourage energy-efficient and resource protection agricultural practices such as organic farming, integrated pest management, biodynamic cultivation, and utilization of agricultural wastes and crop residues for fertilizer and on-site energy production.

ARC-1.5.2 (LCP) Composting Agricultural Wastes. Encourage the composting of agricultural wastes and the use of composts in agriculture production, as a means of reducing irrigation water demand and reducing solid waste disposal requirements. Allow the commercial composting of source separated organic material such as yard waste on agricultural lands with an approved development discretionary permit, including a coastal development permit in the Coastal Zone, subject to health and water quality requirements.

ARC-1.5.3 (LCP) Encourage Water Conservation. Encourage water districts, resource management agencies, and all agricultural users to implement water conservation measures, especially in areas subject to overdraft. Support the efforts of the Resource Conservation District to provide water conservation assistance and education to growers.

ARC-1.5.4 (LCP) Visual Mitigations for Large Agricultural Structures. Require large scale agricultural structures, such as greenhouses, packing sheds, and closed storage structures to minimize their visual impacts on designated scenic roads, beaches, or recreation facilities. Visual impacts shall be minimized by locating structures within or near existing groups of structures; using materials and colors which blend with the building cluster or the natural vegetative cover of the site; and/or using landscaping to screen or soften the appearance of structures. Do not approve new discretionary development permits that would allow location of such structures where they would block public ocean views. Shoreline facility structures shall be well screened.

See also Goal ARC-5: Visual Resources and Goal BE-4: Community Character and Design.

Implementation Strategies

ARC-1.5a (LCP) Ensure a continued sustainable supply of water for agricultural uses through conservation, protection and development of surface and groundwater, managed aquifer recharge, voluntary fallowing, and/or utilization of reclaimed wastewater. (Responsibility: Board of Supervisors, Water Purveyors, CDID, Environmental Health, Flood Control Districts, Pajaro Valley Water Management Agency [PV Water], Resource Conservation District)



ARC-1.5b (LCP) Establish a program coordinated with the state and Central Coast Regional Water Quality Control Board's Irrigated Lands Regulatory Program to manage irrigation runoff so that fertilizers and pesticides do not infiltrate watersheds, streams and groundwater basins, and to encourage the recycling of irrigation water for irrigation purposes. No irrigation runoff shall be allowed to run off sites. (Responsibility: Agricultural Commissioner, Agricultural Policy Advisory Commission, CDID, PV Water, University of California Cooperative Extension, Resource Conservation District)

See also Implementation Strategy ARC-3.1i.

ARC-1.5c Support efforts by agricultural organizations such as the Santa Cruz County Farm Bureau, U.C. Agricultural Extension, the Land Trust of Santa Cruz County, and the Resource Conservation District to work with the agricultural sector to identify changes in farming practices that would support the sustainability of agriculture in an era of climate change. (Responsibility: CDID, Agricultural Commissioner)



OBJECTIVE ARC-1.6 NON-COMMERCIAL AGRICULTURAL LAND

(LCP) To encourage and provide for a broad range of agricultural, agricultural support, low-intensity residential, open space, and other compatible uses on the agricultural lands in the County which are not designated as commercially viable. These uses may include small-scale agriculture, single-family residences, community gardens, and agri-tourism uses, in order to maintain a diversity of low-intensity land uses, farm and related supportive uses, as well as open spaces that contribute to rural character.

Policies

ARC-1.6.1 (LCP) Uses Allowed on Non-Commercial Agricultural (A) Zoned Lands (Agricultural Land Use Designation with Agricultural Zone District). On lands designated Agricultural on the General Plan and LCP Land Use Designation Maps, but not Agricultural Resource on the Agricultural Resources Maps, allow the following range of residential, agricultural, agricultural support and open space/recreational uses.

- (1) The following uses are compatible with agricultural activity and adjacent residential uses and are principally permitted: One residence and accessory uses including one accessory dwelling unit; agricultural uses including EHA Projects; Small Farmworker Housing Projects and Streamlined EHA Projects outside the Coastal Zone; non-commercial agricultural uses such as family gardening; small scale commercial agricultural uses and agricultural support uses and service establishments, open space uses; recreational uses, public/quasi-public uses, and community facilities where these uses can be shown to not conflict with any adjacent agricultural activity, and other similar uses as provided in the Zoning Ordinance for the Agriculture (A) Zone District. While these uses are principally permitted, establishing the use may require other discretionary permits such as a Site Development Permit or a Coastal Development Permit.
- (2) The following discretionary uses are allowed on property designated Agriculture and not zoned “commercial agricultural”, where consistent with the Coastal Act within the Coastal Zone, and with development criteria provided in the SCCC to ensure that uses will be buffered and not conflict with adjacent commercial agricultural activity: residential dwelling groups; ARFH Projects outside the Coastal Zone and Small Farmworker Housing Projects inside the Coastal Zone; agricultural support facilities; agricultural service establishments; public/quasi-public, open space and recreational uses; and other appropriate uses; all subject to limitations and permit requirements as provided in the Zoning Ordinance for the Agriculture (A) Zone District.



ARC-1.6.2 (LCP) Non-Commercial Agricultural Lands in Urban Areas with Services. Within the Urban Services Line, allow organic agricultural farming on agriculturally productive land, where the activity does not adversely impact the adjacent residential neighborhood development.



Photo Credit: Skylar Jay Unsplash

ARC-1.6.3 (LCP) Non-Commercial Agricultural Land Division and Density Requirements in Rural Areas Located Outside of the Urban/Rural Service Line Boundaries. Encourage retention of large parcels and a minimum parcel size of 10-40 net developable acres, based on the Rural Density Matrix, for lands designated as Agriculture but which are not identified as commercial agricultural land, for properties located outside of the Urban/Rural Service Area boundaries. Utilize the following criteria for land divisions and residential development proposals on land designated Agriculture but not designated as commercial agricultural lands on the General Plan and LCP Resources and Constraints Maps, which are located outside of the USL/RSL:

- (1) Based on the Rural Density Matrix, the minimum parcel size shall be 10-40 net developable acres and the maximum residential density on an existing parcel of record shall not exceed one unit per 10-40 net developable acres.
- (2) Division or development of parcels may be allowed at densities of 2 ½-20 net developable acres under the following conditions*:



- a. The land has been determined to be non-viable for commercial agriculture, as determined by policies ARC-1.3.1 and ARC-1.3.2, and that continued or renewed agricultural use it not feasible;
 - b. Adequate buffering can be provided between any proposed non-agricultural use and adjacent commercial agricultural uses, as specified in the County Code;
 - c. All proposed building sites are within ½ mile of a through road that is maintained for public use; and applicable septic and fire code standards can be met; and
 - d. Less than 50 percent of the land area within ¼ mile of the subject property is zoned as commercial agricultural, and/or is designated Mountain Residential.
- * An exception to the minimum parcel size and conditions 1, 3 and 4 in subdivision (b) applies to the creation of a new parcel for an ARFH project where necessary to obtain financing for construction of the project. Such a parcel shall not be less than one acre in size, and shall not include a condominium map.

See also Table 5-1: Development Density and Intensity on Agricultural Lands.



GOAL ARC-2 SPECIALIZED AGRICULTURAL USES

Recognize greenhouses, aquaculture, wineries, and cannabis activities as specialized agricultural uses that are important to the Santa Cruz County agricultural economy.

OBJECTIVE ARC-2.1 AGRICULTURE WITHIN GREENHOUSES + OTHER STRUCTURES

(LCP) To allow greenhouses and specialized forms of agriculture within structures as a necessary part of agricultural operations, while minimizing impacts to agricultural lands and the environment.

Policies

ARC-2.1.1 (LCP) Agriculture Inside Structures. Recognize that certain forms of agriculture require production of crops, livestock or related products to occur inside of structures (e.g., greenhouses, insectories, aquaculture, winery buildings) and may be a necessary part of an agricultural operation. Require such uses to comply with applicable regulations that ensure appropriate management and mitigation of potential impacts.

ARC-2.1.2 (LCP) Runoff Retention. Require stormwater runoff from agricultural structures to be retained and percolated/infiltrated on site so that natural runoff rates are not exceeded, in compliance with applicable state and County design standards and criteria.

ARC-2.1.3 (LCP) Preserving Prime Soil. Prohibit removal of indigenous prime soil used as a growing medium for container plants which are sold intact.

ARC-2.1.4 (LCP) Limiting Impervious Surfaces. As feasible while also accommodating the needs of the agricultural enterprise, limit flooring or impervious surfacing within agricultural structure that could impair long-term soil capabilities to the minimum area needed for access, loading, and storage, prohibit the use of long-term sterilants under impervious surfacing, and require appropriate mitigation, management and restoration strategies that protect soil capabilities for the future to a reasonable extent.

ARC-2.1.5 (LCP) Maximum Energy Efficiency. Encourage the use of alternative energy sources such as passive and active solar design techniques to maximize energy efficiency.

ARC-2.1.6 (LCP) Ventilation. Encourage open ventilation where feasible, and where exhaust fans are necessary, the fans should be located away from non-agricultural uses, and should maximize energy efficiency.

ARC-2.1.7 (LCP) Water Conservation. Require irrigation systems to be water conserving, which reduces operational costs for the grower and conserves a valuable resource.



AQUACULTURE

OBJECTIVE ARC-2.2 AQUACULTURE

(LCP) To allow aquaculture as a specialized agricultural use subject to discretionary approval, and where sited and designed to protect the environment and coastal resources.

ARC-2.2.1 (LCP) Development Permit Required. Require new or expanded aquaculture operations to obtain a coastal development permit, and utilize the environmental review process, and the expertise of the California Department of Fish and Wildlife in reviewing any such permit.

ARC-2.2.2 (LCP) Siting of Coastal Dependent Facilities. Require that aquaculture facilities to be sited on or near the shoreline be coastal-dependent.

ARC-2.2.3 (LCP) Appropriate Land Use Designations. Permit new and expanded aquaculture facilities as a conditional use in the Agricultural (AG), Mountain Residential (R-MT), and Service Commercial and Light Industrial (C-S) land use designations if consistent with LCP policies.

ARC-2.2.4 (LCP) Prevent Adverse Impacts to Sensitive Habitats. Require aquaculture facilities to be sited and designed to prevent adverse impacts on areas designated as sensitive habitats.

ARC-2.2.5 (LCP) Protection of Riparian Habitats. Require that with aquaculture facilities development, natural vegetation buffer areas be maintained to protect riparian habitats.

ARC-2.2.6 (LCP) Beach Access. Require adequate provision for lateral beach access as a condition of approval for aquaculture facilities consistent with the provisions of Government Code Sections 65909(a) and 66475.4(b).

ARC-2.2.7 (LCP) Protection of Private Property. Allow aquaculture facilities adjacent to high use recreational areas to erect barriers designed to discourage public encroachment and protect public safety, with the condition that lateral beach access is protected.

ARC-2.2.8 (LCP) Intake/Outfall Lines. Require that intake and outfall lines be placed underground unless underground placement is infeasible for the aquacultural activity or will result in geologic instability.

ARC-2.2.9 (LCP) Bonds Required. Require aquaculture operators to post a bond where aquaculture operations are to be located on a publicly used beach or shoreline area, or will affect sensitive habitat areas and/or public views. The bond shall be sufficient to ensure that all facilities constructed for an aquaculture operation which becomes inoperative, will be removed at the operator's expense.

ARC-2.2.10 (LCP) Support Aquaculture. Support the location of carefully designed aquaculture facilities in the Coastal Zone which can meet the LCP aquaculture policies.



WINERIES + VITICULTURE

OBJECTIVE ARC-2.3 WINERIES, VITICULTURE + CANNABIS

To recognize and provide for wineries, viticulture, and cannabis activities (subject to discretionary review where applicable and approval of permits, licenses, or other authorizations, which shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code) on lands which are properly suited for these specialized uses to maintain the optimum agricultural diversity. **ARC-2.3.1 Wineries, Breweries, and Distilleries as Discretionary Agricultural Uses.** Recognize the growing and processing of wine grapes and hops, as agricultural activities, and recognize Santa Cruz County as an area uniquely suited for the growing of premium quality wine grapes. Allow wineries, breweries and distilleries for spirits as discretionary agricultural uses where sited and designed to protect agricultural lands and uses, and to minimize impacts to adjacent sites.

ARC-2.3.2 Winery Locations. Support the continued operation of wineries which include the growing and processing of grapes in existing locations throughout the County and on-site marketing activities where compatible with adjacent land uses. Ensure that new winery locations, particularly where processing facilities or visitor serving uses are proposed, are consistent with environmental protection policies and compatible with existing neighborhoods.

ARC-2.3.3 Vineyard Locations. Encourage the development of premium varietal wine grape vineyards on those lands within the County which, by virtue of their location and physical characteristics, are suited for grape production, especially within the Santa Cruz Mountains Viticultural Area which generally includes all lands above the 400-foot topographical contour. Ensure that vineyard locations are consistent with environmental protection policies and compatible with existing neighborhoods.

ARC-2.3.4 (LCP) Cannabis Industry and Agricultural Diversity. In order to ensure a diverse and balanced agricultural economy, and to support a diversity of crops, livestock and fiber on County agricultural lands, monitor the location and scale of the cannabis industry to ensure that cannabis activities do not lead to over-concentration in the cannabis sector of the County's agricultural economy. *See also Objective BE-3.6: Cannabis Industry.*

Implementation Strategies

ARC-2.3a Periodically review cannabis policies and regulations for consistency with state and federal laws and regulation.



ARC-2.3b Periodically review winery policies and regulations as appropriate to ensure that regulations support the winery industry while protecting adjacent residential land uses from significant adverse impacts.

ARC-2.3c Ensure that wineries, breweries, distilleries, and cannabis activities comply with the state and Central Coast Regional Water Quality Control Board's Irrigated Lands Regulatory Program, Industrial General Permit, and Cannabis Cultivation Program.



Photo Credit: Rohit Tandon on Unsplash



NATURAL + CULTURAL RESOURCES

GOAL ARC-3 BIOLOGICAL RESOURCES PROTECTION

Protect and restore biological resources, including unique, rare, threatened, and endangered plant and animal species and their habitats, that warrant preservation because of their biological and scientific values, contributions to open space, and importance in maintaining a healthy environment and mitigating the effects of climate change.

OBJECTIVE ARC-3.1 BIOLOGICAL DIVERSITY

(LCP) To maintain the biological diversity of the County through an integrated program that includes open space acquisition and protection; identification and protection of plant habitat and wildlife corridors and habitats; protection and restoration of habitat for local, state, and federally protected species; careful regulation of low-intensity and resource compatible land uses in sensitive habitats; and mitigation for project impacts and resource extraction.

Policies

ARC-3.1.1 (LCP) Sensitive Habitat Designation. Designate the following areas as sensitive habitats: (1) areas shown on the County General Plan/LCP Resources and Constraints Maps and as incorporated into the County GIS system; (b) any undesignated areas that meet the criteria provided in Policy ARC-3.1.2 and that are identified through the biotic review process or other means; and (c) areas of biotic concern as shown on the Resources and Constraints Maps that contain concentrations of rare, endangered, threatened, or unique species.

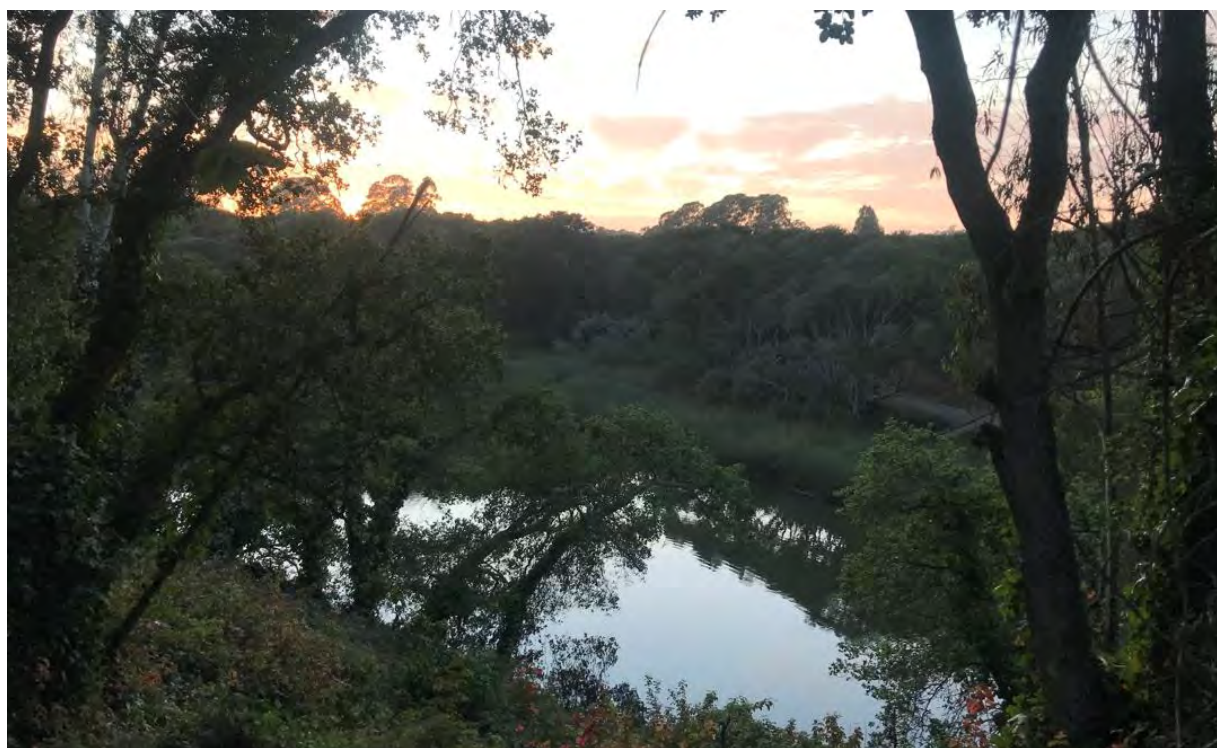
ARC-3.1.2 (LCP) Definition of Sensitive Habitat. An area is defined as a sensitive habitat if it meets one or more of the following criteria:

- (1) Areas of special biological significance as identified by the State Water Resources Control Board.
- (2) Areas that provide habitat for locally unique biotic species/communities, including coastal scrub, maritime chaparral, native rhododendrons and associated Elkgrass, mapped grasslands in the coastal zone and sand parkland; and Special Forests including San Andreas Live Oak Woodlands, Valley Oak, Santa Cruz Cypress, indigenous Ponderosa Pine, indigenous Monterey Pine and ancient forests.
- (3) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (5) and (6) below.



- (4) Areas that provide habitat for Species of Special Concern as listed by the California Department of Fish and Wildlife in the Special Animals list, California Natural Diversity Database.
- (5) Areas that provide habitat for rare or endangered species that meet the definition of Section 15380 of the California Environmental Quality Act guidelines.
- (6) Areas that provide habitat for rare, endangered or threatened species as designated by the California Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society.
- (7) Nearshore reefs, rocky intertidal areas, seacaves, islets, offshore rocks, kelp beds, marine mammal hauling grounds, sandy beaches, shorebird roosting, resting and nesting areas, cliff nesting areas and marine, wildlife or educational/research reserves.
- (8) Dune plant habitats.
- (9) All lakes, wetlands, estuaries, lagoons, streams and rivers.
- (10) Riparian corridors.

See also Appendix K: Sensitive Habitat Plant and Animal Species.



Schwan Lake at Twin Lakes Lake State Park. Photo Credit: Santa Cruz County



ARC-3.1.3 (LCP) Environmentally Sensitive Habitat Areas (ESHA). Evaluate sites proposed for development within the coastal zone for the presence of ESHA, within the categories of habitat areas described in ARC-3.1.2(d) through (j), and other categories that may meet the Coastal Act Section 30107.5 definition of ESHA. Areas confirmed to be ESHA may only be developed for uses dependent on such resources in these habitats within the Coastal Zone, unless the other uses are:

- (1) Consistent with sensitive habitat protection policies and serve a specific purpose beneficial to the public;
- (2) Determined through environmental review that any adverse impacts on the resource will be completely mitigated and there is no feasible less-damaging alternative; and
- (3) Legally necessary to allow a reasonable economic use of the land, and there is no feasible less-damaging alternative.

See also Policy BE-5.1.6: Avoid Impacts to Environmentally Sensitive Coastal Habitats.

ARC-3.1.4 (LCP) Sensitive Habitat Protection Ordinance. Implement protection of sensitive habitats and of ESHA through SCCC Chapters 16.32 Sensitive Habitat Protection, 16.30 Riparian Corridor and Wetlands Protection, and 13.20 Coastal Zone Regulations. Any amendments to this ordinance shall require a finding that sensitive habitats shall be afforded equal or greater protection by the amended language.

ARC-3.1.5 (LCP) Land Division and Density Requirements in Sensitive Habitats. Allow land divisions in sensitive habitats only when the density and design of the proposed division are compatible with protection of these resources as determined by environmental assessment and applicable County land use, zoning, and Title 16 environmental regulatory standards and permit requirements.

- (1) Prohibit land division of native and mixed native grassland habitat mapped in the Coastal Zone unless the area to be divided has been determined by the county not to be sensitive habitat and is proposed for removal from the mapped habitat area by General Plan/LCP amendment. On parcels with existing mapped habitat that contains developable land outside those habitats, allow development at the lowest density of the land use designation and require that development be clustered and located outside the habitat areas. Allow one single-family dwelling unit per existing parcel of record. Where property owners upgrade habitat areas on their parcels outside of mapped areas through resource management activities, the prevailing General Plan densities shall not be reduced.



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

ARC-3.1.6 (LCP) Development Within Sensitive Habitats. Sensitive habitats shall be protected against any significant disruption of habitat values, and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project that cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.



Trillium in Redwood Forest. Photo credit: Santa Cruz County.



ARC-3.1.7 (LCP) Site Design and Use Regulations. Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations:

- (1) Structures, when allowed, shall be placed as far from the habitat as feasible.
- (2) Delineate development envelopes to specify location of development in minor land divisions and subdivisions.
- (3) Consider use of conservation or open space easements, deed restrictions, Conditions of Approval or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity or to protect sensitive habitats on adjacent parcels.
- (4) Limit or restrict outdoor access of domestic animals where they threaten sensitive habitats.
- (5) Limit removal of native vegetation to the minimum amount necessary for structures, landscaping, driveways, septic systems and gardens.
- (6) Maintain regulations and impose development permit conditions of approval as warranted, to limit landscaping with invasive or exotic species and to strongly encourage or require the use of characteristic native species, as well as consistency with the Water Efficient Landscaping Ordinance.

ARC-3.1.8 (LCP)(EJ) Chemicals Within Sensitive Habitats. Maintain regulations that restrict the use of insecticides, herbicides, or any toxic chemical substance in sensitive habitats, except when the habitat itself is threatened, an emergency has been declared, when a substantial risk to public health and safety exists, including maintenance for flood control by the CDID, or when such use is authorized pursuant to a permit issued by the Agricultural Commissioner. The responsible use of herbicides to eradicate invasive, non-native plants can be an appropriate management action in Sensitive Habitats.

ARC-3.1.9 (LCP) Biotic Assessments. Within the following areas, require a biotic assessment as part of normal project review to determine whether a full biotic report should be prepared by a qualified biologist, and require biotic permits as part of application reviews as may be needed:

- (1) Areas of biotic concern, mapped;
- (2) Sensitive habitats, mapped and unmapped; and
- (3) For sites within the coastal zone, for the presence of ESHA.



ARC-3.1.10 (LCP) Species Protection. Recognize that habitat protection is only one aspect of maintaining biodiversity and that certain wildlife species, such as migratory birds, may not utilize specific habitats. Require protection of these rare, endangered, and threatened species and continue to update policies as new information becomes available.

ARC-3.1.11 (LCP) Santa Cruz Long-Toed Salamander Habitat. Support state and federal preservation of the Santa Cruz long-toed salamander habitat in various state parks and preserves.



Juvenile Santa Cruz Long-toed Salamander, Ellicott Slough. Photo Credit: Fish and Wildlife Service: [Ellicott Slough National Wildlife Refuge - Home of the Santa Cruz Long-toed Salamander - Ellicott Slough - U.S. Fish and Wildlife Service \(fws.gov\)](https://www.fws.gov/ellicott-slough-national-wildlife-refuge)

ARC-3.1.12 (LCP) Steelhead and Coho Salmon Conservation Strategy. Implement the policies and programs identified in the 2013 Steelhead and Coho Salmon Conservation Strategy and updates to this strategy to support the recovery of steelhead and coho salmon in Santa Cruz County. Priority actions include addressing streamflow, habitat complexity, sediment reduction, and migration passage.

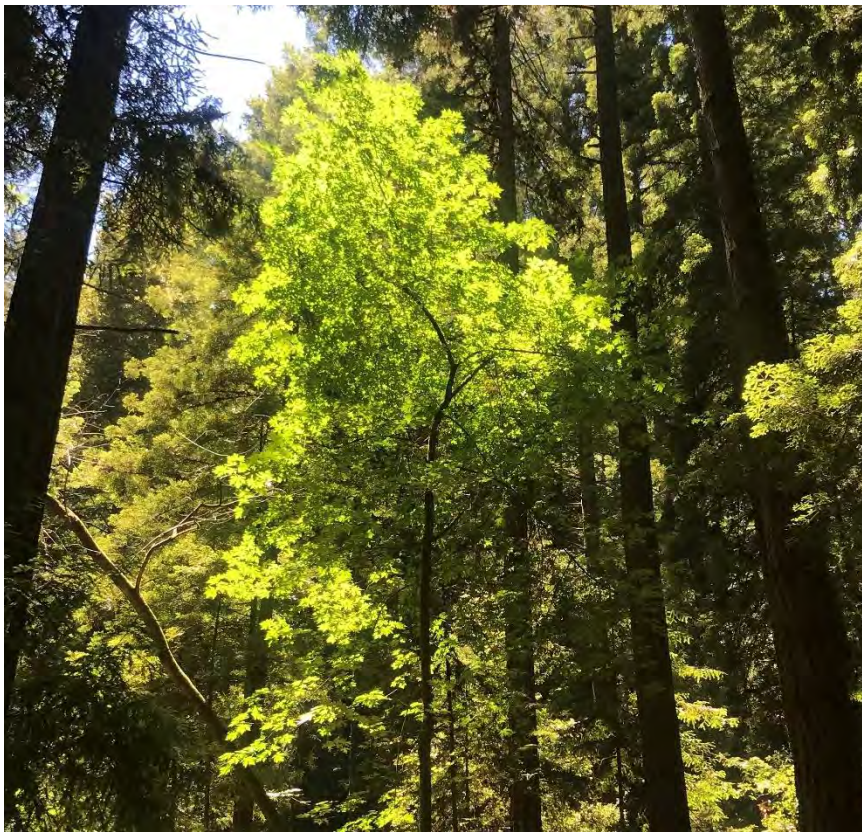
ARC-3.1.13 (LCP) Wildlife Resources Beyond Sensitive Habitats. For areas which may not meet the definition of sensitive habitat contained in policy ARC-3.1.2, yet contain valuable wildlife resources (such as migration corridors or exceptional species diversity), protect these wildlife habitat values and species using the techniques outlined in policies ARC-3.1.5 and 3.1.7, or prioritize for open space designation, and use other mitigation measures or strategies identified through the environmental review process or other conservation plans and programs of the County, State and non-profit agencies.



Implementation Strategies

ARC-3.1a (LCP) Maintain, as Appendix K, a current plant and animal habitats and species list as a reference for the General Plan/LCP. Sources for species classification include, but are not limited to: State Water Resources Control Board, Section 15380 of the California Environmental Quality Act, California Department of Fish and Wildlife, and the Special Animals List, California Natural Diversity Database, United States Fish and Wildlife Service, National Oceanic And Atmospheric Administration [NOAA] Fisheries, and California Native Plant Society. Periodically review the list to ensure its accuracy. (Responsibility: CDID)

ARC-3.1b (LCP) Work with California Department of Fish and Wildlife, United States Fish and Wildlife Service and other relevant agencies to ensure adequate protection of biological resources in the County. (Responsibility: Planning Department, CDID, Board of Supervisors)



*Big Leaf Maple in
Redwood Forest*

ARC-3.1c (LCP) Determine the boundaries of sensitive habitats as defined in ARC-3.1.2 based on field mapping of parcel specific conditions, and update the mapping of sensitive habitats in the County GIS system to reflect field mapping and current data. (Responsibility: CDID, Information Services, Environmental Health)



ARC-3.1d (LCP) Periodically update County maps and the County GIS system when biotic and environmental reports are accepted by the County on individual parcels, areas or development projects, or when updated confirmed biotic information is received from any source. (Responsibility: CDID, Information Services)

ARC-3.1e (LCP) Identify and seek funding sources to acquire special sensitive habitats. (Responsibility: CDID, Board of Supervisors)

ARC-3.1f (LCP) Maintain a Sensitive Habitat Protection ordinance which describes habitat types, permitted and conditional uses within the habitats, and development standards. Review and update the ordinance to be consistent with policies and terminology in the General Plan/LCP and clarify permit and approval requirements for development within or adjacent to sensitive habitats. Any amendments to this ordinance shall require a finding that sensitive habitats shall be afforded equal or greater protection by the amended language. (Responsibility: CDID, Planning Commission, Board of Supervisors)

ARC-3.1g Maintain a program to coordinate and implement priority actions from the Steelhead and Coho Salmon Conservation Strategy. (Responsibility: Environmental Health; CDID; Parks, Open Space and Cultural Services Department (Parks Department); Agricultural Commissioner; Board of Supervisors)

ARC-3.1h (LCP) Develop a program to enforce performance standards protecting rare, endangered, threatened, and unique species. Develop Memoranda of Understanding and similar agreements with state and federal agencies to assist with enforcement of performance standards. (Responsibility: CDID, Board of Supervisors)

ARC-3.1i (LCP) Evaluate those sensitive habitats that are affected by agricultural activities to determine their biological importance relative to the importance of the agricultural use and develop programs to resolve conflicts between resource use and protection, including seeking grant funds to address the conflicts and enhance resources. (Responsibility: CDID, Agricultural Commissioner)

ARC-3.1j Work with state and federal natural resources agencies to standardize environmentally appropriate fuel reduction practices in sensitive habitats, with the goal of reducing fire risk while protecting sensitive habitats. (Responsibility: CDID, Fire Agencies, California Department of Fish and Wildlife)

See also Chapter 6: Public Safety.

ARC-3.1k Prepare a countywide grassland management plan. Develop education programs, grazing management plans, or other solutions where there is evidence of over-grazing in cooperation with Natural Resources Conservation Service, and the Resource Conservation



District of Santa Cruz County. Develop prescribed burning, grazing, or other measures to preserve grassland, except where an area is being replanted with native trees and a timber management plan has been approved. (Responsibility: CDID, Board of Supervisors)

ARC-3.11 Continue to ensure survival of the endangered Santa Cruz long-toed salamander (SCLTS) through County programs including:

- (1) Maintain salamander protection development criteria in the Sensitive Habitat Protection ordinance and seek funding to improve protection efforts.
- (2) Support state and federal efforts for habitat preservation at Valencia Lagoon, Ellicott Pond, Seascape Uplands, or other known habitat locations, and habitat locations that may be discovered in the future through information obtained in environmental review or other professionally recognized sources. Support state and federal efforts to designate Valencia Lagoon and Ellicott Pond as park preserves.
- (3) Seek funding for acquisition of lots in order to protect the salamander habitat, and for development of Habitat Conservation Plans for all known SCLTS habitats.
- (4) Establish a procedure whereby, upon receiving a development application for an undeveloped parcel within the SCLTS essential habitat, the County shall notify the California Coastal Commission, Coastal Conservancy, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service and other interested organizations. The County or other agency shall have six months from the date of the application completeness determination to decide whether to acquire the parcel. If the County and other agencies decide not to acquire the parcel, and if development potential in the essential habitat has not been otherwise eliminated and development cannot be accommodated on the parcel outside the essential habitat, development may proceed consistent with the standards for the area adjacent to the salamander essential habitat and other LCP policies. A security deposit shall be required to ensure compliance with those standards.
- (5) Delineate SCLTS habitat on County maps and utilize a salamander habitat combining zone district to identify parcels which contain such habitat.
- (6) Establish inter-agency communication between Planning, California Department of Fish and Wildlife, and U.S. Fish and Wildlife to determine the success of the current policies in protecting the SCLTS. If current policies are inadequate, implement additional actions as recommended by inter-agency consultation.
- (7) Prohibit reduction in parcel size on those parcels in the Deer Park Villas area with a Salamander Protection (SP) Combining District. Cooperate with Fish and Game Commission efforts to create a wildlife refuge in this area.

(Responsibility: CDID, California Department of Fish and Wildlife, Fish and Game Commission, Board of Supervisors)

ARC-3.1m Establish an education and monitoring program cooperatively with the California Department of Fish and Wildlife and other interested agencies to prevent substantial lot disturbance and removal of native vegetation on lots which are currently built out in or adjacent to essential salamander habitat. (Responsibility: CDID)

ARC-3.1n Consider developing specific criteria for development and landscaping on sites within or adjacent to ESHA to control stormwater and dry-weather runoff in order to protect especially sensitive and important habitats. (Responsibility: CDID)

ARC-3.1o Evaluate the current program for monitoring projects in sensitive habitats for compliance with project conditions and update as needed. (Responsibility: Environmental Health, CDID)

ARC-3.1p Periodically review policies protecting biological resources, and update where necessary to ensure policies are consistent with current scientific knowledge, as well as best practices to facilitate species adaptation to climate change. Consider adoption of mitigation ratios where restoration or replacement of species or habitats is required. (Responsibility: CDID, Environmental Health)



*Shooting Stars in
Grassland habitat
(left) and
Columbine in
Redwood Forest
habitat*

ARC-3.1q Support private and non-profit organizations' efforts to promote community awareness of Santa Cruz County's rich biological systems and their vulnerability to climate change, as well as their role in mitigating climate change. Develop approaches to track indicators of the effects of climate change on important biological systems. (Responsibility: CDID, Environmental Health)



OBJECTIVE ARC-3.2 SENSITIVE HABITAT RESTORATION

To restore the quality and extent of damaged sensitive habitats, including the restoration of native vegetation, natural drainage, and water quality, in order to enhance functional capacity, productivity, and biological diversity.

Policies

ARC-3.2.1 (LCP) Habitat Restoration with Development Approval. Require as mitigation and/or condition of development approval, restoration of any area of the subject property which is an identified degraded sensitive habitat, with the magnitude of required restoration to be proportional and commensurate with the scope of the project. -Restoration and monitoring plans must ensure sufficient detail to guide efforts through the duration of the restoration period and include success criteria. Project conditions may include erosion control measures, removal of non-native or invasive species, planting with characteristic native species, diversion of polluting run-off, water impoundment, and other appropriate means. The objective of habitat restoration activities shall be to enhance the functional capacity and biological productivity of the habitat(s) and whenever feasible, to restore them to conditions which can be sustained by natural occurrences, such as tidal flushing of lagoons.

ARC-3.2.2 (LCP) Habitats Damaged from Code Violations. In all cases where a sensitive habitat has been damaged as a result of a code violation, require that restoration of damaged areas be undertaken in compliance with all necessary permits and that the size of the restored area be in compliance with California Department of Fish and Wildlife requirements. Such restoration shall include a detailed restoration plan with monitoring over time to ensure the success of the restoration effort.

ARC-3.2.3 (LCP) Habitats Damaged Prior to Sensitive Habitat Ordinance. In cases where a sensitive habitat has been damaged from development occurring prior to the Sensitive Habitat Ordinance, provide technical guidance materials and work cooperatively with private property owners to enhance the quality and extent of the sensitive habitat. Encourage the Land Trust, Resource Conservation District or similar entity to establish a micro-grant program available to owners to carry out voluntary restoration work on their properties.

ARC-3.2.4 (LCP) Removal of Invasive Plant Species. Encourage the removal of invasive species and their replacement with characteristic native plants, except where such invasive species provide significant habitat value and where removal of such species would severely degrade the existing habitat. In such cases, develop long-term plans for gradual conversion to native species providing equal or better habitat values. Support the responsible use of herbicides to assist with the removal of invasive plant species.



ARC-3.2.5 (LCP) Priorities for Restoration Funding. Use the following criteria for establishing funding priorities among restoration projects:

- (1) Biological significance of the habitat, including productivity, diversity, uniqueness of area, presence of rare, endangered, or unique species, or regional importance (e.g., waterfowl resting areas, etc.).
- (2) Degree of endangerment from development or other activities, and vulnerability to overuse or misuse.

Implementation Strategies

ARC-3.2a (LCP) Identify key restoration sites and seek funding to supplement private restoration. (Responsibility: Planning Department, Environmental Health, Parks Department, CDID; Partner Agencies)

ARC-3.2b Encourage enhancement and restoration of sensitive habitats on private lands by providing technical assistance and available resource information to property owners. Work to develop incentives for habitat restoration. (Responsibility: CDID, Environmental Health, Board of Supervisors, Resource Conservation District and Partner Agencies)

ARC-3.2c Support implementation of Riparian Enhancement efforts of the County to work cooperatively with private property owners to improve the extent and quality of riparian habitat along perennial streams to benefit fish and wildlife, water quality and quantity/flow, and stream habitat. (Responsibility: CDID, Environmental Health, Board of Supervisors, Resource Conservation District and Partner Agencies.)

ARC-3.2d Cooperate with the Association of Monterey Bay Area Governments (AMBAG), Monterey County, San Benito County, and California Department of Fish and Wildlife in the implementation of the Pajaro River Corridor Management Plan and Lagoon Management Plan for the lower Pajaro River including specific habitat restoration projects for the Pajaro River and tributaries. (Responsibility: Fish and Game Commission, CDID, Environmental Health)

ARC-3.2e Support the City of Watsonville in its efforts to maintain and implement a comprehensive management plan for South County sloughs and wetlands. (Responsibility: CDID, Board of Supervisors)

ARC-3.2f Develop a coordinated review procedure and criteria that protect sensitive habitats as well as meet standards for fire protection. (Responsibility: Fire Agencies, County Fire Marshal, California Department of Forestry, CDID)

ARC-3.2g Support the efforts of the Resource Conservation District, Land Trust, Amah Mutsun Tribal Band, the Sempervirens Fund, and similar partner entities to attract private capital donations for purposes of restoration and stewardship of natural resources including vegetation,



wildlife, water and soil resources. Consider assembling an ecological enhancement group to include: land owners, professionals in the fields of planning, natural resources and development for the purpose of creating a resource protection incentives program. Consider development program recommendations that the County could carry out, such as a system of density bonuses, cost savings, or other resource protection incentives based upon:

- (1) The quality and extent of preservation and/or restoration of natural habitat; and
- (2) Permanent measures for ongoing stewardship of natural resources.

(Responsibility: Board of Supervisors, CDID, Environmental Health, Resource Conservation District, Regional Transportation Commission, California Native Plant Society)



Aptos Creek

*Photo Credit: Santa
Cruz County*



OBJECTIVE ARC-3.3 RIPARIAN CORRIDORS + WETLANDS

(LCP)To preserve, protect, and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.

Policies

ARC-3.3.1 (LCP) Designation of Riparian Corridors and Wetlands. Designate and define the following areas as Riparian Corridors:

- (1) 50' from the top of a distinct channel or physical evidence of high-water mark of a perennial stream;
- (2) 30' from the top of a distinct channel or physical evidence of high water mark of an intermittent stream as designated on the General Plan maps and through field inspection of undesignated intermittent and ephemeral streams;
- (3) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water;
- (4) The landward limit of a riparian woodland plant community (water-dependent woodland areas); and
- (5) Wooded arroyos within urban areas.

Designate and define the following areas as Wetlands:

Transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water periodically or permanently. Examples of wetlands are saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps mudflats, and fens. The U.S. Army Corps of Engineers, and other federal agencies utilize a "unified methodology" which defines wetlands as "those areas meeting certain criteria for hydrology, vegetation, and soils." *See also Figure 5-4.*

ARC-3.3.2 (LCP) Riparian Corridor and Wetland Protection Ordinance. Implement the protection of riparian corridors and wetlands through the Riparian Corridor and Wetland Protection ordinance to ensure no net loss and to encourage restoration and a net increase of riparian corridors and riparian wetlands. Any amendments to this ordinance shall require a finding that riparian corridors and wetlands shall be afforded equal or greater protection by the amended language.

ARC-3.3.3 (LCP) Activities Within Riparian Corridors and Wetlands. Development activities, land alteration, and vegetation disturbance within riparian corridors and wetlands and required buffers shall be prohibited unless an exception permit is granted per the Riparian Corridor and Wetlands Protection ordinance. As a condition of a riparian exception permit, require evidence of compliance with applicable permit or review requirements of the U.S. Army Corps of Engineers,



California Department of Fish and Wildlife, and other federal or state agencies that may have regulatory authority over activities within riparian corridors and wetlands.

ARC-3.3.4 (LCP) Riparian Corridor Construction Buffer Setback at Arroyos. Require a 10-foot construction buffer setback from riparian arroyo corridors in addition to the specified distances found in the definition of riparian corridor, due to slope and runoff considerations. Allow reductions to the buffer setback only upon approval of a riparian exception permit.

ARC-3.3.5 (LCP) Setbacks from Wetlands. Prohibit development within the 100-foot riparian corridor of all wetlands. Permit exceptions to this setback only where consistent with the Riparian Corridor and Wetlands Protection ordinance, and in all cases, maximize distance between proposed structures and wetlands as feasible and mitigated. Require measures to prevent water quality degradation from adjacent land uses, as outlined in Goal ARC-4: Water Resources.

ARC-3.3.6 (LCP) Compatible Uses with Riparian Corridors. Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities. Allow development in these areas only in conjunction with approval of a riparian exception permit. Where the riparian corridor is already developed, support enhancement of riparian corridors with native plantings that increase and/or enhance the buffer qualities adjacent to streams.

ARC-3.3.7 Stream Wood Retention. Promote the retention of large woody material or stream wood in County streams to provide multiple benefits to riparian and aquatic habitats, including sorting sediment, protecting stream banks and channel stability, and providing pools and refuges.

ARC-3.3.8 (LCP) Environmental Review for Riparian Corridor and Wetland Protection. Require environmental review of all proposed development projects affecting riparian corridors or wetlands and preparation of a Biotic Report for projects that, as proposed, may have a significant effect on the corridors or wetlands. Compliance with County regulations is generally considered to prevent the possibility of significant environmental impacts, and any biotic and/or riparian exception permit process may involve project specifications and/or conditions that would also prevent the possibility of significant environmental impacts.

ARC-3.3.9 (LCP) Management Plans for Wetland Protection. Require development in or adjacent to wetlands to incorporate the recommendations of a management plan that evaluates: migratory waterfowl use from December 1 to April 30, native fish migration, compatibility of agricultural uses and biotic and water quality protection, maintenance of biologic productivity and diversity, flood protection and hydrologic value, and the permanent protection of adjoining uplands.



ARC-3.3.10 (LCP) Development in Wetland Drainage Basins. Require development projects in wetland drainage basins to include drainage facilities or Best Management Practices (BMPs) that will maintain surface runoff patterns and water quality, unless a wetland management plan specifies otherwise, and will minimize erosion, sedimentation, and introduction of pollutants.

ARC-3.3.11 (LCP) Breaching of Lagoon, River, Stream, or Creek Sandbars. Do not permit breaching of lagoon sandbars unless the breaching is consistent with an approved management plan and applicable permits for that wetland, river, stream, or creek system.

Implementation Strategies

See also Objective ARC-3.1: Biological Diversity and Objective ARC-4.4: Surface Water Quality.)

ARC-3.3a (LCP) Maintain and enforce a Riparian and Wetland Protection ordinance to protect riparian corridors, wetlands, lagoons and inland lakes by avoiding to the greatest extent allowed by law development within these areas. Maintain a resource management program to fund protection and restoration of these areas, which would serve to increase riparian corridor and wetland acreage over the long-term. (Responsibility: CDID, Planning Commission, Board of Supervisors)

ARC-3.3b Establish a program in cooperation with the California Department of Fish and Wildlife to identify and re-vegetate disturbed areas in riparian corridors with appropriate native species. (Responsibility: CDID, Environmental Health)

ARC-3.3c Support a Riparian Enhancement Program to increase the quality and quantity of riparian habitat on private property, especially in established residential neighborhoods. (CDID, Environmental Health, Resource Conservation District)

ARC-3.3d Continue implementation of the Stream Wood Program with the goal of increasing the amount of large woody material in streams to benefit steelhead, coho salmon and other aquatic species. The County will assist with the evaluation and modification of large woody material when it threatens life, property, infrastructure or habitat. (Responsibility: Environmental Health, CDID)

ARC-3.3e (LCP) Cooperate with the City of Santa Cruz and the Harbor District in the evaluation of the Arana Creek Marsh and evaluate other appropriate marsh areas for rare and endangered plants and devise a Biotic Management Plan for their preservation. Investigate ways to return the marshes to their natural state. (Responsibility: CDID, Port Commission)

ARC-3.3f (LCP) In conjunction with the City of Watsonville and the State Water Resources Control Board, develop and implement a coordinated resource management plan for the Watsonville Slough system and surrounding wetlands to improve water quality, flood protection



and hydrologic value, and biological habitat. (Responsibility: Department of Public Works, City of Watsonville, and/or other appropriate agencies)

ARC-3.3g (LCP) Follow the guidelines in the 1949 U.S. Army Corps of Engineers Operations and Maintenance Plan as well as the 2002 Final Environmental Impact Report for the Pajaro River and Salsipuedes and Corralitos Creeks Management and Restoration Plan (or subsequent updates to these plans) to improve environmental quality of the riparian corridor and to reduce the risk of flooding to Watsonville and surrounding areas. (Responsibility: Pajaro River Task Force, CDID, Flood Control Zone 7, U.S. Army Corps of Engineers, City of Watsonville, Board of Supervisors, Monterey County, and/or other appropriate agencies)

ARC-3.3h Review site-specific recommendations in the Urban Watersheds Study in connection with the design of drainage and other improvements and the review of development projects in or adjacent to riparian corridors within the Urban Services Line. Incorporate suggested restoration and enhancement measures where practical. Develop long-term plans to implement other suggested measures. (Responsibility: Planning Department, CDID, and/or other appropriate agencies)

ARC-3.3i (LCP) Prepare a map/County GIS layer of all wetlands and wetland drainage basins in the County, consistent with current definitions of a wetland in the California Coastal Act and California Code of Regulations. Seek funding and support for development of management plans for wetlands from state and federal agencies and explore the possibility of establishing a development-funded wetland management program to prepare wetland management plans. (Responsibility: CDID, Information Services)

ARC-3.3.j Prepare a map/County GIS layer of all riparian corridors in the County, including historic corridors that have been piped. Seek funding and support for development of management plans for riparian corridors from state and federal agencies and explore the possibility of establishing a development-funded riparian corridor restoration program to prepare management and restoration/daylighting plans. (Responsibility: CDID, Environmental Health, Information Services)

ARC-3.3k Consider the creation of a mitigation bank program or participation in a similar regional program, along with the needed criteria, to provide a mechanism to offset impacts to riparian corridors and wetlands in those cases where the environmental benefit of a regional or community approach is greater than that of on-site mitigation. (Responsibility: CDID, Environmental Health)



OBJECTIVE ARC-3.4 AQUATIC + MARINE HABITATS

(LCP)To identify, preserve, and restore aquatic and marine habitats; to maximize scientific research and education that emphasizes comprehensive and coordinated management consistent with the mission of the Monterey Bay National Marine Sanctuary; and to facilitate multiple-use and recreation opportunities compatible with resource protection.

Policies

ARC-3.4.1 (LCP) Support the Monterey Bay National Marine Sanctuary. Support the mission of the Monterey Bay National Marine Sanctuary to facilitate the long-term management, protection, understanding, and awareness of its resources and qualities.

ARC-3.4.2 (LCP) Protecting Shorebird Nesting Sites. Discourage all activities within 100 feet of shorebird nesting sites during mating season (March-July). Prohibit dogs from beaches with nesting sites.

ARC-3.4.3 (LCP) Davenport Pier, Rock Cliffs, and Outcrops. Maintain low-intensity uses, such as nature observation and educational instruction, on and adjacent to the Davenport Pier, Rock Cliffs and rock outcrops.

ARC-3.4.4 (LCP) Coastal Dunes and Strand. Prohibit off-road vehicle use in the coastal dunes and strand and discourage other uses with the potential to degrade dune habitat. Where trails through dunes are permitted, utilize wooden boardwalks or other techniques to minimize damage to dune habitat.

ARC-3.4.5 Anadromous Fish Streams. Require new water diversions, dams, and reservoirs that are constructed on anadromous fish streams to be designed to protect fish populations and to provide adequate flow levels for successful fish production.

ARC-3.4.6 (LCP) Marine Mammal Hauling Grounds. Prevent access to the bluff top observation points likely to cause disturbance to animals. Discourage access to immediately adjacent beach areas where necessary to minimize disturbance by roping off sensitive areas and posting explanatory signs along fence lines and restricted paths. Fence where necessary to prevent marine mammals from crossing Highway 1.

See also Implementation Strategy PPF-2.6d.

Implementation Strategies

ARC-3.4a (LCP) Support the designation of a Monterey Bay State Seashore. (Responsibility: Board of Supervisors)



ARC-3.4b (LCP) Encourage creation of wildlife sanctuaries where appropriate; and pursue financing for their acquisition, including state and federal grants and private donations. (Responsibility: CDID; Parks Department)

ARC-3.4c (LCP) Discourage feeding of waterfowl in coastal lagoons through signage and public displays and develop a program to inform the public about the adverse effects of overfeeding waterfowl. (Responsibility: State Parks; Parks Department)

ARC-3.4d (LCP) Support efforts to prevent disturbance to shorebird resting and roosting sites by roping off sensitive areas, posting explanatory signs, and other means. (Responsibility: State Parks, California Department of Fish and Wildlife)



California Sea Otter

Photo Credit: <https://www.elkhornslough.org/story/>

ARC-3.4e (LCP) Close or improve trails across dunes, encourage use of alternate trails. Stabilize and restore dune environments where disturbed. (Responsibility: State Parks; Parks, Open Space and Cultural Services)

See also GOAL AM-4.0: Access to Recreational Opportunities.

ARC-3.4f Enforce leash laws to the fullest extent possible. (Responsibility: law enforcement agencies, Parks, Open Space and Cultural Services)



ARC-3.4g Manage anadromous sport fishing so that overall productivity of the native fish population is enhanced and restored; discourage introduction of non-native species into streams. (Responsibility: California Department of Fish and Wildlife Department, California Fish and Game Commission)

ARC-3.4h (LCP) Identify and restore aquatic and marine habitats that have been damaged due to human activities. (Responsibility: California Department of Fish and Wildlife, Board of Supervisors).



*Sea Lions, Santa Cruz Wharf
Photo Credit: Santa Cruz County*



GOAL ARC-4 WATER RESOURCES

Protect and manage water resources in the County in order to preserve the quality and quantity of surface water and groundwater supplies and protect natural habitats for current and future generations.

See also Goal PPF-4.0: Public Infrastructure for water supply, wastewater treatment and disposal, and drainage.

OBJECTIVE ARC-4.1 MONTEREY BAY + COASTAL WATER QUALITY

(LCP) To improve the water quality of Monterey Bay and other Santa Cruz County coastal waters by supporting and/or requiring the best management practices for the control and treatment of urban run-off and wastewater discharges, as well as plastic and litter pollution, in order to maintain local, state and national water quality standards, protect County residents from health hazards of water pollution, protect the County's sensitive marine habitats.

Policies

ARC-4.1.1 (LCP) Protecting the Monterey Bay National Marine Sanctuary from Adverse Impacts. Prohibit activities that could adversely impact sensitive habitats of the Monterey Bay National Marine Sanctuary, including the discharge of wastes, plastics, litter, and hazardous materials. The main sources of concern are wastewater discharge, urban runoff, toxic agricultural drainage water, including that originating outside of Santa Cruz County, and the accidental release of oil or other hazardous material from coastal tanker traffic.

ARC-4.1.2 (LCP) Definition of Wastewater. Identify "wastewater" as all domestic and municipal sewage and other potentially toxic and/or hazardous materials or effluent resulting from industrial processes or other sources including brine from desalinization plants. Wastewater includes petrochemical compounds, "drilling mud" and associated potentially hazardous substances which may be directly or indirectly discharged into Monterey Bay or other coastal waters of Santa Cruz County as a result of exploratory or other oil drilling. Wastewater should not include storm water runoff, unless so determined by the California State Water Resources Control Board and the Central Coast Regional Water Quality Control Board.

ARC-4.1.3 (LCP) Wastewater Discharges into Coastal Waters. Require a review of any new and/or increased wastewater discharge into the Monterey Bay or other coastal waters to address the potential marine water quality impacts and determine necessary mitigations.

ARC-4.1.4 (LCP) Disclosure of Chemical and Biological Characteristics of Wastewater. Require full disclosure of the projected chemical and biological characteristics of all proposed new and/or expansion of wastewater discharges to the Monterey Bay or other coastal waters of Santa Cruz



County. Require full disclosure of the projected chemical and biological characteristics of wastewater entering treatment and pretreatment facilities connected with new and/or expansion of wastewater discharges to Monterey Bay and other coastal waters of Santa Cruz County. Particular areas of concern include toxic chemicals, toxic metals, bacteria, virus, and other constituents identified as threats to the health and safety of coastal waters.

ARC-4.1.5 (LCP) Levels of Wastewater Treatment. Require complete information on levels of treatment proposed at the treatment and pretreatment facilities to remove those constituents identified or anticipated in all proposed new and/or expansion of wastewater discharges to the Monterey Bay and other coastal waters of Santa Cruz County. This information shall also include reliability and efficiency data of the proposed treatment.

ARC-4.1.6 (LCP) Monitoring Wastewater Treatment. Require a comprehensive monitoring plan for testing of wastewater at treatment and pretreatment facilities for critical constituents or indicators identified or anticipated in all proposed new and/or increased wastewater discharges into the Monterey Bay and other coastal waters.

ARC-4.1.7 (LCP) Location and Methods of Wastewater Discharge. Require oceanographic studies to determine the most suitable location and methods for wastewater discharge into the Monterey Bay or coastal waters.

ARC-4.1.8 (LCP) Baseline Tests for Wastewater Discharge Sites. Require tests of ocean waters at proposed wastewater discharge sites and surrounding waters to establish baseline or background levels of toxic chemicals, toxic metals, bacteria and other water quality constituents. These tests must be performed no more than one year prior to submittal of the proposal. Historical data may not be substituted for this requirement.

ARC-4.1.9 (LCP) Toxicity Studies for Proposed Wastewater Discharges. Require toxicity studies to determine the impacts of the proposed wastewater discharges on marine life, as well as on recreational uses of the coastal waters.

ARC-4.1.10 (LCP) New and/or Increased Wastewater Discharges. Approve new and/or increased wastewater discharges only if they will not degrade marine habitats; will not create hazardous or dangerous conditions; and will not produce levels of pollutants that exceed any applicable local, state or federal water quality standards.

ARC-4.1.11 (LCP) Land Disposal of Wastewater. Encourage land disposal or irrigation with wastewater after adequate treatment to State wastewater treatment standards to assist in recharging groundwater aquifers and maintaining higher summer stream flows.

ARC-4.1.12 (LCP) Disturbances of Coastal Waters, Wetlands, Estuaries and Lakes. Prohibit the diking, filling and dredging of open coastal waters, wetlands, estuaries, and lakes. Allow



exceptions only for the following purposes and only where there is no other feasible, less environmentally damaging alternative:

- (1) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (2) Restoration purposes, including the protection and enhancement of existing harbors, and where the activity will maintain and enhance the functional capacity of the wetland or estuary as determined through the County environmental review process in conjunction with the California Department of Fish and Wildlife, and U.S. Army Corps of Engineers.
- (3) Nature study, aquaculture, or similar resource-dependent activities.

ARC-4.1.13 (LCP) Redistribution of Dredged Materials. Require the redistribution of dredged materials into the same littoral cell from which it was taken in an effort to continue beach replenishment as long as the materials are suitable and non-toxic, and the deposition of the materials will not adversely affect marine environments or recreational uses. The deposition of such materials must be timed and located so as not to interfere with shoreline processes, longshore current systems, and public beach use.



Crab in tide pools. Photo credit: Santa Cruz County

ARC-4.1.14 (LCP) Water Pollution from Urban Runoff. Review proposed development projects for their potential to contribute to water pollution via increased storm water runoff. Require all development and redevelopment projects to be designed to minimize the generation, transport, and discharge of stormwater pollutants by maintaining natural discharge and groundwater recharge rates. Design strategies shall include minimization of impervious areas, pollution prevention strategies, retention and percolation of stormwater, filtration or treatment of stormwater, or other appropriate stormwater best management practices.



See also *Objective PPF-4.4 Flood Control, Drainage + Stormwater and associated policies and implementation strategies.*



*Twin Lakes State Beach
Photo Credit: Santa Cruz County*

Implementation Strategies

ARC-4.1a (LCP) Continue to coordinate with federal, state, and other local agencies, including NOAA Fisheries, California Coastal Commission, Regional Water Quality Control Board, and AMBAG to manage and protect the resources of the Monterey Bay National Marine Sanctuary. (Responsibility: CDID, Environmental Health, State Parks)

ARC-4.1b (LCP) Continue to review and regulate marine water quality impacts of proposed new and/or increased wastewater discharges into Monterey Bay and the coastal waters. (Responsibility: CDID, Environmental Health, Regional Water Quality Control Board, State Parks)

ARC-4.1c (LCP) Continue periodically to review state and federal water quality standards associated with wastewater discharges to the ocean to determine if more stringent local standards are required. (Responsibility: Environmental Health, State Parks)

ARC-4.1d (LCP) Develop a program in conjunction with the Harbor District and other concerned agencies to ensure that dredged materials from the harbor will not harm the marine environment



or adversely affect public beach use. (Responsibility: Port Commission, Regional Water Quality Control Board, Environmental Health, State Parks)



OBJECTIVE ARC-4.2 WATERSHED PROTECTION

(LCP) To protect and manage watersheds, including least disturbed watersheds and those that provide surface water supplies, to preserve the quality and quantity of water as well as habitat values, and to meet the needs of County residents, local industry, agriculture, and the natural environment while taking into account the projected effects of climate change.

To protect the Least Disturbed Watershed areas that support the remaining clear running streams to preserve their water supply, recreation, and wildlife support values.

Policies

ARC-4.2.1 (LCP) Water Supply Watershed Designation. Designate on the General Plan/LCP Resources and Constraints Maps and County GIS those watersheds that supply the County's water, as well as coastal watersheds (see Figure 5-3, Watersheds).

ARC-4.2.2 (LCP) Least Disturbed Watershed Designations. Designate the following watershed areas that support the remaining clear running streams as Least Disturbed Watersheds:

- Waddell Creek Watershed, including Blooms Creek
- Scott Creek and Big Creek Watershed above their confluence, and Scott Creek tributaries below Swanton Road
- Jamison Creek Watershed
- Clear Creek Watershed
- Fall Creek Watershed
- Newell Creek Watershed upstream from Loch Lomond
- Eagle Creek Watershed
- Greenoaks Creek
- Ano Nuevo Creek
- Molino Creek
- Baldwin Creek and Peasley Creek: above Highway 1
- Wilder Creek: above Highway 1
- Laguna Creek and Majors Creek, designated corridors between Highway 1 and the City of Santa Cruz water diversions.

See Table 5-2: Water Supply Watersheds, and Appendix F: Natural Resource and Environmental Hazard Areas: Maps and Development Constraints.

Table 5-2: Water Supply Watersheds		
	Source(s)	Purveyor(s)
North Coast	San Vicente Creek, Mill Creek	Davenport Water System
	Liddell Spring, Laguna Creek, Majors Creek	City of Santa Cruz


Table 5-2: Water Supply Watersheds

	Source(s)	Purveyor(s)
	Reggiardo Creek	Bonnymede Mutual Water Company
	Redwood Spring (Tributary to Majors Creek)	Redwood Spring Mutual Water Company
	Sempervirens Creek	Big Basin State Park
San Lorenzo	San Lorenzo River, Newell Creek Reservoir	City of Santa Cruz
	Spring (Tributary to Bear Creek)	J.B. Ranch Mutual Water Company
	Hare Creek, Jamison Springs, Corvin Spring	Big Basin Water Company
	Forest Spring	Forest Springs Mutual Water Company, Big Basin Water Company
	West Fork Sand Creek	Bracken Brae Country Club
	Peavine Creek, Silver Creek, Foreman Creek, Harmon Creek, Sweetwater Creek, Earl-Manson Spring, Fall Creek, Bennet Creek, Bull Creek, Lompico Creek	San Lorenzo Valley Water District
	Spring (Tributary to Love Creek)	Love Creek Heights Mutual Water Company
San Lorenzo Continued	Miller Creek (Tributary to Zayante Creek), Mountain Charlie Creek	Summit West, Mutual Water Company
	Spring (Tributary to Zayante Creek)	Quail Hollow Circle Mutual Water Company
	Spring (Tributary to Zayante Creek)	Zayante Acres Mutual Water Company
	Spring (Tributary to Zayante Creek)	Moon Meadow Water Company
	Bean Creek, Spring (Tributary to Bean Creek)	Big Redwood Mutual Water Company
	Redwood Springs (Tributary to Bean Creek, Ferndell Springs (Tributary to Bean Creek), Arcadia Spring (Tributary to Zayante Creek)	Mount Hermon Association
	Boulder Brook (Tributary to Gold Gulch)	River Grove Mutual Water Company
Soquel-Aptos	Laurel Creek	Villa del Monte Mutual Water Company
	West Branch Soquel Creek	Summit Mutual Water Company
	Spring (Tributary to West Branch Soquel Creek)	Redwood Lodge Mutual Water Company
	Spring (Tributary to West Branch Soquel Creek)	Cathedral Wood Mutual Water Company
Pajaro	Corralitos Creek, Browns Creek	City of Watsonville
South County	College Lake (Salsipuedes Creek)	Potential Reservoir Site



ARC-4.2.3 (LCP) Water Quality Constraint Area Designation. Designate the following areas located within one mile upstream of intakes used for public water supply as Water Quality Constraint areas:

- (1) City of Santa Cruz intakes on Reggiardo, Laguna, and Majors Creeks, and Liddell Spring;
- (2) Bonnymede Mutual intake on Reggiardo Creek; and
- (3) Davenport water system intakes on Mill and San Vicente Creeks.

ARC-4.2.4 (LCP) Minimum Size for Existing Parcels in Water Quality Constraint Areas. Require 2½ net acre minimum parcel sizes for development of anything other than one accessory dwelling unit where a single-family home already exists on existing lots of record within Water Quality Constraint Areas. Allow exceptions to the 2½ net acre minimum parcel size only where consistent with the existing Sewage Disposal ordinance.

ARC-4.2.5 (LCP) Minimum Size for Developing Existing Parcels of Record in Water Supply Watersheds. Require one acre minimum parcel sizes for newly proposed development of existing lots of record in water supply watersheds in the Coastal Zone, in the North Coast and Bonny Doon Planning Areas, and in the San Lorenzo Water Supply Watershed, in accordance with the Sewage Disposal ordinance. Incorporate as General Plan/LCP Land Use Plan requirements the provisions of the Sewage Disposal ordinance with respect to Kristen Park and Water Quality Constraint Areas. Allow an exception to the one-acre minimum parcel size, in recognition that density and areas of development will not substantially increase in these situations, for the creation of one accessory dwelling unit on parcels already developed with a single-family residence or for an existing parcel of record or for a parcel that has been developed with a single family home but a replacement home is proposed after destruction of the prior home in a natural disaster or fire, or for commercial uses within the RSL, that meet the following applicable criteria:

- (1) The parcel is an existing lot of record with a residential land use designation; or has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial. in the General Plan that was adopted on May 24, 1994;
- (2) It is to be developed for commercial use; or a new home is proposed to replace a home lost due to natural disaster or fire;
- (3) It is within the Rural Services Line if a commercial use; and
- (4) The proposed sewage disposal system, whether for commercial or residential use, will meet all technical standards of the Sewage Disposal Ordinance, and will utilize an enhanced treatment system in accordance with the Sewage Disposal Ordinance.

ARC-4.2.6 (LCP) Land Division and Density Requirements in Water Supply Watersheds. Outside the Coastal Zone, require new parcel sizes to be an average of at least 10 gross acres



in existing or proposed Water Supply Watersheds and allow a maximum average residential density of one dwelling unit per 10 gross acres for parcels that are not divided. Maintain provisions of the SCCC that allow for appropriate clustering of allowed development potential. Inside the Coastal Zone, require new parcel sizes to be an average of at least 20 gross acres in existing and proposed Water Supply Watersheds and within the North Coast and Bonny Doon Water Supply Watersheds extending outside the Coastal Zone, and allow a maximum average residential density of one dwelling unit per 20 gross acres for parcels which are not divided. For new land divisions, encourage a range of parcel sizes consistent with the average parcel sizes noted above where appropriate to maximize protection to the watershed, and allow appropriate clustering of development potential consistent with the SCCC to protect resource values.

These restrictions do not apply in the San Lorenzo River Watershed on lands:

- (1) Designated Urban Residential or Suburban Residential; or
- (2) Designated Rural Residential areas where the average parcel size within $\frac{1}{4}$ mile of the subject parcel boundary is less than 1 gross acre.

See also policies ARC-4.2.5, and BE-4.2.3.

ARC-4.2.7 (LCP) Land Division and Density Requirements in Least Disturbed Watersheds. Maintain Least Disturbed Watersheds in open space densities by requiring an average 40 gross acre minimum parcel size for new parcels within Least Disturbed Watersheds and permit land divisions only where consistent with open space protection and where beneficial to the public, such as parcels for public facilities including public well sites, fire stations, and utility rights-of-way. For new land divisions, encourage a range of parcel sizes consistent with the average parcel sizes note above where appropriate to maximize protection to the watershed. Allow a maximum average residential density of one dwelling unit per 40 gross acres for parcels that are not divided, and allow for appropriate clustering of development potential to protect resource values, consistent with procedures of the SCCC.

See also policy BE-4.2.3.

ARC-4.2.8 (LCP) Allowed Uses in Water Supply and Least Disturbed Watersheds. In order to preserve the water supply, recreation, and wildlife support values, require uses in Water Supply and Least Disturbed watersheds to be compatible with watershed protection policies and limited to open space uses or recreational and residential uses at the specified Watershed densities, unless otherwise exempted.

ARC-4.2.9 (LCP) Development Activities Within Water Supply and Least Disturbed Watersheds. Require all grading, building, and timber harvesting in Water Supply and Least Disturbed watersheds to meet strict standards for erosion control and protection of water quality



as outlined in the Erosion Hazard and Drainage Facilities sections of this Plan and as identified in the San Lorenzo River Watershed Management Plan. Provide a higher level of protection within karst areas of Water Supply Watersheds.

ARC-4.2.10 (LCP) Retaining Undeveloped Lands in Watersheds. Encourage property owners in designated watershed areas to sign Open Space Easement contracts or pursue other mechanisms to retain undeveloped lands within Water Supply Watersheds.

ARC-4.2.11 (LCP) Timber Harvest Review Process in Watersheds. Utilize the timber harvest review process to condition applications in Water Supply and Least Disturbed watersheds so that sustained yield programs are required to comply with restrictions or regulations on winter operations and other conditions to protect the watersheds.

ARC-4.2.12 (LCP) Drainage Design. Require retention of stormwater runoff from impervious surfaces for all new development and redevelopment.

See also Policy PPF-4.4.1: New Development and Redevelopment.

ARC-4.2.13 (LCP) Sewage Disposal for Publicly Owned Facilities. Permit installation of sewage disposal systems within an easement on another lot to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

Implementation Strategies

ARC-4.2a (LCP) Implement watershed management plans to protect and restore water resources, including the San Lorenzo River, Soquel Creek, Aptos Creek, Watsonville Sloughs, and Pajaro River. (Responsibility: CDID, Environmental Health, Resource Conservation District, Water Purveyors, Board of Supervisors)

ARC-4.2b (LCP)(EJ) Continue to monitor surface water quantity and quality to locate and identify water quality problems arising from point and non-point sources of pollution affecting public health and the environment. (Responsibility: Water Purveyors, Environmental Health, Regional Water Quality Control Board)

ARC-4.2c (LCP) Support the continued notification of affected water purveyors and provide opportunity to comment on any development project or Timber Harvest Permit proposed to be located in a Water Supply Watershed. (Responsibility: CalFire)

ARC-4.2d (LCP) Encourage, support, and seek funding for the preparation and implementation of watershed management plans for other watersheds. (Responsibility: CDID, Environmental Health, Resource Conservation District, Water Management Agencies)

ARC-4.2e (LCP) Support efforts for fuel management and other activities to reduce the threat and potential severity of wildfires that would cause serious long-term damage to watersheds,



water supplies, water quality, and biotic resources. (Responsibility: Fire Agencies, CDID, Resource Conservation District)



OBJECTIVE ARC-4.3 ADEQUATE STREAMFLOWS

(LCP) To protect and restore in-stream flows to ensure a full range of beneficial uses including recreation, fish and wildlife habitat and visual amenities, as part of an ecosystem-based approach to watershed management and groundwater management that also takes into account the projected effects of climate change.

Policies

ARC-4.3.1 (LCP) Minimum Stream Flows for Anadromous Fish Runs. Support programs, policies, and projects that protect and enhance dry-season minimum streamflows for anadromous fish runs to the greatest extent feasible.

ARC-4.3.2 (LCP) Designation of Critical Water Supply Streams. Designate the following streams, currently utilized at full capacity, as Critical Water Supply Streams: Laguna, Majors, Liddell, San Vicente, Mill and Reggiardo Creeks and their tributaries; San Lorenzo River and its tributaries above the City of Santa Cruz; Soquel Creek and its tributaries; Corralitos Creek and Browns Creek and their tributaries upstream of the City of Watsonville diversion points. Oppose or prohibit as legal authority allows, new or expanded water diversion from Critical Water Supply Streams. Prohibit new riparian or off stream development, or increases in the intensity of use, which require an increase in water diversions from Critical Water Supply Streams. Seek to restore in-stream flows where full allocation may harm the full range of beneficial uses.

ARC-4.3.3 (LCP) New Major Water Supply Projects. Ensure the development of new major water supply projects are adequately conditioned to protect beneficial in-stream uses and riparian habitat. For new major water supply projects located in the Coastal Zone, ensure that no development proceeds unless such projects are adequately conditioned to protect beneficial in-stream uses and riparian habitat with minimal reliance on technology-based mitigation measures (e.g., relying on hatchery-raised fish instead of maintaining spawning grounds).

ARC-4.3.4 (LCP) On-stream Storage Reservoirs. Prohibit the designation of Scott Creek, Waddell Creek, San Lorenzo River and its tributaries, and Aptos Creek as on-stream storage reservoirs.

Implementation Strategies

ARC-4.3a (LCP) Monitor existing and proposed, public and private, stream diversions and applications for water rights. Work with water users to minimize existing impacts where possible and to protect adequate in-stream flows based on the following considerations:

- (1) Normal summer and fall streamflows should be preserved and enhanced, where feasible;



- (2) Adequate winter and spring baseflows should be preserved for fish migration and spawning and juvenile growth;
- (3) Stream flows should be maintained at adequate levels for sediment transport to preserve or enhance downstream habitat, to maintain County beaches, and to allow for natural, seasonal lagoon sand berm breaching; and
- (4) Groundwater recharge areas should be protected.

(Responsibility: State Water Resources Board, California Department of Fish and Wildlife, Environmental Health)

ARC-4.3b (LCP) Protest water right applications that are inconsistent with policies for streamflow protection. (Responsibility: Environmental Health, Board of Supervisors)

ARC-4.3c (LCP) Develop a monitoring program to ensure that Statements of Diversion and Water Use are filed by all water users as required by the State Water Resources Control Board, Division of Water Rights. (Responsibility: Environmental Health)

ARC-4.3d (LCP) Develop a program to update and enforce the terms and conditions of the Soquel Creek adjudication decree and any other stream adjudications that may occur. (Responsibility: Environmental Health)

ARC-4.3e (LCP) Investigate stream conditions during low flow periods to monitor perennial flow throughout Soquel Creek and the San Lorenzo River. (Responsibility: Environmental Health)

ARC-4.3f (LCP) Request the intervention of the State Water Resources Control Board, the California Department of Fish and Wildlife, and other interested agencies to evaluate and act on unauthorized surface water diversions and underflow extractions. (Responsibility: Planning Department, Environmental Health, Board of Supervisors)

ARC-4.3g (LCP) Develop more detailed information on streamflow characteristics, water use, sediment transport, plant and soil moisture requirements, impervious surface/watershed development, and habitat needs of Critical Water Supply Streams and streams located in the Coastal Zone. Use this information to formulate a more detailed strategy for maintenance and enhancement of streamflows on Critical Water Supply Streams and to better understand the role of streamflows in watershed ecosystems and provide a basis for cooperative management of watershed ecosystems and inter-connected groundwater. (Responsibility: CDID, Environmental Health, Water Purveyors, Groundwater Sustainability Agencies)



ARC-4.3h (LCP) Coordinate with groundwater agencies on the conditions for issuance of water well permits in stream sediments to avoid adverse impacts on in-stream flows. (Responsibility: CDID, Environmental Health, Groundwater Sustainability Agencies)

ARC-4.3i (LCP) Coordinate with the City of Watsonville and PV Water to carry out projects that enhance or restore to the maximum extent possible in-stream flows on Corralitos and Browns Creeks. (Responsibility: CDID, Board of Supervisors, Environmental Health, City of Watsonville, PV Water)



San Lorenzo River
Photo Credit: Santa Cruz County



OBJECTIVE ARC-4.4 SURFACE WATER QUALITY

(LCP) To protect and enhance surface water quality in the County's streams, coastal lagoons, and marshes by establishing best management practices on adjacent land uses.

Policies

ARC-4.4.1 (LCP) Impacts from New Development on Water Quality. Do not approve new development adjacent to marshes, streams, and bodies of water if such development would cause adverse impacts on water quality that cannot be fully mitigated.

See also Policy PPF-4.4.1: New Development and Redevelopment.

ARC-4.4.2 (LCP) Minimum Septic System Setback from Natural Waterways. Do not allow installation of septic tanks or leach fields within 100 feet of all natural waterways including perennial or intermittent streams, seasonal water channels (that flow for more than seven days after significant rainfall), and natural bodies of standing water. Exceptions may be made for the repair or upgrade of existing systems, if the 100-foot setback cannot be maintained, and adequate provisions are made for water quality protection.

ARC-4.4.3 (LCP) Erosion Control for Stream and Lagoon Protection. For all new and existing development and land disturbances, require the installation and maintenance of sediment basins, and/or other strict erosion control measures, as needed to prevent siltation of streams and coastal lagoons.

See also erosion control policies in Chapter 6: Public Safety.

ARC-4.4.4 (LCP) Protecting Riparian Corridors and Coastal Lagoons. Require drainage facilities to infiltrate, filter, or treat stormwater runoff as needed to protect water quality for all new development within 1,000 feet of riparian corridors or coastal lagoons. Encourage vegetative-based treatments where feasible.

ARC-4.4.5 (LCP) Maintaining Saltwater Inflow to Coastal Lagoons. Do not allow new development, site alteration, or road projects adjacent to coastal lagoons unless it can be demonstrated that such projects will not restrict, impound or otherwise interfere with the natural drainage patterns and tidal circulation. Require redevelopment projects to restore natural drainage patterns to the maximum extent feasible.

Implementation Strategies

ARC-4.4a (LCP) In coordination with the Regional Water Quality Control Board, identify and control point and non-point sources of water quality contamination. (Responsibility: Environmental Health, CDID, General Services, Parks Department)



ARC-4.4b (LCP)(EJ) Continue to conduct a comprehensive monitoring program to assess long-term trends in surface and groundwater quality and to identify water quality problems arising from point and non-point sources of pollution affecting public health and the environment. (Responsibility: Environmental Health, CDID, Regional Water Quality Control Board, Water Agencies)

ARC-4.4c (LCP) Develop a program for control of non-point source pollution from agricultural activities and coordinate requirements with the State Water Resources Control Board Irrigated Lands Program requirements. (Responsibility: Agricultural Commissioner, Agricultural Policy Advisory Commission, PV Water, Board of Supervisors, Regional Water Quality Control Board)

ARC-4.4d (LCP) Expand educational programs regarding application and handling of fertilizers and pesticides which encourage lower fertilizer use rates and emphasize protection of water quality. (Responsibility: Agricultural Commissioner)

ARC-4.4e (LCP) Consider funding a program for pre-rainy season street sweeping of selected major roads in urban areas, with highest priority given those roads that drain into coastal lagoons, in order to prevent adverse water quality impacts. (Responsibility: CDID, Board of Supervisors)

ARC-4.4f (LCP)(EJ) Work cooperatively with the State Parks Department, California Department of Fish and Wildlife, the University of California and other relevant agencies to initiate water quality restoration programs for coastal lagoons that will restore and improve natural drainage and saltwater balances, protect the natural habitat, and mitigate public health hazards. (Responsibility: Parks Department; CDID; City of Santa Cruz; City of Capitola)

ARC-4.4g (LCP) Monitor water quality near the County's Buena Vista Landfill and the Watsonville City Landfill in accordance with Regional Water Quality Control Board requirements. (Responsibility: CDID, Regional Water Quality Control Board, California Integrated Waste Management Board)

ARC-4.4h Continue interagency cooperation and coordination to address watershed-based stormwater management policies and practices and implementation of the Stormwater Management Plan. (Responsibility: CDID, Parks Department, General Services, Environmental Health, Board of Supervisors)



OBJECTIVE ARC-4.5 GROUNDWATER PROTECTION + OVERDRAFT

(LCP) To protect the quantity and quality of the County's groundwater resources through an integrated program of land use regulation and runoff management in groundwater recharge areas and karst areas, careful water quality monitoring and management of extractions consistent with long-term sustainable water supply yields and projected effects of climate change. To act directly and coordinate and work with relevant water purveyors and agencies to eliminate long-term groundwater overdraft in all water basins where overdraft has been documented.

Policies

ARC-4.5.1 (LCP) Primary Groundwater Recharge Area Designation. Maintain designations on the General Plan/LCP Resource and Constraints Maps and County GIS system identifying areas where local soil conditions and underlying geologic formations allow for infiltration and percolation of rainfall and runoff into groundwater basins.

ARC-4.5.2 (LCP) Land Division and Density Requirements in Primary Groundwater Recharge Areas. Require new parcel sizes to be an average of at least 10 gross acres for parcels with building sites located in primary groundwater recharge areas and allow a maximum average residential density of one dwelling unit per 10 gross acres for parcels that are not divided. Addition of Accessory Dwelling Units is not considered "density" as the living area is considered accessory to the primary dwelling. Allow exceptions only where the development is:

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

ARC-4.5.3 (LCP) Uses in Primary Groundwater Recharge Areas. Prohibit any land use in a Primary Groundwater Recharge Area that would allow the percolation of pollutants into the groundwater system.

ARC-4.5.4 (LCP) Karst Protection. Seek funding for a study to map karst areas and identify management strategies. Within areas mapped or suspected to be underlain by marble or karst, the area within 200 feet of a proposed leachfield, leachfield expansion area, stormwater discharge system, structure, roadway or area of disturbance should be evaluated by a geologist

What is a Karst? A karst is a type of underlying geology that may have the presence of subsurface fissures, caverns, sinkholes or other features resulting from dissolution of limestone or marble that could lead to the rapid subsurface movement of water, untreated sewage, or other water-borne contaminants.



familiar with karst landscapes prior to further development. Any new sewage or stormwater dispersal system shall be located at least 100 feet from any sinkhole or other karst feature that would rapidly transmit contaminated water.

ARC-4.5.5 (LCP) Developing Groundwater Resources. Allow development of groundwater resources when consistent with sustainable yield, protection of streamflows, and maintenance of groundwater quality. Require water systems serving new development to meet applicable standards for yield to ensure a reliable water supply is provided to its users.

ARC-4.5.6 (LCP) Well Construction Standards. Require new and rehabilitated wells to comply with State and local construction standards as specified in the County well ordinance to prevent contamination of groundwater supplies.

ARC-4.5.7 (LCP) Pajaro Groundwater Protection Zone Designation. Designate the appropriate areas within the boundaries of the Pajaro Valley Basin as the Pajaro groundwater protection zone. Apply special testing and construction standards to identify strata containing poor quality water and to prevent the movement of such water into other aquifers.

ARC-4.5.8 (LCP) Wells with Poor Water Quality. Require all new wells found to be of unsuitable quality to be promptly sealed according to State standards and inspected by Environmental Health unless mitigating measures can be found to make the water potable and not adversely affect underlying groundwater quality.

ARC-4.5.9 (LCP) Development Densities with Poor Groundwater Availability. Limit new development densities through the use of a Rural Density Matrix in rural areas identified as having poor groundwater availability based on the best available data for the area and the site.

See also Policy BE-2.2.5: Rural Density Matrix



Implementation Strategies

ARC-4.5a (LCP) Cooperate with the State and Groundwater Sustainability Agencies in implementing the Sustainable Groundwater Management Act, addressing groundwater basin overdraft problems and seeking any available state or federal assistance to support local groundwater management programs. (Responsibility: Board of Supervisors, Environmental Health, Groundwater Sustainability Agencies)

ARC-4.5b (LCP) Review and evaluate proposals by water agencies to develop supplemental sources of water supply (such as wastewater reclamation, water importation or surface water development), water conservation, or other means to reverse overdraft seawater intrusion and other basin problems that are occurring in some areas of the County. (Responsibility: Water Agencies, Board of Supervisors, Environmental Health)

ARC-4.5c (LCP) Work with water purveyors and water management agencies to augment natural groundwater recharge where it is environmentally and fiscally acceptable. (Responsibility: Environmental Health, CDID, Water Agencies, Resource Conservation District)

ARC-4.5d (LCP) Continue to evaluate the groundwater recharge areas in the County to determine appropriate densities and uses considering both existing levels of development and new information on geology of the recharge area. Update zoning and County Design Criteria based on the evaluation as appropriate to protect groundwater recharge. (Responsibility: CDID, Environmental Health, Groundwater Sustainability Agencies U.S. Geological Survey)

ARC-4.5e (LCP) Utilize the County's GIS to update and further delineate groundwater recharge areas throughout the County as more detailed information becomes available.

Sustainable Groundwater Management Act

Like many groundwater basins across California, Santa Cruz County's basins have been suffering from overdraft and salt-water intrusion. Statewide, California's groundwater basins support at least one-third of the water used by nearly 39 million people, sustain the nation's most robust agricultural industry, and support hundreds of billions of dollars in economic activity each year. Unlike many areas, Santa Cruz County's water comes solely from its groundwater.

Signed into law in 2014 by Governor Jerry Brown, the SGMA requires water agencies to protect groundwater supplies from irreversible impacts that can lead to loss of the supply altogether. Six indicators are used to measure the sustainability of groundwater resources: groundwater level declines, storage reductions, land subsidence, interconnected surface water depletion, seawater intrusion, and water quality degradation.



(Responsibility: CDID, Environmental Health, Groundwater Sustainability Agencies, Board of Supervisors)

ARC-4.5f (LCP) Institute and continue monitoring programs to study streambed percolation in Corralitos Creek, Coward Creek, Soquel Creek, Bean Creek, Carbonera Creek and other streams which percolate water into critical groundwater basins. (Responsibility: Environmental Health, Groundwater Sustainability Agencies, Board of Supervisors)

ARC-4.5g (LCP) Continue to work with the City of Watsonville on its Water Use Reduction Program for new and existing urban development within the Pajaro Valley. (Responsibility: CDID, Environmental Health, PV Water, City of Watsonville)

ARC-4.5h. (LCP) (EJ) Continue to work with PV Water to eliminate overdraft and saltwater intrusion through implementation of their Basin Management Plan. (Responsibility: CDID, PV Water, Environmental Health, Board of Supervisors, Resource Conservation District)

ARC-4.5i. (LCP) Continue to work with the PV Water, the Farm Bureau and landowners to ensure maximum water efficiency on agricultural lands in the Pajaro Valley. (Responsibility: Environmental Health, PV Water, Farm Bureau, Agricultural Commissioner, Resource Conservation District)

ARC-4.5j (LCP) Work with the Santa Margarita Groundwater Agency to develop and implement a groundwater sustainability plan for the Santa Margarita groundwater basin in the San Lorenzo Valley and the Scotts Valley area. (Responsibility: CDID, Environmental Health, Board of Supervisors, Santa Margarita Groundwater Agency)

ARC-4.5k (LCP) Work with the Santa Cruz Mid-County Groundwater Agency to implement the groundwater sustainability plan for the Santa Cruz Mid-County groundwater basin. (Responsibility: CDID, Environmental Health, Board of Supervisors, Santa Cruz Mid-County Groundwater Agency)

ARC-4.5l (LCP) Review applications for well water permits for conformance with County well ordinance. Periodically review well construction standards and requirements for the destruction of inactive or abandoned wells. (Responsibility: Environmental Health, Water Advisory Commission, Board of Supervisors)

ARC-4.5m (LCP) Assist in development of additional water supply, additional recharge, or offsetting amounts of water conservation for the Pajaro Valley basin to meet current and future demands and climate change impacts while eliminating groundwater overdraft. (Responsibility: PV Water, Environmental Health, Water Purveyors)



Watsonville Slough

Source: *Pajaro Valley Water: Management Agency, Watsonville Slough Hydro-Study*, accessed at [Watsonville Slough Hydro-Study | Pajaro Valley Water Mgt Agcy \(pvwater.org\)](https://www.pvwater.org/Watsonville-Slough-Hydro-Study)



GOAL ARC-5 VISUAL RESOURCES

Identify and protect the visual resource areas in the County that have regional public importance for their natural beauty or rural agricultural character.

See also Goal BE-4: Community Character and Design.

OBJECTIVE ARC-5.1 PROTECTION OF VISUAL RESOURCES

(LCP) To identify, protect, and restore the scenic values of visual resources, including Coastal scenic areas, and to ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources.

Policies

ARC-5.1.1 (LCP) Designation of Visual Resources. Designate on the General Plan/LCP Resources and Constraints Maps (Appendix F) and define visual resources as areas having regional public importance for their natural beauty or rural agricultural character. Include the following areas when mapping visual resources: vistas from designated scenic roads, Coastal Special Scenic Areas, and unique hydrologic, geologic, and paleontologic features identified in Goal 6. Ocean views, agricultural fields, wooded forests, open meadows, ridgetops, and mountain hillside views are also public scenic assets that should be identified and considered during development review permit processes.

ARC-5.1.2 (LCP) Development Within Visual Resource Areas. Recognize that designated visual resources of Santa Cruz County possess diverse characteristics that are worthy of protection. Require projects in visual resource areas to be evaluated against the context of their unique environments and regulate structure height, setbacks, materials, and design to protect these resources consistent with the objectives and policies of this section.

See also Objective BE-4.2: Design with the Environment.

ARC-5.1.3 (LCP) Protection of Public Vistas and Scenic Assets. Protect significant public vistas and public scenic assets as identified in Policy ARC-5.1.1, even those that are not mapped and designated as visual resource areas, scenic roads, coastal special scenic areas, or other unique features, by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design. Provide necessary landscaping to screen development that is unavoidably sited within these vistas. Proposed landscaping within public vistas should be sited and designed to retain existing public views of vistas and scenic assets especially for coastal designated visual resources.

See also Policy ARC-5.2.2: Development Visible from Rural Scenic Roads.



ARC-5.1.4 Preserving Natural Buffers. Preserve the vegetation and landform of natural wooded hillsides that serve as a backdrop for new development. Also comply with Policy ARC-5.1.8 regarding protection of ridgetops and natural landforms.

ARC-5.1.5 (LCP) Preserving Agricultural Vistas. Preserve the aesthetic value of agricultural vistas. Encourage development to be consistent with the agricultural character of the community. Structures appurtenant to agricultural uses on agriculturally designated parcels are considered compatible with the agricultural character of surrounding areas.

ARC-5.1.6 (LCP) Preserving Ocean Vistas. Where public ocean vistas exist, require these vistas be retained to the maximum extent possible as a condition of approval for any new development.

ARC-5.1.7 (LCP) Open Beaches and Blufftops. Do not permit or allow the placement of new permanent structures that would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection, public beach access, or public ocean viewing, and where consistent with SCCC Chapter 13.11. Use the following criteria:

- (1) Allow infill structures (typically residences and accessory structures on existing lots of record) where compatible with the pattern of existing development.
- (2) Require shoreline protection and access structures to use natural materials and finishes to blend with the character of the area and integrate with the landform.

Also see Objective AM-4.1: Recreational and Coastal Access.



*Twin Lakes State Beach
Photo Credit: Santa Cruz County*

ARC-



5.1.8 (LCP) Protecting Ridgetops and Natural Landforms. Ensure that any development protects the scenic and visual character of ridgetops and prominent natural landforms such as cliffs, bluffs, dunes, rock outcroppings, and other significant natural features. In connection with discretionary review, apply the following criteria:

- (1) Development on ridgetops shall be avoided if other developable land exists on the property.
- (2) Do not approve development permits that allow the removal of trees when such removal would erode the silhouette of the ridgeline form. Consider the cumulative effects of tree removal on the ridgeline silhouette.
- (3) Restrict the height and placement of buildings and structures to prevent their projection above the ridgeline or treeline. Restrict structures and structural projections adjacent to prominent natural landforms. Ensure that any newly created parcel includes buildable locations such that new development can be integrated into the existing terrain and does not project above the ridgeline, in accordance with design review standards provided in SCCC Chapter 13.11.
- (4) Through review and approval of discretionary development permits, ensure that exterior materials and colors blend with the natural landform and tree backdrops.

ARC-5.1.9 (LCP) Significant Tree Removal Ordinance. Maintain the standards in the County's regulations that require a permit for removal of significant trees and other major vegetation located within the Coastal Zone, and provide appropriate protection for significant trees and other major vegetation in other areas of the County.

ARC-5.1.10 (LCP) Restoration of Scenic Areas. Require on-site restoration of visually blighted conditions commensurate with the size and scope of the project as a mitigating condition of approval for new development permits. Provide technical assistance for restoration of blighted areas.



ARC-5.1.11 (LCP) Designation of Coastal Special Scenic Areas and Special Communities.

Designate the following as Coastal Special Scenic Areas and Special Communities (see Appendix F: Natural Resource and Environmental Hazard Areas: Maps and Development Constraints) and require development to comply with the design criteria set forth in SCCC Chapter 13.20 Coastal Zone Regulations and Chapter 13.10 Zoning Ordinance:

- (1) Bonny Doon sandstone formations, generally found within the borders of Pine Flat Road, Laguna Creek, Ice Cream Grade, and Martin Road.
- (2) The area enclosed by the Swanton Road and Highway 1 scenic roads.
- (3) Davenport community.
- (4) Harbor area.
- (5) East Cliff Village tourist area.
- (6) Seacliff Beach area.
- (7) Rio Del Mar Esplanade.
- (8) Pleasure Point Community mapped residential and commercial areas.
- (9) Seascape Beach Estates.

ARC-5.1.12 (LCP) Swanton Road Coastal Special Scenic Area. In the Swanton Road Coastal Special Scenic area, require new development to be hidden from public view to the greatest extent feasible. Where it is not possible to locate development out of public view, require dense vegetative screenings consistent with patterns and types of existing vegetation and comprised of indigenous species.

Implementation Strategies

ARC-5.1a Review and update criteria in the Site Development and Design Chapter of the County Code (Chapter 13.11) to ensure that development in designated visual resource areas protects the scenic character of visual resources consistent with the General Plan/LCP, and also to protect other important categories of public vistas and scenic assets. (Responsibility: CDID, Planning Commission, Board of Supervisors)

ARC-5.1b (LCP) Identify locations for and prioritize construction of scenic overlooks along coastal bluffs in conjunction with Objective AM-4.1: Recreational and Coastal Access. (Responsibility: County Parks Department; Board of Supervisors)



ARC-5.1c Consider revising the Significant Trees Protection Ordinance to expand the protection to all unincorporated areas within the Urban and Rural Services Lines of the County, for protection of priority listed species that occur within the USL/RSL, considering conservation status. (Responsibility: CDID, Planning Commission, Board of Supervisors)

OBJECTIVE ARC-5.2 SCENIC ROADS

(LCP) To designate roads in the County with significant public vistas as scenic roads and ensure that development and signage does not negatively impact the quality of the public viewshed visible from designated scenic roads.

Policies

ARC-5.2.1 (LCP) Designation of Scenic Roads. The following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection.

(1) State Highways

- Highway 1 - from San Mateo County to Monterey County
- Highway 9 – from Route 1 to Santa Clara County
- Highway 17 – from Highway 1 to Santa Clara County
- Highway 35 – from Highway 17 to San Mateo County
- Highway 129 – from Highway 1 to San Benito County
- Highway 152 – from Highway 1 to Santa Clara County
- Highway 236 – from Highway 9 in Boulder Creek to Highway 9 at Waterman Gap

(2) County Roads

- Amesti Road – from Varni Road to Browns Valley Road
- Beach Road – from Highway 1 to Palm Beach
- Bonita Drive and San Andreas Road – from Highway 1 to Beach Road
- Bonny Doon Road – from Highway 1 to Pine Flat Road
- Browns Valley Road – from Eureka Canyon Road to Hazel Dell Road
- Buena Vista Drive – from San Andreas Road to Larkin Valley Road
- Cassery Road – from Mile marker 1.75 to Highway 152
- Corralitos Road – from Freedom Boulevard to Browns Valley Road
- Empire Grade – from the Santa Cruz City limits to the end of Empire Grade
- East Cliff Drive – from 33rd Avenue to 41st Avenue
- Eureka Canyon Road – from Highland Way to Corralitos



Graham Hill Road – from Lockwood Lane to Highway 9

Hazel Dell Road – from Browns Valley Road to Mt. Madonna Road

Highland Way – from Summit Road to Eureka Canyon Road

Ice Cream Grade

Martin Road – from Pine Flat to Ice Cream Grade

Mt. Hermon Road – from Scotts Valley City limits to Graham Hill Road

Mt. Madonna Road – from Gaffey Road to Hazel Dell Road

Pine Flat Road – from Bonny Doon Road to Empire Grade

Sand Dollar Drive

Smith Grade

Summit Road – from Highway 17 to Highland Way

Sunset Beach and Shell Road

Swanton Road – from Highway 1 at Davenport Landing to Highway 1 at Greyhound Rock

ARC-5.2.2 (LCP) Development Visible from Rural Scenic Roads. In the viewsheds of rural scenic roads, require new discretionary development, including development envelopes in proposed land divisions, to be sited out of public view, designed for compatibility with area character, and/or obscured by natural landforms and/or existing vegetation. Where proposed structures on existing lots are unavoidably visible from scenic roads, identify those visual qualities worthy of protection and require the siting, architectural design and landscaping to mitigate the impacts on those higher value visual qualities.

See Polic ARC-5.1.2.

ARC-5.2.3 (LCP) Development Visible from Urban Scenic Roads. In the viewsheds of designated urban scenic roads, require new discretionary development to respect, preserve or improve the visual quality through siting, architectural design, landscaping and appropriate signage.

See also policies ARC-5.2.7, 5.2.8, and 5.2.9.

ARC-5.2.4 Development Visible from the Highway Scenic Corridor. Require discretionary review for all development within the visual resource area of Highway 1, outside of the Urban and Rural Services Lines, as designated on the GP/LCP Visual Resources Map and apply the design criteria of the Coastal Zone Regulations ordinance.



ARC-5.2.5 (LCP) Landscaping Requirements. Grading and land disturbance projects involving more than 1,000 cubic yards that are visible from scenic roads shall conform to the following visual mitigation conditions of a discretionary grading and/or coastal development permit:

- (1) Blend contours of the finished surface with the adjacent natural terrain and landscape to achieve a smooth transition and natural appearance; and
- (2) Incorporate only characteristic or indigenous plant species appropriate for the area.

ARC-5.2.6 (LCP) Protecting Views in the North Coast and Bonny Doon. In order to preserve the agricultural and coastal grassland vistas of the North Coast and Bonny Doon Highway 1 view corridor, prohibit the division of all grassland habitat as mapped on the County's Resources and Constraints Maps.

See policies ARC-3.1.2, ARC-3.1.5, and ARC-5.2.2.

ARC-5.2.7 Design Review for Public Projects Visible from Scenic Roads. Require construction and development of any soundwalls and roadside amenities such as turnouts and vista points within or adjacent to Scenic Roads to be reviewed for consistency with the visual resource protection policies of this section and the Zoning Ordinance.

ARC-5.2.8 (LCP) Signs Visible from Scenic Roads. Actively discourage the placement of signs that will be visible from scenic roads; where allowed, require strict compliance with the County Sign ordinance to minimize disruption of the natural scenic qualities of the viewshed. Give priority to sign abatement programs for scenic roads.

ARC-5.2.9 (LCP) Highway 1 Signage in Rural Areas. In the rural Highway 1 corridor, allow only Caltrans standard directional, access, and business identification signs, except within the commercial area of Davenport.

ARC-5.2.10 (LCP) Highway 1 Signage in Urban Areas. In the urban Highway 1 corridor, allow signage where consistent with the Sign ordinance and any applicable village, town, community, or specific plan.

ARC-5.2.11 (LCP) Illuminated Signs Visible from Designated Scenic Roads. In accordance with the County Sign ordinance, allow illuminated signs to be visible from scenic roads only for state and county directional and information signs and in designated commercial and visitor-serving areas. Seek to eliminate all other non-conforming illuminated signs which are visible from scenic roads.

ARC-5.2.12 (LCP) Requirement for Sign Plans. Require new project submittal applications to include standard road sign designs for directional, access, and business identification and



designate appropriate locations for these signs consistent with the County Sign ordinance and Caltrans requirements.

ARC-5.2.13 (LCP) Utility Service Lines. Require underground placement of all new utility service lines and extension lines to and within new residential subdivisions and major commercial developments within the Urban Services Line. Prioritize or require underground placement of all other new or supplementary transmission lines within views from scenic roads where it is technically feasible, unless it can be shown that other alternatives are less environmentally damaging or would have unavoidable adverse impacts on agricultural operations. When underground facilities are installed parallel to existing above ground lines, require the existing lines to be placed underground with the new lines if feasible. When above ground facilities are necessary, require that the design of the support towers or poles be compatible with the surroundings and that lines cross roadways at low elevations or curves in the road in accordance with California Public Utility Commission regulations for public utility facilities.

See also Objective PPF-4.6: Electrical Distribution System.

ARC-5.2.14 (LCP) Access Roads for Transmission Lines. Require access roads for transmission line construction and maintenance within scenic corridors to be designed and constructed to parallel the contour of the land and to minimize grading and landscape alterations.

Implementation Strategies

ARC-5.2a Review and update the County Sign ordinance to replace those in effect as of 2020. Specific standards for signs proposed adjacent to scenic roads should be developed, consistent with policies in this section. (Responsibility: Planning Department, Planning Commission)

ARC-5.2b. Coordinate with CalTrans to replant trees along the urban portions of Highway 1 between Ocean Street and Bay Avenue, using appropriate native species or other drought-tolerant species adapted to highway conditions. (Responsibility: CDID, CalTrans)

See also policies for sensitive land uses in Chapter 6: Public Safety.



GOAL ARC-6 HYDROLOGICAL, GEOLOGICAL + PALEONTOLOGICAL RESOURCES

Protect hydrological, geological, and paleontological resources that stand out as rare or unique and representative in Santa Cruz County because of their scarcity, scientific or educational value, aesthetic quality, or cultural significance.

Policies

ARC-6.1.1 (LCP) Protection and Designation of Significant Resources. Protect significant geological features such as caves, large rock outcrops, inland cliffs and special formations of scenic or scientific value, hydrological features such as karst topography, major waterfalls or springs, and paleontological features, through the environmental review process. Designate such sites on the General Plan/LCP Resources and Constraints Maps where identified. Currently identified sites of Significant Hydrological, Geological, and Paleontological Features are as follows:

Bonny Doon Planning Area:

- (1) Majors Creek Canyon: The cliffs and exposed rocks of this canyon to the east of Highway 1 are outstanding geologic and scenic features.
- (2) Martin Road: East and west of Martin Road, encompassed in the botanical sites, are unusual sandhill outcroppings.
- (3) Wilder Creek: This area contains a concentration of limestone caves worth protecting.
- (4) Table Rock: Highly scenic coastal rock formations (sedimentary intrusive bodies) can be found in the vicinity of Table Rock and Yellow Bank Creek.

ARC-6.1.2 (LCP) Protecting Significant Resources Through Easements and Land Dedications. Encourage and obtain where possible Open Space Easements or other forms of land dedication to conserve as open space those areas containing hydrological, geological, or paleontological features of significant scenic or scientific value.

Implementation Strategies

ARC-6.1a (LCP) Continue to identify hydrological, geological, and paleontological features in the County, in addition to those currently identified, and continue to develop and maintain a countywide inventory for these resources and identify the location of these resources in the County GIS system. (Responsibility: CDID)

ARC-6.1b (LCP) Develop a program to protect unique hydrological, geological, and paleontological resources through the negotiation of Open Space Easements, other deed restrictions, conditions of development approval, and purchase as necessary and feasible. (Responsibility: CDID, Board of Supervisors)



Rock formations near Bonny Doon Ecological Reserve

Photo Source: Bonny Doon Ecological Reserve: <https://bdecoreserve.wixsite.com/bdecoreserve>



GOAL ARC-7 TIMBER AND MINERAL RESOURCES

(LCP) Provide for the conservation and environmentally sound and managed economic use of timber and mineral resources to provide employment and income in Santa Cruz County while minimizing impacts to adjoining land uses and the environment.

OBJECTIVE ARC-7.1 TIMBER PRODUCTION

(LCP) To encourage the orderly and managed economic production of forest products on a sustained yield basis, to protect the scenic and ecological values of forested areas, including soil, water, and habitats, and to allow orderly timber production consistent with the least possible environmental impacts.

Policies

ARC-7.1.1 (LCP) Designation of Timberlands. Designate on the General Plan/LCP Resources and Constraints Maps (Appendix F) those timberlands that are devoted to and used for growing and harvesting timber and that are capable of producing an average annual volume of wood fiber of at least 15 cubic feet per acre.

ARC-7.1.2 (LCP) Uses Within Timber Production Zones. Allow the following types of uses compatible with Timber Production (TP) zoned land and other uses where allowed in accordance with the Timber Production ordinance (a Site Development Permit may be required in some cases):

- (1) The growing and harvesting of timber and other forest products, including Christmas trees, in conformance with the provisions of the Timber Production Zoning ordinance and the Forest Practice Act.
- (2) Watershed management.
- (3) Fish and wildlife habitat.
- (4) Grazing and other agricultural uses on that portion of the land not under timber production.
- (5) Outside the Coastal Zone, one single-family dwelling and utilities, with one associated Accessory Dwelling Unit and/or habitable and non-habitable accessory structures, subject to locational requirements and other requirements in the Zoning Ordinance.
- (6) Timber removal as necessary for the safe operation of public utility facilities.
- (7) Accessory structures incidental to timber, agricultural, or residential uses.

ARC-7.1.3 (LCP) Discretionary Uses Within Timber Production Zones. Allow the following types of uses with use permit approval, and other discretionary uses where allowed in accordance with the Timber Production ordinance. Discretionary uses must be consistent with the growing of a sustained yield tree crop, with the purposes of the Forest Taxation Reform Act of 1976 and the



Timber Production zone district and should be supported by a timber management plan or compatibility analysis submitted to the County of Santa Cruz, pursuant to the County Code.

- (1) Mineral production and mining operations, in conformance with the provisions of the Mining Regulations Ordinance.
- (2) Erection, construction, alteration, and maintenance of water and transmission facilities.
- (3) Outdoor recreation, educational or religious activities, in conformance with the provisions of the County's organized camp zoning regulations which do not conflict with the management of the parcel's timber resources.
- (4) Conversion to agricultural uses not exceeding ten percent of the total of the timber area on the parcel.
- (5) On parcels inside the Coastal Zone, one single family dwelling and Accessory Dwelling Unit subject to locational requirements and other requirements in the Zoning Ordinance.
- (6) Residential dwelling groups.
- (7) Timber processing and other related facilities.
- (8) Commercial cannabis activities outside the Coastal Zone only, within non-timbered portions of a site, subject to discretionary review and approval pursuant to all requirements of the non-retail commercial cannabis licensing ordinances, zoning ordinance, environmental regulations, coastal regulations, building code, and other applicable regulations, which shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. A Timber Management Plan may be required as a requirement or condition of the Conditional Use Permit process. *See also Objective BE-3.6: Cannabis Industry. (Added by Resolution 88-2018)*

ARC-7.1.4 (LCP) Land Division and Density Requirements for Timber Production Zoned Lands. For land divisions of TP zoned lands, require new parcel sizes to be at least 160 gross acres in the Coastal Zone and 40 gross acres in other areas of the County, except as noted in Policy 7.1.5 below. Where development envelopes are clustered, require new parcel sizes to be an average of 40 gross acres in the Coastal Zone and 10 gross acres in other areas of the County.

For residential development on TP zoned lands where no land division is proposed, allow a maximum residential density of one dwelling unit per 160 gross acres in the Coastal Zone and 40 gross acres in other areas of the County. Where development envelopes are clustered, allow a maximum average residential density of one dwelling unit per 40 gross acres in the Coastal Zone and 10 gross acres in other areas of the County.

ARC-7.1.5 (LCP) Conditions for Clustered Development Envelopes on Timber Production Zoned Lands. In addition to the conditions listed in Policy ARC-7.1.6, the following conditions apply to the creation of new parcels below the minimum parcel size with clustered development envelopes pursuant to Policy ARC 7.1.4:



- (1) The timberland shall be managed as one unit under an approved Timber Management Plan for all timber harvest operations. The creation of such parcels shall be consistent with all policies of this section and provisions of the County Code, and requires approval by a four-fifths vote of the Board of Supervisors; and
- (2) The remainder of the property not included within the area of clustered development envelopes shall be held in common ownership, and timber rights shall be held by a designated property owner or individual.

ARC-7.1.6 (LCP) General Conditions for Development Proposals on Timber Production Zoned Lands. The following may be required in connection with any permitted development on Timber Production zoned lands in order to protect the timber production potential and ecological values of the site:

- (1) A Timber Management Plan, prepared by a Registered Professional Forester, submitted to and approved by the County for the entire land holding.
- (2) The individual designated as possessor of timber rights on the property shall enter into a binding contract with the Board of Supervisors to manage and harvest timber on the timberland and to abide by the provisions of the Timber Management Plan and/or Timber Harvest Plan.

ARC-7.1.7 (LCP) Location of Development on Timber Production Lands. Locate all new development on TP lands on a non-timbered portion of the property.

ARC-7.1.8 (LCP) Timber Resource Land Not Zoned Timber Production. Evaluate proposed land divisions and residential development permit applications on parcels larger than 20 gross acres designated Timber Resource on the General Plan and LCP Resources and Constraints Maps, but not zoned TP, for timber resource potential. Apply the TP land division and residential density requirement policies for any parcel found to have timber resources equivalent to TP parcels. Require, as a condition of any land division, rezoning to TP for parcels which have equivalent timber resources.

ARC-7.1.9 (LCP) Rezoning Lands to Timber Production. Encourage timberland owners to apply for Timber Production zoning where appropriate. Such re-zonings must be in accordance with the procedures set forth in the TP ordinance.

ARC-7.1.10 (LCP) Rezoning Lands from Timber Production. Do not support rezoning of timberland from TP to alternate zone districts unless it can be shown that the rezoning is consistent with the Forest Taxation Reform Act of 1976 and the County TP ordinance.

ARC-7.1.11 (LCP) Review of Timber Harvests. Require review of all timber harvests and conversions for conformance with Section 926 of the California Forest Practice Rules and with County regulations regarding land clearing, Sensitive Habitat protection, and other applicable regulations. Require the approval of any applicable County permits prior to state approval of any timber harvest plan, to assure



minimal environmental and neighborhood impacts. Deny all requests for “less than 3-acre conversions” as defined in Section 1104.1(a) of Title 14 of the California Code of Regulations that cannot meet these standards.

ARC-7.1.12 (LCP) Timber Statement of Acknowledgment. As a condition of approval for any new land division or other development permit, require a Statement of Acknowledgement be recorded, or evidence that the statement has been made part of the parcel deed, for parcels adjacent to lands designated as Timber Resources on General Plan/LCP Resources and Constraints Maps. The purpose of the statement is to inform property owners about adjacent timber practices, and advise them to be prepared to accept such inconvenience or discomfort from normal timber operations.

ARC-7.1.13 (LCP) Zone Districts Where Timber Harvesting is Allowed. Allow timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, only in the Timber Production (TP), Parks, Recreation and Open Space (PR) (except in the coastal zone), Mineral Extraction Industrial (M-3), and the Commercial Agriculture (CA) (except in the coastal zone) zone districts.

Implementation Strategies

ARC-7.1a (LCP) Continue to apply the following policies when reviewing timber harvest plans:

- (1) Where applicable, do not support, and/or recommend denial, of a timber harvest plan that has the potential for cumulative adverse impacts to water quality, traffic, wildlife or other affected resources;
- (2) Encourage shared road access between adjacent timber owners; and
- (3) Allow for selecting the haul route which minimizes neighborhood impacts.

(Responsibility: Board of Supervisors, CDID)

ARC-7.1b(LCP) Ensure that the County’s concerns regarding individual timber harvests are addressed through active participation in review team meetings and California Department of Forestry public hearings. (Responsibility: CDID, Board of Supervisors)

ARC-7.1c (LCP) Provide appropriate review of all timber-related activities, including conversions, harvests, and vegetation management projects proposed by state agencies, in accordance with all applicable local, state and federal regulations and policies. (Responsibility: CDID)

ARC-7.1d (LCP) Periodically review and update policies and regulations where needed to comply with changes in state laws related to timber harvest activities. (Responsibility: CDID)



Photo Credit: Jay Mantri on Unsplash

OBJECTIVE ARC-7.2 MINERAL RESOURCES

(LCP) To allow the orderly and managed economic extraction of minerals with a minimal adverse impact on environmental and scenic resources and surrounding residential land uses in accordance with state law; to require reclamation of quarry sites concurrently with the extraction of the mineral resource and the completion of quarry operations in any specific area to the greatest extent feasible; and to ensure that the rehabilitation and future use of quarry sites are in accordance with safety, conservation, habitat preservation, restoration and open space values and state mining laws found in PRC section 2710 et. seq. and CCR section 3675-3676.

Policies

ARC-7.2.1 (LCP) Identification of Mineral Resource Areas. Areas classified by the State Geologist and designated by the State Mining and Geology Board as Regionally or Statewide Significant Mineral Resource Areas¹ and areas classified by the State as MRZ-2 Zones (areas containing significant mineral deposits), excluding those areas with existing land uses and/or land

¹ Mineral Resources are classified via Special Report 146 Part IV, Mineral Land Classification: Aggregate Materials in the San Francisco-Monterey Bay Area; and designated by the State Mining and Geology Board via the California Surface Mining and Reclamation Act (SMARA) Designation Report No. 7, Designation of Regionally Significant Construction Aggregate Resource Areas in the South San Francisco Bay, North San Francisco Bay, Monterey Bay Production – Consumption Regions.



use designations which conflict with mineral resource extraction, are shown on the General Plan/LCP Resources and Constraints Maps (Appendix F) as Mineral Resource lands.

ARC-7.2.2 (LCP) Uses in Mineral Resource Areas. Lands within Mineral Resource areas, as identified on the County General Plan/LCP Resources and Constraints Maps, shall be planned and used in ways that support future mineral extraction. Development on Mineral Resource lands shall be limited to mining and mining-related uses and other uses compatible with mining.

Uses compatible with future mining operations require a low public or private investment in structures and land improvements, facilitating future mining because of the low economic value of the land and its improvements. Examples of such uses include large-lot rural development, recreation (public and commercial), agriculture and grazing, timber operations, and open space.

Land uses inherently incompatible with mining require a high public or private investment in structures and land improvements inhibiting future mining because of the higher economic value of the land and improvements. Examples of incompatible uses include high-density residential development, public facilities, commercial uses, and extensive industrial uses.

ARC-7.2.3 Review of Incompatible Uses. Under special circumstances, the County may permit the development of incompatible uses on mineral resource areas. In such cases, the proposed use shall be reviewed to determine whether it would threaten future mineral extraction. Existing area development, existing and planned public infrastructure and other land use policies for the area shall be considered in making this determination. Buffer areas and visual screening may be required to mitigate impacts between mining and proposed adjacent land uses.

ARC-7.2.4 Minimizing Conflicts Between New Development and Mineral Resource Areas. Where a proposed land use has been determined to threaten the potential to extract minerals, the County shall require all reasonable and feasible mitigations to avoid or minimize conflicts between the proposed use and future development of the mineral resource. The County shall make written findings in support of its decision to permit such a use, in accordance with the requirements of the Surface Mining and Reclamation Act.

ARC-7.2.5 (LCP) Land Division and Density Requirements on Mineral Resource Land. Require a minimum size of 40 gross acres per parcel for land divisions, and allow a maximum residential density of one dwelling unit per 40 gross acres per existing parcel of record on Mineral Resource areas as designated on the General Plan/LCP Resources and Constraints Maps.

ARC-7.2.6 (LCP) Quarry (Q) Land Use Designation. The Quarry (Q) designation shall characterize sites where orderly extraction or reclamation of mineral resources is ongoing, while minimizing adverse impacts on environmental and scenic resources, and surrounding residential



land uses. Implement the Quarry designation through the Mineral Extraction Industrial (M-3) Zone District.

ARC-7.2.7 (LCP) Siting of Quarries Identify on the General Plan/LCP Land Use Designation Maps, the sites of existing operating facilities for quarries (Figure 5-5, Quarry Sites). Any change in use or major expansion shall be subject to full environmental and economic analysis and review by the County for the adequacy and appropriateness of the site for the proposed use and shall be subject to a General Plan and LCP amendment.

ARC-7.2.8 (LCP) Operation of Existing Quarries Allow continued operation of existing quarries and allow expansion within areas designated as Mineral Resources including those located in the Coastal Zone, where impacts of environmental and scenic resources and surrounding residential uses can be mitigated. Require that existing quarries meet the requirements of the County's Mining ordinance. Require that all mining operations maintain and implement a County approved reclamation plan as required under the California Surface Mining and Reclamation Act (SMARA) and ensure that the rehabilitation and future uses of depleted quarry sites are in accordance with conservation and open space values.

ARC-7.2.9 Environmentally Sound Quarry Operations. Require environmentally sound quarry operations through compliance with the County Mining ordinance. Require environmental impact assessments, implementation of approved reclamation plans, and posting of adequate financial security insuring the reclamation of mined areas.

ARC-7.2.10 Protection of Riparian Corridors and Wetlands. Carefully control the impacts of mineral extraction or processing operations adjacent to riparian corridors in accordance with the provisions of the Riparian Corridor and Wetlands Protection ordinance.

ARC-7.2.11 New or Expanded Quarries. Require any new or expanded mining operation to obtain a Mining Approval, Mining Certificate of Compliance, and a reclamation plan, according to the requirements of the County's Mining ordinance and applicable provisions of state law.

ARC-7.2.12 Environmental Review for New Quarries. Require full environmental impact analysis and amendment of the General Plan and LCP Land Use Plan to establish new quarries outside the areas designated as Mineral Resource Areas on the General Plan and LCP Resources and Constraints Maps. Do not allow new quarries in the Bonny Doon or North Coast Planning Areas.

ARC-7.2.13 (LCP) Resource Based Industry Within the Coastal Zone. Require an LCP amendment for any new resource-based industry within the Coastal Zone on land which is not designated for such use. Require that the following findings be met as conditions of any amendment.



- (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; and
- (3) The development is consistent with all applicable LCP resource protection policies and use priorities.

See also Policy BE-5.1.10: Industrial Development in the Coastal Zone and Implementation Strategy BE-5.1g.

Implementation Strategies

ARC-7.2a Maintain the County Mining ordinance and apply Mineral Extraction (M-3) Zoning, after identification, to the designated Mineral Resource areas to identify and protect those lands for quarry use and allow extraction operations pursuant to a Mining Approval. (Responsibility: CDID, Planning Commission, Board of Supervisors)

ARC-7.2b Use all feasible approaches to reclaim the sites of abandoned quarries, such as the large site of the depleted Kaiser Olympia Quarry, and encourage and work with the owners of such properties to achieve reclamation. (Responsibility: Planning Commission, Board of Supervisors)

ARC-7.2c Ensure reclamation of quarries for reuse when mining use is phased out in accordance with the Santa Cruz County Mining ordinance and the SMARA. (Responsibility: Board of Supervisors)

ARC-7.2d Continue to maintain and update the County Mineral Resources Maps based on currently available information, including state designated and classified mineral areas. (Responsibility: Board of Supervisors, Planning Commission, CDID)



Quail Hollow Ranch County Park with view of the Quail Hollow Quarry



GOAL ARC-8 CULTURAL RESOURCES

Promote the identification and protection of the cultural heritage of Santa Cruz County, including Native American cultural resources, archaeological sites, and historical resources.

OBJECTIVE ARC-8.1 ARCHAEOLOGICAL SITES + NATIVE AMERICAN CULTURAL RESOURCES

(LCP)To protect and preserve archaeological sites and Native American cultural resources for their scientific, educational and cultural values, and for their value as local heritage and significance to Native Americans, and preserve the confidentiality of these resources.

Policies

ARC-8.1.1 (LCP) Evaluation of Native American Cultural Sites. Protect all archaeological resources until they can be evaluated. Prohibit any disturbance of Native American Cultural Sites, archaeological sites, or identified tribal cultural resources without an appropriate permit. Maintain the Native American Cultural Sites ordinance.

ARC-8.1.2 (LCP) Site Surveys. Require an archaeological site survey (surface reconnaissance) as part of the environmental review process for all projects with very high site potential within the Archaeological Sensitive Areas, as designated on the General Plan/LCP Resources and Constraints Maps (Appendix F).

ARC-8.1.3 (LCP) Development Around Archaeological Resources. Protect identified archaeological resources from development by restricting improvements and grading activities to portions of the property not containing these resources, where feasible, or by preservation of the archaeological site through project design and/or use restrictions as determined by a professional archaeologist, and through tribal consultations where required.

Defining Cultural Resources

Archaeological Sites are “places where material remains of past human life, culture and activities are located.” These sites can contain artifacts from historic settlements or from Native Americans.

Native American cultural resources include:

- Archaeological sites containing Native American artifacts;
- *Tribal Cultural Resources*, including any site feature, place, cultural landscape, sacred place or object of value to a Native American Tribe, that is eligible for listing on the California Register of Historic Resources or County Historic Resources Inventory, or is identified by the County as a Tribal Cultural Resource. (Public Resources Code Section 21074)



ARC-8.1.4 (LCP) Archaeological Evaluations. Require the applicant for development proposals on any identified archaeological site to provide an evaluation, by a certified archaeologist, of the significance of the resource and what protective measures are necessary to preserve important and unique archaeological sites and to mitigate any impacts of proposed development consistent with General Plan /LCP Land Use Plan objectives and policies and California state law. Avoidance shall be the preferred mitigation measure.

ARC-8.1.5 Accidental Discovery of Archaeological Resources. If archaeological resources or human remains are discovered accidentally during grading or construction, the activity shall cease and the property owner shall notify the proper authority in accordance with the Native American Cultural Sites ordinance.

ARC-8.1.6 (LCP) Environmental Review. Environmental review shall be required for any project with the potential to significantly impact archaeological or tribal cultural resources.

ARC-8.1.7 (LCP) Consultation for Discretionary Projects. The County shall consult with any California Native American tribe that requests notice of projects in the geographic area traditionally affiliated with the tribe prior to the release of a Negative Declaration or Environmental Impact Report, pursuant to Public Resources Code sections 21073 and 21080. If tribal cultural resources are identified, the County shall work with the affected tribe to identify appropriate mitigation measures to protect the resource.

ARC-8.1.8 (LCP) Consultation for General Plan Amendments. The County shall consult with California Native American tribes as identified by the California Native American Heritage Commission (NAHC) prior to an amendment or update to the General Plan and prior to the designation of open space in order to identify and protect Native American cultural resources on land affected by the proposal, pursuant to California Government Code Section 65352.3.

Implementation Strategies

ARC-8.1a (LCP) Update the archaeological resource areas identified in the County GIS system as new archaeological sites are identified, while keeping the location of archaeological sites confidential. Maintain a liaison to the California Office of Historic Preservation, the Northwest Information Center, and the NAHC. (Responsibility: Planning Commission, CDID)

ARC-8.1b Consult with local tribes as identified by the NAHC to identify tribal cultural resources, archaeological sites, and other resources in the County of significance to local tribes, and develop strategies to protect the resources and preserve confidentiality. (Responsibility: CDID, NAHC, local Tribes)

ARC-8.1c Review and update County policies, regulations and procedures to ensure consistency with state and federal laws regarding tribal consultations, CEQA review of



archaeological resources and tribal cultural resources, NAHC recommendations for cultural resources assessments, and other laws protecting Native American cultural resources. (Responsibility: CDID, Planning Commission, Board of Supervisors)

ARC-8.1d Review and update County policies, regulations and procedures to ensure consistency with state and federal laws to provide clear regulations and procedures for historic archaeological resources. (Responsibility: CDID, Planning Commission, Board of Supervisors)

ARC-8.1e (LCP) Maintain and strengthen, where appropriate, the Native American Cultural Sites ordinance so that it will continue to assure:

- (1) The early identification of potential sites;
- (2) The evaluation of each potential site prior to project approval; and
- (3) The provision of procedures and permit conditions to preserve the resource and mitigate any adverse impacts through project design and management. (Responsibility: Board of Supervisors, Planning Commission, Planning Department)

ARC-8.1f Nominate examples of archaeological resources to the California or National Register. (Responsibility: Board of Supervisors, Parks and Recreation Commission, California Office of Historic Preservation, NAHC)

ARC-8.1g Include appropriate archaeological resources, tribal cultural resources, and other California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places in the public domain through donations or through purchase as part of open space and other programs. Consult with Native American tribes as identified by the NAHC prior to designating any Native American resources as open space in order to treat the resource appropriately and preserve confidentiality, in accordance with California Government Code Section 65562.5. (Responsibility: Board of Supervisors, Parks and Recreation Commission)

ARC-8.1h Encourage educational programs on the need for preservation of archaeological resources and tribal cultural resources, consulting with local tribes as appropriate. (Responsibility: Board of Supervisors, Planning Department, NAHC, Amah Mutsun Tribal Band)



OBJECTIVE ARC-8.2 HISTORIC RESOURCES

To protect and where possible restore buildings, sites and districts of historic significance to preserve the rich cultural heritage of the community.

Policies

ARC-8.2.1 Historic Preservation Program. Maintain, update, and strengthen, where appropriate, the County Historic Resource Preservation ordinance with the assistance of the Historic Resources Commission in accordance with the State Office of Historic Preservation.

ARC-8.2.2 Historic Resources Inventory. Maintain and update a County Historic Resources Inventory to describe those historic structures, objects, properties, sites, and districts which have been designated by the Board of Supervisors for protection of their heritage values.

ARC-8.2.3 Development Activities. For development activities on property containing historic resources, require protection, enhancement, and/or preservation of the historic, cultural, architectural, engineering, or aesthetic values of the resource consistent with regulations in the Historic Preservation ordinance as determined by the Historic Resources Commission.

ARC-8.2.4 Historic Resources Commission Review. Require that applicants for development proposals on property containing a designated historic resource submit plans for the protection and preservation of the historic resource values to the Historic Resources Commission for its review and approval; require an evaluation and report by a professional historian or a cultural resources consultant when required by the Commission. To expedite the review process, allow minor alterations to be reviewed by trained County Staff.

ARC-8.2.5 Encourage Protection of Historic Structures. Encourage and support public and private efforts to protect and restore historic structures and to continue their use as an integral part of the community.

See also Policy PPF-2.3.2: Cultural and Historical Resources.

ARC-8.2.6 Maintain Designation as a Certified Local Government. Support existing and further develop local historic resource programs in order to maintain the California State Department of Parks and Recreation's designation of Santa Cruz County as a Certified Local Government (CLG).

ARC-8.2.7 Historic Resource Property Maintenance. Encourage the maintenance and upkeep of historic resources to avoid the need for major rehabilitation and to reduce the risks of demolition, loss through fire or neglect, or impacts from natural disasters.

ARC-8.2.8 Environmental Review. Environmental review shall be required for any project with the potential to significantly impact historic resources.



Hihn Apple Packing Shed, Historic Resource in Aptos Village
Photo credit: Santa Cruz County

Implementation Strategies

ARC-8.2a Continue to sponsor investigative research to identify new historic resources and maintain and update an inventory of historic structures, objects, sites, and districts of significance to Santa Cruz County. Seek funding for updating the Santa Cruz County Historic Resources Inventory, prioritizing surveys in areas that have not been updated recently. (Responsibility: Historical Resources Commission, Board of Supervisors, CDID)

ARC-8.2b Update information on the Planning Department website regarding resources and incentives available to property owners to maintain and improve historic properties, including existing Zoning incentives, the California Historic Building Code, grants, and tax incentives. (Responsibility: CDID)

ARC-8.2c Encourage educational programs on historic resources, including educational programs regarding historic and cultural resources in the County Parks system. (Responsibility: CDID; Historic Resources Commission; local historic museums; Parks Department)

See also policies BE-3.4.6; Heritage Tourism and PPF-2.3.3: Interpretive Programs.

ARC-8.2d Nominate County historic resources to appropriate registries such as the California or National Register. (Responsibility: Historic Resources Commission, CDID)

ARC-8.2e Attempt to include appropriate historic resources in the public domain through donations or through purchase as part of open space and other programs. (Responsibility: Historic Resources Commission, CDID, Board of Supervisors)

See also Policy PPF-2.3.2: Cultural and Historical Resources.



ARC-8.2f Investigate sources of funding for private and public historic restoration and make such information available to the public. (Responsibility: Historic Resources Commission, County Historic Museums, CDID, County Administrative Office)

ARC-8.2g Apply the State Historic Building Code to County designated historic buildings, (Responsibility: CDID, Historic Resources Commission, Planning Commission, Board of Supervisors)

ARC-8.2h Consider applying for grant funds and updating the County Historic Context Statement to provide a more complete context with which to evaluate the significance of historic properties and assist in identifying properties that may qualify for listing on the Historic Resources Inventory. (Responsibility: CDID, Historic Resources Commission, Planning Commission, Board of Supervisors)

ARC-8.2i Consider adoption of the Mills Act, to grant local property tax subsidies to recognized historic structures to encourage rehabilitation. (Responsibility: CDID, Historic Resources Commission, Board of Supervisors)

ARC-8.2j Inventory County-owned properties of historic significance and develop plans for their protection, restoration, or adaptive reuse. (Responsibility: CDID; Parks, Open Space and Cultural Resources)

ARC-8.2k Where possible, provide incentives to property owners to foster historic preservation. Maintain and consider revising County zoning regulations to include allowances for façade easements, favorable tax assessments such as taxing at pre-rehabilitation values, parking reductions, transfer of development rights, expanded and greater flexibility for uses allowed, density bonuses, and design assistance. Study the zoning of historic buildings to guard against economic incentives to demolish said buildings for more intense development, and to develop incentives for retaining and maintaining historic resources. (Responsibility: CDID, Historic Resources Commission, Board of Supervisors)

ARC-8.2l Participate in grants-in-aid programs as they become available to help finance restoration projects and stimulate the economic vitality of historic neighborhoods. (Responsibility: CDID, Historic Resources Commission, County Administrative Office)

ARC-8.2m Maintain deed recordation of properties listed in the County Historic Resources Inventory to ensure that knowledge of the historic status of the property is known to all parties at the time of the sale. (Responsibility: CDID, Office of the Recorder)

ARC-8.2n Provide on-going training of Planning and Building Staff in the knowledge and use of the California Historic Building Code. (Responsibility: CDID)



ARC-8.2o Consider designation of historic districts in areas such as Soquel Village, Boulder Creek Churches Hill, Pasatiempo and Aptos Village, where community support exists for such designations. Provide design guidelines to ensure compatible infill by setting standards for elements such as height, scale, and roof line for new construction and additions. (Responsibility: CDID, Historic Resources Commission)

ARC-8.2p Support local museums and other local organizations involved in historic preservation to increase community awareness and appreciation of the value and importance of historic preservation. (Responsibility: Historic Resources Commission. CDID; Parks Department)

ARC-8.2q Continue the review of proposed applications for demolition of any structure more than 50 years old that has not been previously surveyed for historic significance, and require a historic report prepared by a qualified historic consultant for structures that may have the potential to qualify as a historic resource as determined by County Planning staff. (Responsibility: CDID)



*Felton Covered Bridge, on the National Register of Historic Places
Photo Credit: Santa Cruz County*



OPEN SPACE

GOAL ARC-9 OPEN SPACE PRESERVATION

(LCP) Preserve open space land for current and future generations to assure and conserve the continued availability of land for agriculture, the enjoyment of scenic beauty, outdoor recreation, and the conservation and sustainable use of natural resources, and to support the County's economy.

OBJECTIVE ARC-9.1 OPEN SPACE PLAN

(LCP) To provide and maintain a comprehensive long-range plan for the unincorporated areas of the County to preserve open space land for natural resources, outdoor recreation, public health and safety, and tribal resources.

ARC-9.1.1 (LCP) Open Space Plan Content. Maintain an Open Space Plan consisting of General Plan/LCP policies and implementing SCCC regulations to preserve land that is designated or zoned as open space. The Open Space Plan consists of this Element; goals, objectives and policies in the Parks, Recreation and Public Facilities Element related to Parks and Recreation; and other policies and regulations protecting the open space value of other land that is essentially undeveloped and devoted to open space uses as identified in the County Open Space Inventory (Table 5-3). The Open Space Inventory includes land that is designated or zoned for open space uses; other privately or publicly owned land with open space easements; and mapped natural resource areas for natural resources conservation, sustainable resource management, outdoor recreation, and public health and safety.

ARC-9.1.2 (LCP) Open Space for Natural Resources Conservation. Maintain policies that generally limit development within Environmentally Sensitive Habitat Areas to resource-dependent uses. Protect other sensitive habitats, requiring clustered development, open space easements where appropriate, limitation on land divisions, and other appropriate development guidance and limitations.

See policies ARC-3.1.3: Environmentally Sensitive Habitat Areas and ARC-3.1.7: Site Design and Use Regulations.

ARC-9.1.3 (LCP) Open Space for Natural Resources Management. Limit allowable uses, development density and intensity, and maintain resource-appropriate minimum parcel sizes in new land divisions as necessary to support the long-term sustainable use and management of timber, mineral and water resource lands, including Least Disturbed Watersheds. Allow for low-intensity open space uses where compatible with sustainable management of the resource.



See also objectives ARC-4.2: Watershed Protection, ARC-4.5: Groundwater Protection + Overdraft, ARC-7.1: Timber Production, and ARC-7.2: Mineral Resources.

Table 5-3: Open Space Inventory	
Land Use Designation, Zone District, or Mapped Resource	Identification
Designated Open Space	
Resource Conservation Designation (O-C)	County GIS
Urban Open Space Designation (O-U)	County GIS
Open Space Easement Combining Zone District (O)	County GIS
Agricultural Preserve and Farmland Security Combining Zone District (P)	County GIS
Lakes, Reservoir, Lagoon Designation (O-L)	County GIS
Other privately or publicly-owned land with Open Space easements	California Protected Areas database: https://www.calands.org/cced/
Open Space for Natural Resources Conservation	
Environmentally Sensitive Habitat Areas (Mapped Resources)	County GIS*
Mapped Grasslands and Special forests (Mapped Resources)	County GIS*
Open Space for Sustainable Resource Management	
Timber Resources (Mapped Resource)	County GIS
Water Supply Watersheds (Mapped Resource)	County GIS
Least Disturbed Watersheds (Mapped Resource)	County GIS
Primary Groundwater Recharge Areas (Mapped Resource)	County GIS
Open Space for Outdoor Recreation	
Parks, Recreation and Open Space Designation (O-R)	County GIS
Parks, Recreation and Open Space (PR) District	County GIS
Designated Park Site Combining District (D)	County GIS
Open Space for Public Health and Safety	
Floodways (Mapped Resource)	County GIS
Fault Zones (Mapped Resource)	County GIS

* The County GIS identifies the potential occurrence of sensitive habitat on a parcel. The presence of sensitive habitat on a site is determined through a biotic assessment by the County biologist.



ARC-9.1.4 (LCP) Preserving Agricultural Lands for Open Space. Maintain policies that preserve commercial agricultural lands for agricultural use, require large minimum lot sizes, and restrict conversion of commercial agricultural lands to non-agricultural uses, in order to maintain open-space scenic character in rural areas.

See Objective ARC-1.1: Preserve Commercial Agricultural Lands for Agricultural Use, Objective ARC-1.2: Land Divisions of Commercial Agricultural Lands, and Objective ARC-1.3: Prevent the Conversion of Commercial Agricultural Land.



Agricultural fields in Corralitos
Photo credit: Santa Cruz County

ARC-9.1.5 (LCP) Open Space for Outdoor Recreation. Support the acquisition and maintenance of parks and open space areas for outdoor recreation, with low-intensity land uses and facilities that enhance recreational opportunities and meet the needs of all community residents while maintaining the scenic and open space character of these areas.

See Chapter 7: Parks, Recreation + Public Facilities, including Objective PPF-1.2: Parks, Recreation + Open Space; Objective PPF-2.1: Parks + Recreation Access; and Policy PPF-2.5.1: Open Space and Trail Easements.

ARC-9.1.6 (LCP) Open Space for Public Health and Safety. Maintain policies and regulations to protect public health and safety in potentially hazardous areas, with special standards for development in or near fault zones, steep slopes, floodways, and fire hazard areas.

See Chapter 6: Public Safety Element and implementing regulations in SCCC Chapters 13.10, 16.10 and 16.20.



ARC-9.1.7 (LCP) (EJ) Open Space for Tribal Resources. Consult with Native American tribes to identify tribal lands and cultural resources on public lands that may be appropriate to preserve as open spaces pursuant to Government Code 65560(b)(6), and to identify appropriate strategies to preserve confidentiality regarding the location and use of these resources. Consult with Native American tribes prior to designating any lands as open space.

See Implementation Strategy ARC-8.1b and Policy PPF-2.3.2: Cultural and Historical Resources.

ARC-9.1.8 (LCP) Open Space for Scenic Resources. Maintain policies and regulations for development to protect the character of open space areas valued for their scenic qualities, including natural buffer areas and ridgetops; unique hydrological, palaeontologic, and geologic features; agricultural fields; forests; and ocean vistas, beaches and coastal bluffs.

See also Objective ARC- 5.1: Protection of Visual Resources and Policy ARC-9.2.4: Development Within Urban Open Space Areas.

ARC-9.1.9 (LCP) Open Space in Residential Neighborhoods. Maintain low development densities and intensities in rural residential neighborhoods and encourage clustered development to preserve open space and scenic character in rural areas. Establish and maintain appropriate standards for private and common open spaces for urban developments.

See also Objective BE-1.1: Urban Growth + Rural Preservation, Policy BE-4.1.6: Quality Open Space, Policy BE-4.2.3, Clustered Building Siting, and Objective PPF-2.1: Parks + Recreation Access.

ARC-9.1.10 (LCP) Supporting Open Space in Rural Areas. Support policies allowing for greater development intensity at appropriate locations within the USL and RSL, in order to preserve open space, reduce pressures to expand the urban and rural services lines, and to prevent leapfrog development outside of urbanized areas.

See also Objective BE-1.3: Vibrant Activity Centers.

Implementation Strategies

ARC-9.1a Maintain and update the Open Space Inventory, to reflect updated mapping of parcels within Sensitive Habitat Areas and other mapping updates, and changes to the status of parcels under conservation or open space easements. (Responsibility: CDID, Planning Commission)

ARC-9.1b Review zoning of all parcels under an open space or conservation easement and ensure that such parcels are appropriately zoned with the Open Space (O) Combining District, or rezoned to a more appropriate zoning district. (Responsibility: CDID, Planning Commission)



ARC-9.1c Prioritize open space dedications of land that may be important to adaption of sensitive species to climate change, including potential refuges and wildlife corridors. Consider protecting, and/or assisting non-profit organizations to protect such habitat through open space or conservation easements, including Habitat Conservation Plans. (Responsibility: CDID, Board of Supervisors, Land Trust of Santa Cruz County, local conservation organizations)

See also the County's Climate Action Strategy, and Implementation Strategy ARC-3.1o.

ARC-9.1d Review any proposed changes to policies and regulations limiting density and intensity of development or other policy changes affecting categories of land identified in the Open Space Inventory to ensure the continued protection of the extent and quality of open space. (Responsibility: CDID, Planning Commission)

ARC-9.1e Support efforts by local Native American Tribes to protect as open space lands identified as important sacred or cultural sites. (Responsibility: CDID, NAHC, Board of Supervisors)



OBJECTIVE ARC-9.2 OPEN SPACE DESIGNATION

(LCP) To identify, designate and preserve in open space uses lands that are publicly or privately held for conservation purposes, and lands that are not suited to development due to the presence of natural resource values or physical development hazards.

Policies

ARC-9.2.1 (LCP) Development Density and Intensity on Designated Open Space Land. Limit development density and intensity on land designated as Urban Open Space (O-U), Resource Conservation (O-C), or Lakes, Reservoirs, and Lagoons (O-L), as shown in Table 5-4, in order to protect the open space character. Ensure that any development is consistent with policies protecting scenic resources, natural resources, and open space, and with the provisions of any open space contract or easement.

Table 5-4: Development Density + Intensity on Open Space Land

Land Use Designation	Building Intensity		Maximum Population Density ³	Implementing Zone Districts
	Max. Building Height ¹	Estimated Lot Coverage ²		
Urban Open Space (O-U)	35 feet	0% - 10%	1 dwelling/ parcel	PR
Resource Conservation (O-C)	35 feet	0% - 5%	10-40 net developable acres / unit	PR, TP, A
Lakes, Reservoirs, Lagoons (O-L)	N/A	0%	N/A	PR

¹ Maximum building height for each site is determined through project review based on the specific use proposed, and any height restrictions provided in any open space or conservation easement.

² Lot coverage is provided as an estimated range and is not tied to any development standard or requirement. Allowable lot coverage at a site that is designated as Open Space is determined by the provisions of any open space or conservation easement, site conditions, including environmental resources and constraints, and availability of developable land outside the open space areas.

³ See policies ARC-9.2.4 and ARC-9.2.7 regarding when a single-family dwelling may be permitted on a parcel with an Urban Open Space (O-U) or Resource Conservation (O-C) Land Use Designation.

ARC-9.2.2 (LCP) Designation of Urban Open Space Lands (O-U). Designate Urban Open Space (O-U) areas on the General Plan/LCP Land Use Designation Maps to identify those lands within the Urban Services Line and Rural Services Line that are either not appropriate for development or are less suitable for development due to the presence of one or more of the following resources or constraints:

- (1) Coastal bluffs and beaches;
- (2) Coastal lagoons, wetlands and marshes;



- (3) Riparian corridors;
- (4) Floodways;
- (5) Wooded ravines and gulches which separate and buffer areas of development;
- (6) Slopes over 30 percent; and
- (7) Sensitive wildlife habitat areas and biotic resource areas.

ARC-9.2.3 (LCP) Development on Parcels with Urban Open Space (O-U) and Other Land Use Designations. Allow development, including clustering of development potential, on portions of the parcel with a land use designation other than O-U, to the extent specifically provided for by the General Plan/LCP Land Use Plan policies governing natural resources and public health and safety.

ARC-9.2.4 (LCP) Development Within Urban Open Space Areas. Consider development within areas identified as Urban Open Space only when consistent with all applicable resource protection and hazard mitigation policies, and only in the following circumstances:

- (1) For one single-family dwelling or other limited-scale use consistent with the adjacent General Plan/LCP Land Use Plan designation on an existing parcel of record if the parcel does not contain other areas for development that are not designated O-U, and if it is not possible to relocate facilities elsewhere on the property.
- (2) For other activities when the use is consistent with the maintenance of the area as open space, such as recreational use, habitat restoration, public/quasi-public uses and facilities, or flood or drainage control facilities.
- (3) For the location of service infrastructure when it cannot be placed in other locations out of the protected use areas.

ARC-9.2.5 (LCP) Mitigating Development Impacts. Require full mitigation of all potential adverse impacts associated with developments located in Urban Open Space areas.

ARC-9.2.6 (LCP) Designation of Resource Conservation Lands (O-C). Designate Resource Conservation areas on the General Plan/LCP Land Use Designation Maps to identify those lands which are publicly or privately held for conservation purposes (See Appendix F: Natural Resource and Environmental Hazard Areas: Maps and Development Constraints). These preservation lands shall include significant open space lands in the rural areas of the County for the protection of natural resources and habitats, the managed production of resources, outdoor recreational opportunities and protection of public health and safety. Consider the following high priorities:

- (1) Expansion of established preserves, parks or open space areas and connections between existing preserved lands.
- (2) Areas with significant biological, scenic or other natural resource value which are not adequately protected by current County or other ordinances.



See also Objective PPF-1.2: Parks, Recreation + Open Space (O-R).

ARC-9.2.7 (LCP) Density and Parcel Size Determination for Resource Conservation Lands. On privately owned lands designated Resource Conservation, allow residential development at the same densities allowed by Policy BE-2.2.2 for the Mountain Residential Land Use Designation, where consistent with any open space or conservation easement.

ARC-9.2.8 (LCP) Designation of Lakes, Reservoirs, and Lagoons (O-L). Designate Lakes, Reservoirs, and Lagoons as O-L on the General Plan/LCP Land Use Designation Maps, and identify as areas not suited to development. Allow only resource-dependent uses which protect the water quality and habitat values.

Implementation Strategies

ARC-9.2a (LCP) Continue using open space and conservation easements and other methods to help preserve urban and rural open space areas. Review and revise the Open Space Combining District ordinance and/or existing open space easements and contracts to clarify uses allowed on properties containing open space easements. (Responsibility: CDID, Planning Commission, Board of Supervisors)

ARC-9.2b (LCP) Provide additional guidance in the County Code regarding limited scale uses and appropriate public/quasi-public uses that are appropriate on Urban Open Space lands. (Responsibility: CDID, Parks Department)

ARC-9.2c (LCP) Evaluate zone districts in addition to the Parks, Recreation and Open Space District that may be compatible with the O-U designation. In addition, allow split zonings on sites where only a portion of the site is designated as O-U, to provide appropriate protection to the open space areas while also allowing appropriate development on portions of the site without the open space designation. (Responsibility: CDID, Parks Department)

ARC-9.2d (LCP) Review the placement of the O-U designation on parcels, and confirm that the designation corresponds to the presence of resources and constraints identified in Policy ARC-9.2.2. Consider updating land use designations on specific parcels as appropriate. (Responsibility: CDID)

ARC-9.2e (LCP) As appropriate and necessary, develop an integrated program involving land acquisition, conservation and open space easements, transfer or purchase of development credits, development agreements, lease-back agreements and other mechanisms to achieve open space protection objectives. (Responsibility: Board of Supervisors, Planning Commission, CDID)



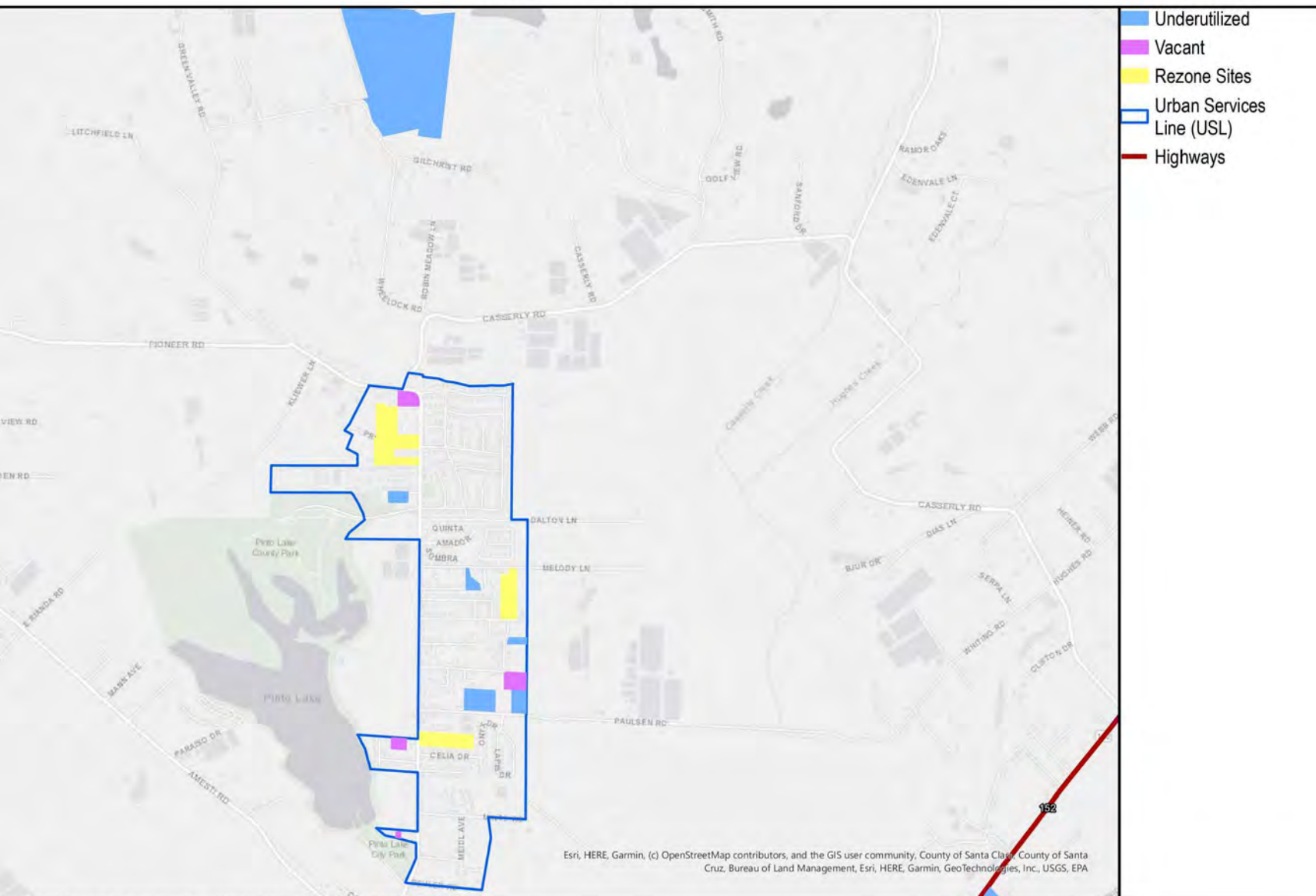
ARC-9.2f (LCP) Work with all relevant government agencies such as the California Department of Fish and Wildlife, non-profit groups, the Santa Cruz County Land Trust, and private landowners to secure funding and achieve open space objectives, including the acquisition of fee title or easement interests by land trusts, government agencies, and conservancies from willing landowners, while balancing land owner needs. (Responsibility: Board of Supervisors, Planning Department, other agencies and conservation organizations)

EXHIBIT 9



APPENDIX HE-F: HOUSING INVENTORY MAPS

GREEN VALLEY



Source: Santa Cruz County. Please refer to the Santa Cruz County GISWeb for the latest data and maps available.



County of Santa Cruz

Department of Community Development and Infrastructure

701 Ocean Street, Fourth Floor, Santa Cruz, CA 95060
Planning (831) 454-2580 Public Works (831) 454-2160
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February 26, 2025

AGENDA DATE: February 26, 2025

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: PUBLIC HEARING TO CONSIDER THE 2024 GENERAL PLAN ANNUAL REPORT

Recommended Action(s):

1. Conduct a public hearing on the 2024 General Plan Annual Report; and
2. Recommend that the Board of Supervisors hold a public hearing and direct staff to file the required Annual Progress Report with the State Department of Housing and Community Development.

Executive Summary

The attached General Plan Annual Report (Exhibit A) summarizes General Plan-related activity that occurred in 2024 and includes pending and anticipated future General Plan-related actions. The report also includes the Housing Element Annual Progress Report (APR) (Exhibit B), which is required to be filed with the state annually by April 1st.

Background

State law and County regulations require preparation of an annual report regarding progress toward the implementation of the General Plan. Public hearings and review of this report by the Planning Commission and the Board of Supervisors are required by County regulations. State law also requires that this report be submitted to the Governor's Office of Land Use and Climate Innovation (LCI), formerly known as the State Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD).

Analysis

Several topics discussed in the 2024 General Plan Annual Report are required areas of review, including approved General Plan amendments, progress in meeting regional fair share of housing needs, park site acquisition, and the Urban Services Line annual review. In addition, various housing statistics are also included in the report and presented in the Housing Element APR tables required by HCD (see Exhibit B).

At the December 10, 2024 public hearing on the rezoning of parcels in “Batch A” of the Housing Element rezoning program, the Board of Supervisors directed staff to provide information on how the County can meet its affordable housing needs for lower-income households along with the 2024 APR to the Board before April 1, 2025. Much of the recently adopted 2023 Housing Element focuses on programs and policies designed specifically to assist and facilitate development of affordable housing for lower-income households. Progress on completing these programs is required to be reported to the Board on an annual basis as part of the General Plan/Housing Element APR. An additional document highlighting those portions of the Housing Element addressing lower-income housing needs, and related County efforts has been included with this year’s APR report (attached as Exhibit C) to fulfill the Board’s additional direction from December 10, 2024.

Environmental Review

The 2024 General Plan Annual Report is a reporting document required per Government Code Section 65400 and Santa Cruz County Code section 18.50.120 and is not intended to create or alter policy, nor will it result in direct or indirect physical change in the environment. The content is provided for informational purposes only and is not a project subject to the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Article 20 Definitions, Section 15378 Project.

Submitted by:

Natisha Williams

Planner, Policy Section

Reviewed by:

Mark Connolly

Principal Planner, Policy Section

Exhibits:

A) 2024 General Plan Annual Report

B) Housing Element Annual Progress Report Tables

C) Plans Supporting Lower-Income Housing

2024 General Plan Annual Report

for
Santa Cruz County - Unincorporated
Reporting Calendar Year 2024

Prepared by:
County of Santa Cruz
Community Development & Infrastructure Department



February 14, 2025

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State law and Santa Cruz County regulations require preparation of an annual report on the progress toward implementation of the Santa Cruz County General Plan and Housing Element. This includes an update on housing programs as well as various housing statistics that demonstrate the County's progress toward meeting the regional fair share of housing needs. The following statutes list the specific information required in this report, which is presented in the sections below. *Staff notes are shown in italics.*

State Law

California Government Code [65400\(a\)\(2\)](#) requires the County by April 1 of each year to provide an annual report to the Board of Supervisors, the Governor's Office of Land Use and Climate Innovation (LCI), formerly known as the State Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD) that includes the following:

(A) The status of the General Plan and progress in its implementation.

The County Code contains provisions addressing this requirement, please refer to that section of this report.

(B) The progress in meeting the County's share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing.

The Housing Element Annual Progress Report (APR) portion of this report addresses this requirement and is prepared using standards, forms, and definitions adopted by HCD.

(C) The number of housing development applications received in the prior year (*APR Table A*).

(D) The number of units included in all development applications in the prior year (*APR Table A*).

(E) The number of units approved and disapproved in the prior year (*APR Table A2*).

(F) The degree to which the General Plan complies with the guidelines developed by LCI and the date of the last revision of the General Plan.

The General Plan was prepared and adopted in compliance with guidelines developed by LCI and any updates are prepared in compliance with the latest guidelines.

(G) A listing of sites rezoned to accommodate that portion of the County's share of the regional housing need (*See APR Table C*).

(H) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area

median income category, that each unit of housing satisfies (*APR Table B*).

(I) The number of applications submitted, approvals granted, building permits issued, and number of units constructed pursuant to Senate Bill (SB) 35 (2019)/SB 423 (2023) which provides streamlined review and approval for eligible affordable housing projects (*APR Table A2*).

(J) If the County has received funding pursuant to the Local Government Planning Support Grants Program (*APR LEAP Reporting Table*).

(K) The progress of the County in adopting or amending its general plan or local open-space element in compliance with its obligations to consult with California Native American tribes, and to identify and protect, preserve, and mitigate impacts to tribal cultural resources.

The County consults with local tribes before amending its General Plan, as required by state law.

(L) Information on density bonus applications (*APR Report and Tables A and A2*).

(M) Information on each application submitted pursuant to Assembly Bill 2059 (2019) which provides a pathway for multifamily projects on commercial zoned land (*APR Table A2*).

(N) A list of all historic designations listed on the National Register of Historic Places, the California Register of Historic Resources, or a local register of historic places by the County in the past year, and the status and number of units for any housing development projects proposed for the new historic designations, including completed entitlements and building permits issued.

This law went into effect on January 1, 2025. Any activity under this law will be reported in the 2025 General Plan Annual Report.

County Code

Santa Cruz County Code (SCCC) Section 18.50.120 addresses the status of the General Plan and progress in its implementation and includes the following specific requirements for the General Plan Annual Report:

(A) 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 SCCC Chapter 16.50; 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 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.

In addition, SCCC 13.10.681(K) requires the General Plan Annual Report to include a review of impacts of the Accessory Dwelling Unit (ADU) ordinance, including the number of ADUs constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the coastal zone. This information is included in the Annual Growth Goal Report as well as this report.

2024 General Plan Amendments

Several elements of the General Plan were updated in 2022 to incorporate sustainability principles that promote efficient land use, transportation options, and housing opportunities, an effort known as the Sustainability Policy and Regulatory Update (Sustainability Update). The project substantially amended and renamed several General Plan chapters, including the Introduction; Built Environment (formerly Land Use); Access and Mobility (formerly Circulation); Agriculture, Natural Resources, and Conservation (formerly Conservation and Open Space); and the existing Parks, Recreation and Open Space Chapters. Environmental review and tribal consultation for the project was completed pursuant to state law, and in December 2022, the Board of Supervisors approved project and certified the Environmental Impact Report (EIR). The Coastal Commission formally certified the Sustainability Update Local Coastal Program (LCP) Amendments on March 15, 2024, and the Sustainability Update is now fully in effect.

In 2022, the County began to update the Housing Element of the General Plan, as required by HCD pursuant to state General Plan law. This project was known as the 6th Cycle Housing Element Update and required the County to plan to accommodate an assigned share of the Regional Housing Needs Allocation (RHNA) assigned by the State to our region for the next eight years. The assigned share was allocated to unincorporated Santa Cruz County through a process conducted by the Association of Monterey Bay Area Governments (AMBAG). The 6th Cycle Update is significant in that the County's

RHNA of 4,634 units is a substantial increase from past allocations, and approximately three and a half times the 1,413 units required for the previous 5th Cycle Housing Element, although it is similar to the size of the County's allocation in the early 2000s. Tribal consultation for this General Plan amendment was completed in 2023 pursuant to state law, and environmental review consisted of an addendum to the Sustainability Update EIR. The Santa Cruz County Board of Supervisors adopted the 2023 Housing Element on November 14, 2023, and the Housing Element was certified by HCD on April 12, 2024.

The 2023 Housing Element identified that the total number of housing units that could be developed under current zoning in unincorporated Santa Cruz County fell short of the required RHNA. To address this shortfall, parcels for rezoning and land use designation changes were identified in the Housing Element to increase housing unit capacity in the unincorporated area. In mid-2024, the County began the Housing Element Rezoning Program to implement these zoning and land use map amendments, per the Housing Element Housing Sites Inventory and related programs, in order to meet state law requirements. To make the Rezoning Program more manageable and help focus discussion, the list of parcels proposed for rezoning was split into two groups or "batches". Batch A included a total of 27 parcels, all of which were rezoned, and 25 of which were also the subject of General Plan map amendments. Map amendments included in Batch A of the Rezone Program were reviewed by the Planning Commission in Fall 2024 and adopted by the Board in December 2024.

General Plan Amendments Pending Review

Following the approval of Housing Element Rezone Program Batch A in December 2024, the required materials for the rezoning of Batch B will be presented at public hearings before the Planning Commission and Board of Supervisors in Spring 2025. The 48 parcels in Batch B proposed for zoning and land use designation map amendments are spread throughout the urban areas of unincorporated Santa Cruz County, within the Urban Service Line (USL). Seven of these parcels are located within the Coastal Zone.

In 2024, work continued on updates to the coastal hazards policies of the Public Safety Element. The California Coastal Commission approved the County's grant application to complete a sea level rise vulnerability assessment and General Plan/LCP Amendment, and the County initiated an RFP process to procure a contractor to complete the study; a consultant was selected and a contract approved by the Board of Supervisors in February, 2024. The study was ongoing in 2024 along with public outreach. Processing of the associated General Plan/LCP amendments is expected to occur in late 2025 or early 2026.

Policy staff is currently working on a variety of General Plan amendments to maintain an effective, current General Plan. These amendments have been combined into one project, known as the 2025 Housekeeping Amendments project. These Housekeeping Amendments aim to address issues that were not included in the last major update of the General Plan (the Sustainability Update project) as well as any inconsistencies that have arisen following implementation of the Sustainability Update. Staff will bring the

2025 Housekeeping Amendments project to public hearings before the Planning Commission and Board of Supervisors in spring 2025. Additional amendments will follow annually.

Implementation Programs

The General Plan/LCP includes several implementation programs designed to ensure ongoing conformance with existing land use policy. Key General Plan programs are highlighted in this section.

The General Plan prioritizes preservation of agricultural lands in the county. Agricultural resource lands are designated by the General Plan and are further classified into agricultural land types based on viability of continued agricultural operations. However, the project to close the Buena Vista Landfill and build a solid waste transfer station at the Buena Vista Landfill will require an amendment to an agricultural land classification type and that request will be part of a future planning application for the project.

In December 2024, the Community Development and Infrastructure Department (CDI) received a discretionary permit application for the development of a 14-acre 800-megawatt hour (MWh) utility-scale Battery Energy Storage Systems (BESS) facility at 90 Minto Road, a parcel in the unincorporated area of Watsonville in Santa Cruz County with an agricultural land classification. This project will require a General Plan amendment, an ordinance amending the County Code, and evaluation for compliance with the California Environmental Quality Act (CEQA). The ordinance would amend the County Code by creating a Combining District for location and development standards necessary to accommodate the proposed and future BESSs. The Combining District would be applicable to all properties adjacent to (and across a right-a-way from) one of the three existing electricity transmission centers (substations) located in the unincorporated county. All potentially eligible parcels would have to be adjacent to or in near proximity to an existing transmission substation and outside the Coastal Zone. Additionally, on properties zoned Commercial Agricultural, impacts to agricultural lands would be required to be offset by an agricultural conservation easement for the remainder of the parcel, and additional acreage if necessary for a 1:1 ratio.

When a development permit application is filed with the County for a property that is designated as a proposed park site in the General Plan, or a site with a “D” designation, the property is reviewed by Parks, Open Space & Cultural Services Department staff and the Park and Recreation Commission for possible acquisition. There were no reviews of “D” designations by the Parks and Recreation Commission in 2024. One development permit application for minor land division in the Live Oak area was reviewed and Department staff recommended against acquisition based on the availability of other neighborhood parks in the area and the lack of available funds for additional park acquisition. Department staff is working with the applicant to grant the County a trail easement along the adjacent riparian corridor.

In 2024, there was one General Plan consistency report for summary vacation of street easement for Beechwood Road, which was never accepted by the County as a county-

maintained road, never constructed, and has remained a paper street only since it was first created by a subdivision approved in 1909. Vacating a portion of the road was required to allow the property owner to rebuild a home that was destroyed in the CZU Lightening Complete fires of August 2020. Summary vacation of the undeveloped street right-of-way was determined to be consistent with the General Plan.

The County Administrative Office (CAO), in conjunction with CDI and other departments, develops a Capital Improvement Program (CIP) document, which is required to be consistent with the General Plan. The CIP is required to be reviewed by the Planning Commission and approved by the Board of Supervisors along with the County budget each year. Capital projects proposed by other agencies in the unincorporated portion of the County are also reviewed for General Plan consistency. No projects in the current CIP were found to be inconsistent with the County's General Plan.

Progress was made in 2024 on several projects involving improvements to public access to the coast. County Parks applied for and was awarded a Coastal Conservancy grant to study nature-based solutions to sea level rise adaptation where East Cliff Drive crosses the three mid-County lagoons (Moran, Corcoran, and Twin Lakes). One of the goals of the study is to enhance coastal access. This work is an extension of the Moran Lake Restoration and Public Access Plan. Final design was completed for the installation of a new permanent accessible restroom facility at Hidden Beach County Park. County Parks also received a Coastal Conservancy grant to develop an environmental education center and low-cost overnight accommodations at Greyhound Rock County Park. The goal of this project is to increase coastal access and awareness, particularly for youth and other disadvantaged communities that lack coastal access. County Parks worked with Caltrans and other partner agency to advance preliminary design for the Scott Creek Coastal Resilience project, which will replace the existing Highway 1 bridge over Scott Creek with a design that allows for improved habitat for Coho Salmon and coastal access. The Board of Supervisors accepted the North Coast Facilities and Management Plan (NCFMP) in April, which provides an analysis of existing conditions, proposes a list of priority projects to address ongoing issues on the North Coast, and help identify grant and other funding sources for the projects. County Parks also completed repairs to all coastal access locations that were damaged in the January 2023 and December 2023 large wave events. County Parks also continued to manage the Coastal Encroachment Program, removing encroachments that conflict with public coastal access in the County's right-of-way.

Significant Policy Issues

The purpose of the Annual Urban Services Line Review is to consider the need for possible inclusion or removal of particular parcels or areas. There is no identified need at this time for inclusion or removal of parcels or areas. There were no formal applications filed in 2024 to amend the Urban Services Line.

Recommendation

General Plan amendments to maintain an effective, up-to-date General Plan have been initiated with the 2025 Housekeeping Amendments project to clean up issues that were

not included in the last major update of the General Plan, the Sustainability Update project, and address inconsistencies that have arisen following implementation of the Sustainability Update.

The Planning Policy Division's 2025 major priorities include continuing the rezone process for parcels identified in the Housing Element Sites Inventory, making significant progress on the 2025 Housekeeping Amendments, adopting an updated ADU Ordinance, as well as continuing work on select updates to the Safety Element, primarily involving coastal hazards policies.

Density Bonus Applications

California State Density Bonus Law (Gov. Code Sections 65915 - 65918) offers development incentives to certain qualifying projects that include qualifying affordable housing units on site, and/or dedicate land for affordable housing, and/or include childcare facilities. Table 4 at the end of this report shows all housing development applications for projects of five or more new units received by the County's Unified Permit Center (UPC) in 2024, all of which requested a density bonus. Table 4 includes both ministerial (streamlined) applications filed in 2024, and discretionary applications that were filed and deemed complete in 2024. Several of those applications were subsequently withdrawn. Further details on these projects can be found in Table 4 below and in Table A of the Housing Element APR.

Table 5, also at the end of this report, lists all active major projects that showed any significant development activity in 2024, including development review applications, building permit applications, construction activity and/or completion of construction. Many of these projects were approved and/or permitted in prior calendar years, so not all of them are included in the 2024 APR, however this table is provided to give the public and approving bodies a summary view of significant development activity in 2024, with a focus on density bonus and R-Combining District projects, as has been requested in prior years.

For the purposes of Table 5, major projects are defined as all projects proposing 5 or more net new units. Density bonus projects, projects in the Regional Housing Need Combining District (R-Combining District), and which projects are pursuing any kind of streamlined (ministerial) permitting pathway, pursuant to state law and/or County code options are also shown on Table 5. It also shows which projects are 100% affordable, subsidized projects, and the types of subsidies obtained or sought by the applicant. Table 5 shows a total of 1,238 units proposed and/or under development in 21 projects. Of these, 700, or 57% of the total, are deed-restricted affordable units. Of the 700 affordable units, 30 are moderate-income units, and the remaining 670 (54% of all the units in these projects) are lower-income units, ranging from Extremely Low to Low Income affordability. When looking just at those projects under construction in 2024, a total of 173 units were under construction, of which all but 30 were affordable units. Of those 143 affordable units, all but 5 were lower income, including approximately 70 extremely low-income units.

Also shown on Table 5 are two R-combining sites with activity in 2024, including the Pippin II project, an 80-unit lower-income affordable project in unincorporated Watsonville, now known as Cienega Heights, which was completed in December 2024 and is now fully occupied. The other R-combining site that was active in 2024 was the “Nigh” site at 5940 Soquel Avenue, for which a preliminary application (DRG) was filed in 2024, based on the PUD approved for that site in 2008.

Accessory Dwelling Unit Annual Report

As a condition of the Coastal Commission’s certification of the amendments to the County’s Accessory Dwelling Unit (ADU) ordinance in 2009 (SCCC 13.10.681[K]), the County is required to prepare an annual report evaluating the cumulative impacts associated with ADUs in each planning area, particularly within the Coastal Zone. This analysis is included as part of the annual Growth Report, but in recent years has been included in the General Plan Annual Report as well.

The County first adopted a “second unit” (ADU) ordinance in 1983 and was subsequently revised in 1997, 2004, 2008, 2009, 2018, 2020, and 2021. Revisions to the ordinance were made to ensure compliance with any newly enacted state law, lift affordability restrictions, and remove barriers that discouraged development of new ADUs. Key updates to comply with recent state law changes include allowing ADUs anywhere single- or multifamily residential land use is allowed; shortening the ADU building permit review period to 60 days; establishing regulations for Junior ADUs; and easing development standards such as unit size, setbacks and parking. Additional updates are currently underway to ensure County Code is consistent with recent changes to state law and are expected to be completed mid-year in 2025.

Major barriers to ADU construction include permit and construction costs as well as property owner unfamiliarity with the project planning, design, and construction process. Over the years, the County has developed various programs to address these barriers, including the ADU Forgivable Loan Program, the three year My House My Home partnership with Habitat for Humanity, reduced ADU permit fees and a fee waiver program for small ADUs beyond what is required by state law. Staff has also prepared a suite of resources on the County’s ADU website. The County is currently operating a technical assistance program to aid property owners with ADU project planning, design, and construction to replace the low-performing ADU Forgivable Loan Program. Several ADUs have been constructed as a part of this program.

In order to further reduce barriers to ADU production, the CDI partnered with a design consultant to create three pre-approved sets of ADU architectural plans that are available to applicants on the County’s ADU website free of charge (<https://cdi.santacruzcountyca.gov/Planning/Housing/ADU.aspx>). There are three sizes, each with three design options. Also, designers and pre-fabrication manufacturers have the option to obtain pre-approval for ADU designs that they intend to use for multiple projects.

Additionally, in December 2022, an ordinance regulating Tiny Homes on Wheels (THOW) was adopted, which established a permit process for THOW to provide needed housing for County residents and further the housing goals of the Housing Element of the County General Plan. The ordinance allows THOW to function as a single-family dwelling as the primary unit on a parcel or as an ADU. In 2024, one tiny home on wheels was issued a building permit and included in this year's Housing Element APR as an ADU permit type.

Updates to the County's ADU ordinance and incentive programs are intended to make ADUs more feasible and appealing to County homeowners, and as Table 1 below indicates, permitting of ADUs has steadily increased in recent years, particularly since 2021. In 2024, 103 ADU permits were issued, which is up from the total of 85 ADUs issued building permits in 2023. The County surpassed its highest number of issued building permits for ADUs in the unincorporated area to date.

TABLE 1: TOTAL ADUs ISSUED BUILDING PERMITS IN UNINCORPORATED COUNTY BY PLANNING AREA SINCE 2010																
Planning Area	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	TOTAL
Aptos	1	2	2	2	1	1	--	1	3	8	4	18	10	11	18	82
Aptos Hills	6	2	4	8	1	4	2	6	6	--	1	1	1	6	1	49
Bonny Doon	3	1	2	1	--	2	--	1	2	2	1	4	5	2	1	27
Carbonera	2	6	3	2	1	6	--	4	3	3	1	6	4	3	5	49
Eureka Canyon	1	2	1	2	2	2	1	--	2	2	3	1	--	2	3	24
La Selva	--	--	--	1	--	--	--	--	--	--	--	1	--	--	2	4
Live Oak	2	2	--	5	6	6	7	10	4	8	19	22	22	30	45	189
North Coast	--	1	--	1	--	--	--	--	--	--	--	1	--	2	1	6
Pajaro Valley	3	--	1	1	2	1	2	--	4	1	--	3	5	9	9	41
Salsipuedes	--	--	1	1	2	--	--	2	2	--	--	1	--	1	--	10
San Andreas	--	--	--	--	--	--	--	--	1	1	--	--	1	2	4	9
San Lorenzo Valley	1	1	--	--	1	2	4	1	4	2	4	3	6	2	6	37
Skyline	--	--	1	--	--	--	1	2	--	1	1	--	--	--	--	6
Soquel	--	1	2	4	2	1	1	--	3	1	2	2	2	10	7	38
Summit	5	--	2	1	1	4	1	1	3	--	1	--	2	5	--	26
TOTAL	24	18	19	29	19	29	19	28	37	29	37	63	58	85	103	597

ADUs in the Coastal Zone

ADUs have been built primarily in rural, non-coastal areas. Recently revised regulations, particularly the removal of a minimum parcel size for an ADU permit and the reduction in required parking in certain cases, could contribute to increased production overall and particularly within the Coastal Zone. Future ADU permit data will indicate what type of latent demand exists for ADUs inside the Coastal Zone and might show a change in development trends.

Since 2010, a total of 189 building permits have been issued for ADUs within the Coastal Zone of unincorporated Santa Cruz County, as shown in Table 2. The County has seen a gradual increase in coastal ADUs in recent years, with approximately 32% of all ADU permits issued in the Coastal Zone in the past 14 years. Similar to countywide trends, there was a significant jump in issued coastal ADU permits in 2021, with another significant increase in 2024, where 51 permits in the Coastal Zone were issued compared to 30 in 2023.

TABLE 2: TOTAL COASTAL ZONE ADUs ISSUE BUILDING PERMITS IN UNINCORPORATED COUNTY BY PLANNING AREA SINCE 2010																
Planning Area	'10	'11 ⁽¹⁾	'12 ⁽¹⁾	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	TOTAL
Aptos	--	1	1	1	--	--	--	--	2	6	2	12	8	7	16	56
Aptos Hills	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
Bonny Doon	2	1	1	--	--	1	--	2	2	--	1	2	--	1	1	14
Carbonera	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
Eureka Canyon	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
La Selva	--	--	--	1	--	--	--	--	--	--	--	1	--	--	2	4
Live Oak	--	1	--	3	4	3	4	2	2	4	9	11	12	18	27	100
North Coast	--	1	--	1	--	--	--	--	--	--	--	1	--	2	1	6
Pajaro Valley	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
Salsipuedes	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
San Andreas	--	--	--	--	--	--	--	--	1	1	--	--	1	2	4	9
San Lorenzo Valley	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
Skyline	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
Soquel	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
Summit	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
TOTAL	2	4	2	6	4	4	4	4	7	11	12	27	21	30	51	189
⁽¹⁾ Unknown Planning Area for one ADU in 2011 and two ADUs in 2012. ADU total by year is accurate but Planning Area totals are incomplete for these years.																

Given the relatively small number of building permits issued for ADUs in the Coastal Zone, it is likely that there have been limited cumulative impacts to traffic, water, public views, and environmentally sensitive areas, if any, in the Coastal Zone. Some of these potential impacts have been analyzed in aggregate in Section IV, Potential Growth Impacts, of the Report on the Year 2025 Growth Goal. County staff will continue to monitor ADUs in the Coastal Zone, as state and local regulations continue to encourage ADU production.

Housing Element Annual Progress Report (APR)

The General Plan Annual Report also details progress in meeting the County's RHNA and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing. The Housing Element APR is prepared using standards, forms, and definitions adopted by HCD. The data and information in the HCD forms document the number of new units of all types of housing in each income category, and the progress in meeting the County's share of the RHNA.

HCD's reporting forms require detailed information on each application, entitlement, issued building permit, and completed construction in an Excel spreadsheet format. As a result, the tables are large and difficult to reproduce as attachments. Therefore, Tables A and A2 are not attached to this report but will be submitted to HCD and LCI as required. Summaries of the information presented in Tables A and A2 are provided below along with several other relevant tables described below.

Table A contains data on the housing development applications that were submitted to the Planning Division in 2024. These data are limited to the discretionary applications for housing units received in 2024. A total of 461 new housing units were proposed in the 18 applications received, where 10 applications were approved, three were withdrawn, and five are still in process and expected to be approved in 2025. Two of the three withdrawn applications were submitted under SB 423 (2023). Application PA241037 proposed 84 units and was withdrawn and replaced with a Builders' Remedy discretionary application (which has not yet been deemed complete) for the same site proposing 84-105 units. Application PA241027 proposed 32 units and was also withdrawn because it was replaced by a Builders' Remedy discretionary application for 40-63 units which has also yet to be deemed complete.

Table A2 contains data on the discretionary housing development applications that were approved (entitled), all ministerial building permits issued for housing development, and housing construction completed. A total of 16 housing projects were entitled in 2024, proposing 38 new units. Building permits were issued for a total of 147 housing units in 2024 including single family dwellings, attached family dwellings, accessory dwelling units, apartments, and condominium units. A total of 188 units were granted final building permits.

In Table B, these 147 new housing units are broken down by affordability categories to demonstrate the County's progress in meeting the allocated share of regional housing need for the planning period (RHNA). 2024 is the first full year of the 6th Cycle RHNA, which ends in 2031. However, the 6th Cycle started on June 30, 2023. Table 3 shows the progress made by the County in the 6th Cycle toward meeting its RHNA.

Table 3: 6 th Cycle 2023-2031 RHNA Progress					
Income Level	RHNA (Units)	Annual Goal (1/8 of Total)	6 th Cycle Units Permitted	Percent of Annual Goal	Percent of RHNA
Very Low	1,492	187	9	5%	1%
Low	976	122	85	70%	9%
Moderate	586	73	60	82%	10%
Above Moderate	1,580	198	72	36%	5%
Total	4,634	580	226	39%	5%

Table C lists the sites identified for rezoning in the 2023 Housing Element Housing Sites Inventory to accommodate the shortfall of housing units required to meet the 6th Cycle RHNA. A total of 75 parcels are identified for rezoning to accommodate the shortfall, accounting for 2,142 potential units. Twenty seven of the 75 parcels have been rezoned as of December 17, 2024, with the 48 parcels remaining to be rezoned in 2025.

Table D contains information on the status and progress of Housing Element program and policy implementation for all programs described in the Housing Element.

Table E is not applicable to Santa Cruz County.

Table F lists housing units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved.

Table F2 is not applicable to Santa Cruz County.

Table G is for a list of County-owned sites from the Housing Element Sites Inventory that were sold, leased, or otherwise disposed of during the reporting year. There were no sites disposed of in 2024.

Table H inventories County-owned surplus lands in Census urbanized areas. This list includes the surplus RDA site on 7th Avenue. Following dissolution of the RDA, the Redevelopment Successor Agency (RSA) in 2013 adopted a Long-Range Property Management Plan (LRPMP) directing the property be sold. Pursuant to the Surplus Lands Act, the RSA adopted a resolution declaring the property “surplus land” and stating its intent to sell the property on June 23, 2023.

Tables J and K are not applicable to Santa Cruz County.

The Summary Tables provides a summary of housing units for which building permits were issued and applications were submitted in 2024. These tables also include information on applications and permits that applied for streamlining under recent state bills, including SB 6, SB 9, SB 35/423, and AB 2011. While the County has received

several pre-applications under SB 9, which allows ministerial review of certain two-unit developments and lot splits, only one has advanced past the planning application phase and for which a building permit was finalized, as shown on Table A2. Additionally, the County has received one AB 2011 application and is in the Development Review Group (DRG) phase, once the project is deemed complete the next phase would be the issuance of a building permit.

The LEAP Reporting table is required for any jurisdictions that have received Local Early Action Planning (LEAP) grants. Santa Cruz County submitted an application for the LEAP grant that was approved in 2021 for an award in the amount of \$500,000. This grant award was used to fund the Sustainability Update, a comprehensive update of the County's General Plan and Zoning regulations designed to increase residential development in urban areas and build walkable communities. Work on the project was completed in September 2024.

R-Combining District

The previous 2015 Housing Element required the Planning Division to report to the Board on development permits that have been approved or issued for each Regional Housing Need R-Combining District site. Three of the original five sites that were rezoned to allow for housing at 20 units per acre were developed in the previous cycle for a total of 291 units, including the recently completed 17th and Capitola Road and Pippin II projects. The two remaining sites include Erlach in Soquel, and Nigh/Protiva in Live Oak. The former site has been the subject of developer interest, but no permit applications have been received to date. *Policy H-1.5: R-Combining District* addresses these remaining properties. Future developer interest on these sites will be presented with other active housing development permit applications shown in Table 5 below.

Table 4: New Density Bonus Applications Filed and Deemed Complete in 2024*											
Location	Applicant / Sponsor	Appl. No.	Bldg Type	Tenure	App Date	Total Units	Afford-able Units	Density Bonus Units	Subsid-ized?	Status	Streamlined?
2755 41st Ave, Soquel (APN: 030-121-61)	Linc Housing, Pacific West Commu-nities	241279	Apts.	Rent	8/16/24	289	118 Very Low, 168 Low	167	Yes	Pending, resubmitted with 256 units in 2025	Yes: AB 2011
3500 Paul Sweet Rd., Santa Cruz (APN: 025-013-37)	Workbench	PA-241037	Apts.	Rent	8/30/24	84 (105 w/ CADU s)	7 Very Low, 5 Mod	57 - 78	No	Withdrawn , larger project submitted in 2025	Yes: SB 423
841 Capitola Rd, Santa Cruz (APN: 026-491-40)	Workbench	PA-241027	Apts.	Rent	9/18/24	32	2 Very Low, 2 Mod	14	No	Withdrawn , larger project submitted in 2025	Yes: SB 423
		231160	Single-Family	Sale	1/19/24	15	2 Mod	5	No	Withdrawn	No
2450 Mattison Ln, Santa Cruz (APN: 029-391-01)	Swift Consulting, Locatelli	221077	Town-homes	Sale	2/23/24	25	2 Low, 2 Mod	0	No	Pending	No

* Table 4 summarizes the data on Planning applications filed and deemed complete in 2024 for projects of five or more units. Source data is from Table A of the APR Workbook. Table A does not include discretionary applications filed in 2024 if they were not deemed complete by Dec. 31, 2024, pursuant to HCD's instructions. Those applications are reported in the year when they are deemed complete.

Table 5: Major Active Projects												
Application #	Location	Developer/ Sponsor	Project Name	Project Type	Density Bonus?	Total Units	Affordable Units	Income Levels	DB Units	Subsidy Type(s)	2024 Milestone	Stream-lining Type
211018	1715 Brewington Ave, Watsonville	MidPen Housing	Cienega Heights (Pippin II)	Rental	No	80	80	ELI, VLI, Low	-	Tax Credits, County Loan, Joe Serna Jr	Completed	R-Comb PUD
221009	2838 Park Ave., Soquel	Novin Dev/ CVCAH	Park Haven Plaza	Rental	Yes	36	35	ELI	16	Homekey, County Loan	Construction	Homekey
101027	Aptos Village Way, Aptos	Swenson	Aptos Village Phase 2	Sale	No	29	5	Mod	-	N/A	Construction	N/A
171265	432 Capitola Rd. Ext., Santa Cruz	432 Capitola Rd LLC	TBD	Rental	Yes	7	2	Low	2	N/A	Construction	N/A
221136	8705 Hwy 9, Ben Lomond	SCC Veterans Hall Board of Trustees, Danco	Veterans Village	Rental	No	21	21	ELI	-	Homekey	Construction (Permitted)**	Homekey
241279	2755 41st Ave, Soquel	Linc Housing / Pac West Communities	41st & Soquel	Rental	Yes	286	286	ELI, VLI, Low	169	Pending: Tax credits, County Loan	Development Review	AB2011
241320	Soquel Dr / Thurber Ln (APN: 025-351-19)	Anton Development	Anton Solana	Rental / Mixed Use	Yes	183	183	ELI, VLI, Low	-	Pending: Tax credits, County Loan	Development Review	SB 330
241369	Graham Hill Rd. (Lockewood Ln to Rolling Woods Dr)	L. Tate	The Haven	For Sale	No	161	34	Low	-	N/A	Development Review	Builders' Remedy, SB330
241360	3500 Paul Sweet Rd, Santa Cruz	Workbench	TBD	For Sale	Yes	105	5	Very Low	76	N/A	Development Review	Builders' Remedy, SB423, SB330, ADU
241226 (PUD 07-0414)	5940 Soquel Ave, Santa Cruz	KB Homes	TBD	For Sale	No	100	15	Mod	-	N/A	Development Review	R-Comb PUD
241420	3911 Portola Dr., Santa Cruz	A. Haghshenas	Pleasure Point Plaza	Rental / Mixed Use	Yes	41	4	Very Low	-	N/A	Development Review	N/A
PA241027, 241371	841 Capitola Rd, Santa Cruz	Workbench	TBD	Rental	Yes	39	4	VLI, Mod	5	N/A	Development Review	Builders' Remedy, SB423, SB330, ADU
PA221048	1231-1255 7th Ave, Santa Cruz	Peter Spellman	TBD	Rental	Yes	27	2	Very Low	6	N/A	Development Review	N/A
221077	2450 Mattison Ln, Santa Cruz	Swift Consulting/ Locatelli	Locatelli Tract	For Sale	Yes	25	4	Mod	1	N/A	Development Review	N/A
241399	141-145 Calabasas, Watsonville	W. Petlinsky	TBD	Both	No	16	-	N/A	-	N/A	Development Review	ADU, JADU
241385	2100 Chanticleer, Santa Cruz	2100 Chanticleer LLC, Swift Consulting	First Wave Apts	Rental	No	8	2	Low	-	N/A	Development Review	Builders' Remedy, SB330
241300	21245 E Cliff Dr, Santa Cruz	Pelican Point Ptners	TBD	Rental / Mixed Use	No	6	-	N/A	-	N/A	Development Review	N/A
231069	1960 Maciel Ave, Santa Cruz	Warmington	TBD	For Sale	Yes	21	3	Mod	4	N/A	Entitled	N/A
221371	2716 Freedom Blvd, Watsonville	CFSC, Inc	Freedom House	Transit-ional	No	11	11	ELI	-	Homekey, County Loan	Plan Check	Homekey
211213	Lorraine Ln, Soquel	D. Madinger	TBD	For Sale	Yes	6	1	Mod	1	N/A	Plan Check	N/A
PA221045	2021 Chanticleer, Santa Cruz	New Horizons	TBD	Rental	Yes	30	3	Very Low	10	Pending: HUD, other	Rezoned, Predevelop-ment	Min Comb Dist/
Total Units						1,238	700		290		Affordable % of Total	57%
Extremely Low Income (ELI); Very Low Income (VLI), Moderate Income (Mod) **Applicant pulled building permits but is not starting construction until all funding is secured. Of 21 units, 11 are existing to be rehabilitated, 10 are new.											Lower Inc % of Total	57%

Housing Element Annual Progress Report

TABLES

for

Santa Cruz County - Unincorporated

Reporting Calendar Year 2024

Data is auto-populated based on data entered in Tables A, A2, C, and D

Jurisdiction	a Cruz County - Unincorporated	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Housing Element Planning Period	6th Cycle	12/15/2023 - 12/15/2031

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	9
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	54
Moderate	Deed Restricted	1
	Non-Deed Restricted	49
Above Moderate		34
Total Units		147

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
Single-family Attached	0	5	3
Single-family Detached	30	30	26
2 to 4 units per structure	0	0	0
5+ units per structure	0	0	80
Accessory Dwelling Unit	8	103	76
Mobile/Manufactured Home	0	6	3
Total	38	144	188

Infill Housing Developments and Infill Units Permitted	# of Projects	Units
Indicated as Infill	1	0
Not Indicated as Infill	0	0

Housing Applications Summary	
Total Housing Applications Submitted:	18
Number of Proposed Units in All Applications Received:	461
Total Housing Units Approved:	13
Total Housing Units Disapproved:	0

Use of SB 423 Streamlining Provisions - Applications	
Number of SB 423 Streamlining Applications	2
Number of SB 423 Streamlining Applications Approved	0

Units Constructed - SB 423 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Streamlining Provisions Used - Permitted Units	# of Projects	Units
SB 9 (2021) - Duplex in SF Zone	0	0
SB 9 (2021) - Residential Lot Split	0	0
AB 2011 (2022)	0	0
SB 6 (2022)	0	0
SB 423 (2023)	0	0

Ministerial and Discretionary Applications	# of Applications	Units
Ministerial	3	405
Discretionary	15	56

Density Bonus Applications and Units Permitted	
Number of Applications Submitted Requesting a Density Bonus	5
Number of Units in Applications Submitted Requesting a Density Bonus	445
Number of Projects Permitted with a Density Bonus	0
Number of Units in Projects Permitted with a Density Bonus	0

Housing Element Programs Implemented and Sites Rezoned	Count
Programs Implemented	47
Sites Rezoned to Accommodate the RHNA	27

Cells in grey contain auto-calculation formulas

Jurisdiction	Santa Cruz County - Unincorporated	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	12/15/2023 - 12/15/2031

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B														
Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1		2									3	4
Income Level		RHNA Allocation by Income Level	Projection Period - 06/30/2023-12/14/2023	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	1,492	-	-	9	-	-	-	-	-	-	-	9	1,483
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	976	2	1	-	-	-	-	-	-	-	-	85	891
	Non-Deed Restricted		28	-	54	-	-	-	-	-	-	-		
Moderate	Deed Restricted	586	4	-	1	-	-	-	-	-	-	-	60	526
	Non-Deed Restricted		6	-	49	-	-	-	-	-	-	-		
Above Moderate		1,580	38	-	34	-	-	-	-	-	-	-	72	1,508
Total RHNA		4,634												
Total Units			78	1	147	-	-	-	-	-	-	-	226	4,408
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5											6	7
		Extremely low-Income Need		2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date	Total Units Remaining
Extremely Low-Income Units*		746		-	9	-	-	-	-	-	-	-	9	737

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Please Note: Table B does not currently contain data from Table F or Table F2 for prior years. You may login to the APR system to see Table B that contains this data.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Jurisdiction	Santa Cruz County - Unincorporated	
Reporting Year	2024	(Jan. 1 - Dec. 31)

D_1_Name	D_2_Objective	D_3_Time	D_4_Status
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-1A: Continue to annually evaluate progress made and any improvements needed to meet the County's RHNA, along with the Annual Progress Report (APR) submitted to HCD. Consider known barriers to development, and update development standards and/or address other constraints to residential development on the sites included in the County's Sites Inventory, where necessary to achieve the County's RHNA.	APR Submitted Annually to HCD and the Board of Supervisors	Annually	In progress. CDI Planning staff prepares the APR annually and presents it to the Planning Commission and Board of Supervisors prior to April 1 of each year.
Program H-1B: Rezone sufficient vacant and/or underutilized property to appropriate multi-family residential and/or mixed-use zone districts to accommodate the RHNA in each income category, after deducting units accommodated on existing sites, which are shown in Appendices HE-E and HE-F. Such sites are needed to increase the amount of housing available at various levels of affordability to support the local workforce and for essential workers, including but not limited to those working in healthcare, education, public safety, other public sector or non-profit jobs, services, environmental practitioners, agriculture, hospitality, and tourism. This program will rezone sites with the appropriate zoning and development standards to facilitate achieving maximum densities as shown in Table 7 of Appendix HE-E (the Sites Inventory) as required by Government Code subsections 65583(c)(1) and 65583.2(h) and (i). Those subsections require that sites listed on Table 7 that are necessary to meet the shortfall of Lower Income units (currently estimated at 27 of the 75 parcels in Table 7, subject to reevaluation at time of rezoning) shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period. Bring proposed rezonings (Appendix HE-E) to the Board of Supervisors in time for a second reading of the ordinance no later than December 2026.	Rezone ~75 parcels to fit shortfall of units (at least 1,338 lower and moderate-income units)	Complete by December 2026	In progress, partially complete. CDI has created two groups of parcels to be rezoned (Batches A and B), with each batch containing roughly half of the total parcels to be rezoned. Rezoning of Batch A was completed by December 2024. CDI is currently preparing to bring a rezoning package on Batch B to the Planning Commission and Board of Supervisors for review and action in Spring 2025 (hearings are planned for March and April 2025). Once the rezoning of Batch B is completed, this Program will be completed.
Program H-1C: Develop a by-right overlay zone to permit rental and owner-occupied multi-family housing uses by right (ministerially) pursuant to Government Code section 65583.2(c), (h) and (i) for developments with 20% or more lower-income units. This overlay zone shall apply to sites included in the Inventory that were included in the Inventory as sites for lower-income housing in one or more prior cycles but were not developed. These sites are identified in Appendix HE-E with the overlay zone indicated with a "-Min" in the Proposed Zoning Column (e.g., "C1-Min"). A total of approximately 11.8 acres is proposed for rezoning into the "-Min" overlay zone, consisting of seven parcels in commercial zones, comprising a total of five sites, as shown in Appendices HE-E and HEF. The sites range in size from 0.52 acres to 8 acres, and with a total estimated capacity of at least 200 units. All of these parcels are in commercial zones which allow mixed-use, with residential densities of 22-45 units per acre. Each site can accommodate more than twenty units at densities of 22-45 units per acre. The addition of the required by-right overlay will bring these parcels into compliance with the above-cited subsection of the Government Code.	Ordinance creating new overlay zone that meets the standards of Gov. Code subsections 65583.2(h) and (i), and that rezones these parcels into that overlay zone.	Complete by December 2025	Completed. On August 27, 2024, County Board adopted an ordinance creating a new overlay zone (-Min) in compliance with Government Code subsections 65583.2(h) and (i). The overlay zone enables streamlined, ministerial processing for housing projects that include at least 20% lower-income units. Qualifying projects within the -Min zone can be approved without discretionary review, significantly reducing approval times and making it easier to build affordable housing in these areas. The LCP amendment was recieved by the Coastal Commission on February 3, 2025 and has a 90-day deadline for a hearing on the amendment, unless a 1-year extension is requested. The rezoning of parcels into this new overlay zone was partially completed with Batch A, and the remainder will be completed with Batch B, in 2025 (see also program H-1B).

Housing Programs Progress Report Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-1D: Update density bonus code (SCCC Chapter 17.12) to provide additional policy incentives to encourage parcel assembly for multi-family housing projects, inclusion of extremely low-income units, and units for special needs households, and to ensure consistency with current state density bonus law. Include a clause noting that if state density bonus law is amended in the future (as has occurred very frequently over the past decade), any preemptive provisions of the law will be implemented, notwithstanding any contradictory provisions in the County's local density bonus code.	Update to Chapter 17.12 with Policy H-1.9	Complete by December 2025 and on an annual basis thereafter as warranted.	In Progress. This program is part of a current scope of work the CDI Policy & Housing team has begun with outside special counsel to develop draft code language and a draft ordinance to update the County's density bonus code chapter (17.12).
Program H-1E: Rezone appropriate urban opportunity sites to Residential Flex (RF) zoning and increase densities on current RM-zoned sites to densities of 20 units or more per acre, potentially including, but not limited to, parcels identified as opportunity sites in the Sustainable Santa Cruz County Plan (if not already rezoned through Program H-1B, or already in a zone which allows higher density residential). Such sites are needed to increase the amount of housing available at various levels of affordability to support the local workforce and for essential workers, including but not limited to those working in healthcare, education, public safety, other public sector or non-profit jobs, services, environmental practitioners, agriculture, hospitality, and tourism.	Additional parcels rezoned to RF	Upon request of property owner, or by December 2027	Planned. This program will be undertaken after completion of Program H-1B, likely in 2026, or upon request of property owners of sites meeting the target criteria for this program.
Program H-1F: Update multi-family development standards such as minimum parking requirements, floor area ratio (FAR) limits, lot coverage, height, and story limits. Increasing height limits to allow 4-6 stories at key intersections, high quality transit areas, and/or within major shopping centers, to accommodate more housing near transit and services in multi-family and mixed-use zones within the Urban Services Line.	Ordinance with updated standards, and updated design guidelines	Complete by December 2026	Planned. CDI will begin this program in late 2025/early 2026.
Program H-1G: Update County procedures and codes to streamline the process for filing residential parcel maps (minor land divisions) and subdivisions maps on property within the Urban Services Line, to minimize or eliminate steps that exceed the requirements of state law, and/or that add unnecessary delay to processing time, consistent with these objectives in the County's 2023-25 Operational Plan.	Updated County code (Title 14, others as needed), procedural guidance, process improvements.	Complete by December 2025	In Progress. CDI has begun work on this program and projects timely completion by Dec. 2025.
Program H-1H: Develop an SB 9 implementing ordinance, and Local Coastal Program (LCP) amendments as needed to allow SB 9 housing projects within the Coastal Zone, as recently directed by the Coastal Commission. SB 9 allows up to four units on single-family parcels that meet certain criteria specified in SB 9.	LCP amendment for SB 9 projects	Complete by December 2024	Completed. SB 9 allows development of up to 4 homes on single-family lots through lot splits and/or construction of duplexes. Jurisdictions in the coastal zone must amend their Local Coastal Programs (LCPs) to permit SB 9 projects in the Coastal Zone. On December 17, 2024, the Board adopted an ordinance to implement SB 9. The ordinance is bifurcated, and has taken effect outside the coastal zone, but is pending Coastal Commission certification to take effect within the coastal zone. This LCP amendment will allow the development of more housing in the County's Coastal Zone. The LCP amendment was submitted to the Coastal Commission on January 28, 2025. The Commission has 90 days to review and act on the LCP amendment.
Program H-1J: Rezone residential parcels per SB 10, which allows up to 10 units on qualifying infill parcels, to allow “missing middle” housing within low-density infill neighborhoods. Many of these sites are located in high resources areas as shown on the Mid-County TCAC Opportunity Map in Appendix HE-A, Figure HE-A-122, where the rezoning will enhance housing mobility (housing choices and affordability in these areas. This program includes the approximately 40 parcels identified in Appendices HE-E and HE-F for SB 10 rezoning, and/or additional parcels identified later for rezoning per SB 10.	Ordinance rezoning property pursuant to SB 10	Complete by December 2025	In progress, partially complete. Approximately half of the 40 parcels listed in the inventory were rezoned per SB 10 with the Batch A rezoning completed in 2024. The other half will be rezoned per SB 10 with the Batch B rezoning which will be completed in 2025. See Program H-1B status update for further details.

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-1K: Provide priority processing for projects of seven or more new units with at least 15% lower-income, or 25% moderate-income units, and/ or projects to substantially rehabilitate 10 or more subsidized rental units. Develop administrative procedures for implementing priority processing during discretionary review, plan check, permitting, (including grading, encroachment, and related permits), inspections, and processing maps associated with qualifying projects. Administrative procedures should address how to prioritize multiple projects that qualify for priority processing around the same time, and other frequently asked questions. Train relevant staff of all County review agencies at the Unified Permit Center (UPC) how to implement priority processing in their respective roles and tasks. Encourage special districts and regional agencies involved in development review, ministerial permitting, and/or utility connections to implement a similar priority processing policy for projects in the County's unincorporated areas, to the extent possible.	Creation of administrative procedures document for priority processing, code updates if needed, training for UPC staff	Complete by December 2024	In progress, partially complete. CDI staff in the involved divisions are meeting internally to begin work on this program. In the meantime, CDI continues to provide priority processing on eligible Planning and Building permit applications pursuant to past practice. Anticipated completion by Sept. 2025.
Program H-1L: Amend the special community design criteria for the East Cliff Village tourist area provided in SCCC 13.20.145, to allow buildings taller than two stories where appropriate to support economically viable development and facilitate housing development on larger parcels at an appropriate density for affordable housing, while providing design guidance to ensure compatibility with the overall character and historic properties in the area.	LCP amendment providing updated design criteria in SCCC 13.20.145 for the East Cliff Village tourist area	Complete by December 2024	Planned. This program is on the CDI work program for FY 2025-26. CDI had to prioritize higher-priority programs in 2024, such as the Ministerial combining zone and the rezoning program (Programs H-1B and H-1C), among other high priority CDI work items.
Program H-1M: Continue to implement current ADU Incentives Programs, such as the ADU Technical Assistance Program, which provides technical assistance and education to homeowners wishing to add an ADU to their properties, through its three-year pilot period, and update County ADU codes annually, or as frequently as legally required, to ensure compliance with recently enacted, pre-emptive ADU laws. The ADU Incentives Program assists homeowners who either are low- or moderate-income themselves or agree to create an ADU that will be rented within the affordability requirements of the program for at least three years. Evaluate program outcomes at conclusion of pilot period, and if funding and administrative capacity remains available at that time, contract for another three-year program cycle. Evaluate the continuation of other programs, such as the County's educational materials, website tools that help property owners assess the potential for development of ADUs on their properties, planning fee reductions, and marketing materials. Evaluate geographic distribution of ADU new construction and conversion projects to determine if additional actions are necessary to increase this housing choice in higher resource areas, as shown on TCAC Opportunity Maps. Add pre-approved ADU plans, developed through an earlier County contract, to the County website. Those pre-approved plans meet County standards and provide design options for various types of ADU sites. Update website to provide links to ADU designers who have had ADU plans approved by the County.	Evaluation of ADU Incentives Program outcomes and launch of a new three-year program cycle with any modifications recommended by evaluation report; consideration of actions to encourage ADU construction in higher resource areas, if necessary; posting of pre-approved plans and links to ADU designers on County website; updated County ADU codes.	Complete evaluation of ADU Incentive Program at end of 3-year pilot period (December 2026); evaluate geographic distribution of ADU construction in same timeframe (December 2026); post pre-approved ADU plans on website no later than March 2024; Update County ADU codes within 6 months of enactment of any new pre-emptive State ADU laws and/or notice from HCD of any inconsistencies with current state law.	Ongoing. The current ADU Incentives Pilot Program is underway. The three-year term of the pilot ends in June 2026. To date the program has been very well received and is assisting a wide range of homeowners throughout the county. Three ADUs were completed as of December 2024 and additionalADUs are in various stages of development by program participants and the ADU administrator (Hello Housing). Pre-approved ADU plans were posted on the County's website in 2024 and are available for use. The County's ADU code section has been updated to cover the most recently enacted state ADU laws and is currently being reviewed by HCD for compliance.

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-2A: Seek local, state, or federal funding and/or partnerships with the Housing Authority, or other incentives to encourage property owners to extend affordability covenants or subsidy programs at subsidized affordable rental properties with expiring restrictions. One affordable rental property, Seaside Apartments in Live Oak, could expire within this cycle, in 2027. There are no more expiring “Measure J” units, as the last expiring units expired in 2019. The remaining Measure J units are restricted in perpetuity, as the County’s inclusionary policy was updated in 1990 to make all Measure units restricted in perpetuity. The County shall also target the preservation of all units that are at-risk of conversion to market rate rents during the planning period and commit to complying with all noticing requirements pursuant to Government Code section 65863.10 (e.g., 3 years, 12 months, and 6 months).	Extension of affordability covenants or subsidy programs, such as project-based Section 8 contracts (“HAP” contracts) for expiring properties.	1-2 years before expiration of deed restrictions or project-based Section 8 (HAP) contract	Completed and Ongoing. The sole at-risk property in the County, Seaside Apartments on Brommer St., was sold in 2024 to a new owner seeking public subsidies to renovate and retain the property as low-income housing. The County held a TEFRA hearing as required for the applicant to apply for tax-exempt bonds to fund the proposed acquisition/ rehab/preservation of this property. See: https://www.multihousingnews.com/california-affordable-asset-trades-for-45m/ and https://santacruzcountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=16367&highlightTerms=seaside%20apartments
Program H-2B: Maintain existing County codes and regulatory programs to preserve existing MHPs in the unincorporated area. These include the County’s MHP rent stabilization program (SCCC Chapter 13.32), the MHP conversion and closure codes (SCCC Chapter 13.30 and 13.31), County deed restrictions on MHPs assisted by the former redevelopment agency, and may include, when available, funding for various MHP preservation, acquisition and/or maintenance projects through State programs such as the MORE program (formerly MPROP).	Preservation of existing MHPs and the continued affordability of the housing stock that is currently located in them	Ongoing	Ongoing.
Program H-2C: Maintain and implement, when conversions are proposed, the Condominium Conversion Ordinance (SCCC Chapter 14.02) to preserve existing rental housing. This chapter provides various protections and benefits for tenants of rental housing proposed for conversion, and requires, with limited exceptions, converted condominiums to be restricted affordable to lower- and moderate-income buyers for the life of the unit.	Few if any conversions of existing rental units to condominiums during the 6th Cycle	Ongoing	Ongoing.
Program H-2D: When adequate resources are available, continue housing rehabilitation programs to help low-income mobile/manufactured homeowners and/or income-eligible, disaster-affected homeowners rehabilitate and/or replace their homes using state, federal, and/or local funding sources, when available, to the extent insurance or FEMA proceeds are not adequate to cover these costs. Assist owners of affordable rental housing to obtain state funding for rehabilitation and/or provide County assistance for rehabilitation, if available. Ensure that budgeting for owner-occupied housing rehabilitation programs covers the full cost of administering such programs, including appropriate staffing by a qualified rehabilitation specialist and/or contract program administrator, standard legal costs, as well as loan servicing and/or unit monitoring for the life of the proposed rehabilitation loan or grant terms. Continue to coordinate with HCD Disaster Recovery unit on planning and outreach to local homeowners and housing providers in need of CDBG-DR assistance.	Rehabilitation or replacement of at least six substandard mobile homes during the 6th Cycle, or more if adequate state or federal funding is obtained, and rehabilitation of 176 affordable rental units.	On annual basis, County staff will review state and federal notices of funding availability and will apply for funding whenever financial resources for this purpose become available, and the County meets the eligibility criteria to apply.	Ongoing and partially complete. Two substantial rehabilitation projects at existing affordable rental properties are in construction and on track to complete in 2025. Both projects (Vista Verde and San Andreas) were funded by the state Portfolio Reinvestment Program (PRP) and were assisted in various ways by the County. Both had received prior financing from the County’s former RDA. Both are located in South County and provide affordable housing to farmworkers and other lower-income residents.
Program H-2E: Continue to implement the County’s Affordable Housing Preservation Program (AHPP), administered by the Housing Authority, to preserve County-assisted affordable homeownership units at risk of foreclosure or loss due to bankruptcy, egregious non-compliance, death of owner without heir, or other reasons, prior to trustee sale or other court/compliance actions, and when preservation is feasible with available AHPP resources.	Preservation of affordable homeowner units at risk of loss	Ongoing, as needed when affordable homes are at risk and can be preserved through AHPP	Ongoing. Significant County resources have been dedicated to one preservation case beginning in early 2024 and continuing to date.

Housing Programs Progress Report			
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1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-2F: Continue to implement First-time Home Buyer (FTHB) programs to help lower-income households purchase manufactured homes in non-profit and/or resident-owned MHPs, and/or standard homes (i.e., condominiums, townhomes) when funding is available, and when sufficient homes meeting housing quality standards (HQS) are available for sale within the program-feasible price range in the higher opportunity areas of the unincorporated area, or in other portions of the unincorporated area, if that is where the buyer prefers to purchase a home. Ensure that program budget covers all necessary costs of program operation, including outreach/marketing, initial program administration and lending, and long-term loan servicing and unit monitoring.	Number of new homebuyer loans made. Based on the County's historical track record, achieved during several decades when plentiful redevelopment agency housing set-aside funds were available for this purpose, and which time period included several recessions when home prices were significantly more affordable, staff anticipates making an average of two loans per year during the sixth cycle. Achieving this target would require the amount of inventory available for sale within the program-feasible price range to increase significantly within the first several years of the cycle and is subject to funding availability for this program.	On an annual basis, review state and federal notices of funding availability and apply for funding whenever it is available for this purpose and the County is eligible to apply.	Ongoing. Staff reviews all published HCD NOFAs for eligibility and feasibility. Programs will be initiated when resources are available and market conditions are conducive to such programs.
Program H-2G: Continue to implement SB 13 of 2019 for ADUs subject to Notices of Violations (similar to the County's prior Safe Structures Program), to allow property owners a five-year postponement of code enforcement action on unpermitted ADUs built before 2020 that meet all health and safety standards, so they can continue to provide needed housing while permits are being sought for the ADU.	Five-year postponement of enforcement action on qualifying ADUs	Ongoing	Ongoing.
Program H-2H: Develop a proactive code enforcement program to bring unpermitted vacation rentals into compliance with County Code (primarily Chapter 13.10.694) restricting vacation rental use of housing units, and to improve compliance with transient occupancy tax (TOT) requirements applicable to vacation rentals.	Reduction of unpermitted vacation rental uses of existing housing stock and increased TOT collections from vacation rentals	By end of 2024	Ongoing. Starting in late 2022, the Code Compliance section of CDI has implemented a program, in partnership with the Auditor-Controller-Treasurer-Tax Collector's Office, Sheriff's Office, and Assessor's Office to establish a process for revoking short-term rental permits that are not compliant with the Conditions of Approval, actively issue citations for violations for unpermitted use of a property as a short-term rental, and ensure proper collection of transient occupancy tax. Over 251 citations for violations including were issued between November 1, 2023 and October 25, 2024.
Program H-2I: To the extent funding is or will be available to the County and/or Continuum of Care (CoC) for this purpose, support local legal aid programs that provide legal aid and housing counseling to lower-income and at-risk tenants with rental housing concerns such as unlawful evictions, unlawful rent increases, and/or fair housing violations.	Additional legal aid for local renters facing eviction, unlawful rent increases, and/or fair housing violations.	On an annual basis, County and/or CoC staff will review state and federal notices of funding availability and apply whenever grants are made available for this purpose.	In progress, ongoing. In late 2023, the County Human Services Dept. provided \$130,000 for a multi-year contract with Tenant Sanctuary to provide legal representation to tenants facing eviction. They assist tenants in three main types of cases: •Unlawful Detainers (UD)/Evictions •Civil Affirmative •Small Claims
Program H-3A: Use County Affordable Housing Impact Fee (AHIF) revenues, generated through payment of housing impact fees by market-rate housing developers and those constructing non-residential buildings (i.e., commercial linkage fees), primarily to assist development of new deed-restricted, affordable rental units, and to support ongoing administration and monitoring of the County's portfolio of deed-restricted affordable homes (Measure J and other County-assisted units), consistent with the AHIF authorizing resolution and related codes and policies. Other special affordable housing programs or initiatives, such as the recently launched ADU Incentives Program, may be funded from this source from time to time when adequate AHIF funds are available. The AHIF fund, established in 2015, has averaged slightly over \$500,000 per year in annual revenues, including both fee payments and interest on the fund balance, over the past five fiscal years, beginning in 2019.	Make AHIF loans to assist development of new affordable rental units and/or preservation of existing affordable units, and to fund ongoing administration of County affordable housing programs. Commit the accrued AHIF balance, net of the amounts necessary for annual operation of inclusionary and/or ADU programs, to affordable housing developers requesting such funds for development of affordable housing on sites in the Inventory, with a priority for projects including ELI units and/or special needs units for farmworkers, disabled households, and formerly homeless households, and prioritizing funding applications that meet readiness and capacity thresholds, such as site control, developer capacity, and related factors (similar to those used by HCD in its NOFAs).	Ongoing. Commit currently available funds within 12 months, and subsequently issue NOFAs every 2-3 years, or whenever a sufficient balance of \$1 million or more has accrued in the fund, or in coordination with H4H NOFAs when appropriate.	Ongoing. In 2024 the County provided one AHIF loan of \$1.2M to assist acquisition of an opportunity site in the Sites Inventory by a non-profit housing developer for a development of 60 - 120 affordable lower-income units on Green Valley Rd. Project is currently in the predevelopment stage. An additional AHIF loan is currently in negotiations for a development of ~180 affordable lower-income units in Soquel. The Board approved commitments of these loans in Jan 2024. A third AHIF loan was tentatively committed but later declined by the applicant for a project of over 200 units in Soquel. Staff plans to issue a NOFA for future AHIF loans in 2025 for new construction and/or rehabilitation projects.

Housing Programs Progress Report			
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1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-3B: Continue to leverage available County affordable housing funds with other public or private sector housing resources, by collaborating with for-profit and non-profit developers of affordable housing projects to maximize long-term affordability restrictions and to promote the development of a variety of housing types, including those that serve Extremely Low-Income households, which will require additional local subsidies. Local funds may include but are not limited to: RDA Successor Agency Housing Asset Funds (as former RDA loans are re-paid), County AHIF Funds, PLHA funds, and other state/federal grant funds or grant reuse accounts held by the County.	At least three new affordable housing developments financed in part with County Housing Funds during the 6th Cycle, and regular facilitation and coordination with interested parties as needed to assist in development of housing on sites in the inventory, regular attendance and presentations to regional and local housing groups during quarterly, biannual or annual meeting and events.	Ongoing (daily, weekly, monthly, or quarterly, as needed)	Ongoing. See status update under H-3A above. In addition to AHIF loans, several other projects, including 2 Homekey projects, are underway with County assistance from other funds such as PLHA and Low-Mod (former RDA) Funds.
Program H-3C: Seek documentation from local utility districts to verify their compliance with state law that requires that all public sewer and water providers provide priority to, and retain sufficient capacity for, affordable housing projects built within their service areas.	Documentation of compliance from each water/sewer agency that is no more than 4 years old, maintained on file at CDI for reference; and increased awareness of this requirement among local water/sewer district staff.	By December 2024 and every 4 years thereafter, or upon notice of non-compliance from affordable housing developers	In progress and ongoing.
Program H-3D: Advocate with state representatives representing any portion of the county to consider state legislation to further limit (beyond the existing limits in CA Civil Code Section 1950.6) the amount of rental housing application fees that may be charged by rental property managers, and/or increase grant funding for rental assistance programs that can pay for such fees for lower-income applicants, and/or to require landlords to accept a standardized rental housing application (“universal application”) in a form to be developed by the State or the appropriate housing industry association.	New state law, new standard (“universal”) rental application, and/or additional funding for application fees	December 2026	Planned for 2026; partially addressed by recent state legislation (AB 2493, SB 611, etc.).
Program H-3E: Complete the nexus study recently commissioned by County Public Works to study possible updates to its impact fee schedule for development projects. Encourage other local agencies that assess impact fees on new housing development within the unincorporated area (i.e., water, drainage, fire, sanitation, schools, environmental health agencies) to evaluate their impact fees applicable to new housing development every 5-10 years to ensure that their fee rates have an appropriate nexus and proportionality to the impacts of new units on their respective infrastructure or services, particularly for multifamily (apartment) units, and to consider exemptions or reduced rates for deed-restricted affordable units, when fiscally possible.	Completed DPW nexus study, possibly additional studies by other agencies.	December 2024 (current study); ongoing for other studies	In progress. RFP issued, consultant has been selected, and a contract recommendation for an impact fee consultant will be taken to the Board of Supervisors for consideration at its February 25, 2025 meeting. Once approved, staff will work with consultants to schedule stakeholder outreach meetings for County staff, including members of CDI, SCCSD, and Parks.
Program H-3F: Continue to implement County codes and applicable state and federal laws regarding tenant relocation assistance and replacement of existing affordable housing proposed for removal as part of redevelopment projects, or at risk due to substandard conditions or other property owner actions. Where such requirements apply, include conditions of approval in project entitlements (or for ministerial projects, place a hold on demolition permit issuance) to ensure developer compliance with applicable tenant relocation assistance requirements and/or replacement housing requirements. Ensure that UPC, Code Enforcement, and Housing staff are trained on implementation of this program. Evaluate County Code Chapters 8.45 and/or 12.06 to determine if any updates are warranted to improve implementation of Policy H-3.6, while not creating significant new constraints to redevelopment of underutilized sites with one or several existing, usually substandard units.	Continued implementation and enforcement of relocation assistance and/or replacement housing requirements applicable to County permittees and/or developers.	December 2025	Ongoing.

Housing Programs Progress Report			
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1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-3G: Commission an independent study to evaluate all aspects of the County's Local Coastal Program (LCP), including its implementing ordinances and procedures, that apply to proposed multi-family and/or mixed use developments in the Coastal Zone, and/or that have historically served to, or may in the future impede the development of lower-income and/or multi-family rental housing on sites within the Coastal Zone included on the Sites Inventory; and evaluate the development review practices of any/all agencies involved in development review of proposed multi-family and mixed-use multi-family housing projects within the County's Coastal Zone. The study shall determine if LCP regulations, development standards, design guidelines, and local development review practices applied to multifamily housing development are any of the following: 1) Objective; 2) Directly related to, necessary for, and effective in preserving coastal resources and/or coastal priority uses; 3) Helping or hindering achievement of the goals and objectives of the County's General Plan/LCP, including the Housing Element, and/or those of the Coastal Act; 4) Comparable to policies and practices of peer agencies operating elsewhere in the state, and/or consistent with current best practices available to achieve the same goals of coastal protection, while not overly hindering general community development goals and effective use of limited development sites within the County's urbanized Coastal zone (but non-waterfront) areas. The study shall also determine whether any of the LCP policies, regulations, or practices applied to proposed multifamily developments within the Coastal Zone have: served as a barrier to fair housing access; a constraint to multi-family housing development and County achievement of its RHNA goals in current or prior cycles; imposed more restrictive development standards on multifamily housing than for non-residential uses in the same zone; and/or have resulted in a disparate impact on protected classes, many of whom may be employed in coastal priority industries such as hospitality, agriculture, fishing, or visitor-serving commercial establishments, by limiting their access to available, attainable and/or affordable housing in or near the Coastal Zone. The study shall be completed by a qualified independent consulting entity with expertise in fair housing, urban design, sustainability, environmental and coastal resource protection, sea level rise and adaptation, multi-family housing development standards, current economics of and development trends in multi-family development in the region, and the creation and use of objective standards for residential development. The selected entity shall not have any actual or potential conflicts of interest related to the subject matter or geographic focus area of the study.	Completion of the study, report to the Board with its findings	December 2025	Pending , following completion of several higher priority programs. Need for study may be addressed by state legislation.
Program H-3H: Commission a new nexus study and evaluation of the County's inclusionary housing program (aka "Measure J") codified in County Code Chapter 17.10. The study should, at minimum, evaluate the nexus related to the following aspects of the program, and provide recommendations for legally defensible and warranted updates: possible updates to the Affordable Housing Impact Fee (AHIF) rates and fee structure, which provides different fee rates for various categories of residential developments; the mandatory inclusionary percentage required of ownership projects subject to the ordinance (currently 15%); which types of projects are required to meet the mandatory inclusionary requirements (ownership and/or rental) rather than being allowed to pay the housing impact fees; the project size threshold that triggers the mandatory inclusionary requirements (currently seven net new units); requirements related to replacement of existing affordable units on the site; whether or not replacement affordable units can or should be counted toward the mandatory inclusionary requirements; affordability levels; and harmonizing the program with State density bonus law. The study shall comply with applicable State law regarding nexus studies and inclusionary housing, including, to the extent applicable, Government Code Section 65850.01. If the outcome of the study results in a proposal to increase the mandatory inclusionary requirements above 15%, the State HCD may require the County to produce an economic feasibility study as set forth in GC 65850.01. If that is the case, the required feasibility study shall be produced within one year of completion of the nexus study and prior to consideration of any ordinance to increase the inclusionary percentage. Any updates to the County's inclusionary program shall not be a constraint on residential development.	Completed nexus study and evaluation; and if directed by the Board, completion of draft ordinance to amend Chapter 17.10 within one year of study completion (or within two years, if an economic feasibility study is required).	June 2025 (for nexus study)	In progress. RFP issued for required studies in conjunction with Program H-3J.

Housing Programs Progress Report			
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1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-3I: Ensure compliance with the Surplus Lands Act when County-owned sites are surplus, including noticing procedures to affordable housing developers, as required by the law, as it may be amended in the future. With respect to the County-owned site at 7th Avenue and Brommer Street, release a Notice of Intent and Request for proposals that incorporates an affordable housing component consistent with the Housing Sites Inventory. Conduct outreach with potential developers and priority permit processing for residential development on these properties.	Selection of development team for 7th Avenue and Brommer site.	December 2024 (Request for Proposal for 7th Ave & Brommer site)	In progress. An RFP was issued; negotiations with the selected team are ongoing.
Program H-3J: Modify the County’s inclusionary housing requirements in SCCC Chapter 17.10 to make the following changes: 1) Require 15% of all rental units developed in residential rental projects subject to the inclusionary requirements of Chapter 17.10 to be provided as affordable (“Measure J”) units (consistent with SCCC 17.10.039, except that this section shall serve as the mandatory compliance option for rental projects of 7 or more new units, rather than an alternative compliance option); and 2) Do not count replacement units (those required to replace any existing affordable units on the site, as defined in SCCC 17.12.025) toward the 15% inclusionary requirements of Chapter 17.10.	Ordinance amending SCCC Chapter 17.10 to make the changes described above.	December 2025, or as soon as practicable following completion of Program H-3H	In progress. An RFP issued for consultant study.
Program H-3K: Continue to work with owners of Public Facility (PF) zoned sites to facilitate affordable and employee housing projects. Monitor the development on these sites for progress toward the number units included in the Housing Sites Inventory during the eight-year planning period. If the number of units developed is not keeping pace, conduct outreach to owners to determine constraints and review the development standards for housing on these sites, including an increase in allowed density from Urban High to Urban High Flex.	Development of housing units tracks with the number of units in the Housing Sites inventory; or, if necessary, General Plan and Ordinance amendments to development standards	Annually (monitoring); December 2027 (outreach and necessary General Plan and SCCC amendments to adjust development standards)	Monitoring effort ongoing. Significant interest in various PF sites. Due diligence and predevelopment work has begun on one major PF site with potential for multi-phase affordable housing project.
Program H-3L: Maintain, implement, and update community plans, programs, and initiatives for community preservation and revitalization and displacement protection through place-based improvements in lower resource, lower income and higher poverty areas.	Infrastructure: <u>South County Service Center:</u> Complete tenant improvements by December 2024. <u>Freedom Sewer Rehabilitation Project:</u> Pursue SWRCB grant in 2024 for Phase II of Freedom Sewer Rehabilitation Project, to protect environment, public health, and reduce maintenance and treatment costs. <u>Pajaro River Flood Risk Reduction Project:</u> Break ground in Summer 2024 on Pajaro River levee project, complete in phases over ~5 years. <u>Green Valley Road Multi-Use Trail Improvements:</u> Award contracts by June 2024 and begin construction in Summer 2024. This project creates a 2-mile multimodal corridor for bikes, pedestrians, and transit, improving mobility in an underserved community. <u>Transportation Improvements:</u> Various projects to improve transportation infrastructure in South County and San Lorenzo Valley, two under-resourced areas, according to timelines in Capital Improvement Program. <u>Freedom Boulevard Multi-Purpose Trail Project:</u> Bid and construct bike/ped trail along Freedom Blvd by December 2024. <u>Local Hazard Mitigation Plan:</u> Maintain, implement, and update County LHMP on required schedule to reduce likelihood of displacement due to flooding, sea level rise, and wildfire. <u>Santa Cruz County Parks Strategic Plan 2023:</u> Over next 5 years, implement actions in Strategic Plan to identify disadvantaged communities and prepare a plan to improve County Parks facilities and programs in these communities. <u>Safe Routes to School.</u> Each year, expend \$20,000 of Measure D funding on Safe Routes to School Programs for bike/pedestrian education at schools.	Complete objectives on various projects between 2024 and 2029 as described at left.	Partially Complete. The <u>Sounty County Service Center</u> opened in June 2024. See press release at: https://www.santacruzcountycalifornia.gov/portals/0/county/CAO/press%20releases/2024/South%20County%20Government%20Center_PRS%20RLS.pdf . <u>Freedom Sewer Rehabilitation Project</u> was completed in 2024. <u>Pajaro River Flood Risk Reduction Project:</u> Pajaro River Levee Project broke ground in October 2024. <u>Green Valley Road Multi-Use Trail Improvements:</u> Contracts have been awarded and work has begun, project completion is expected by Spring 2025. <u>Local Hazard Mitigation Plan (LHMP):</u> An update of the LHMP, which was last updated in 2021 and is valid through 2026, is underway. The update will expand the plan to a Multi-Jurisdiction Hazard Mitigation Plan (MJHMP) including the County, all the cities within the County, water districts, the Resource Conservation District, and Cabrillo Community College. The purpose of the MJHMP is to reduce losses and displacement resulting from natural disasters through sustained, long-term actions to protect people, property and the environment. Adoption of the MJHMP Update is projected to occur in March 2026.

Housing Programs Progress Report			
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1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-4A: Implement actions listed in the “Housing for a Healthy Santa Cruz” Strategic Framework to address homelessness throughout the county. Organize actions in four strategic work areas: ▪ Build a Coalition. Develop a strong and informed action-oriented partnership with leaders and stakeholders within the community. ▪ Prevent Homelessness. Use targeted prevention and early intervention housing problem-solving to help people and families keep or return to housing as quickly as possible. ▪ Increase Connections. Expand and improve “Front Door” programs and services including outreach, temporary housing and supportive services. ▪ Expand Permanent Housing. Increase permanent housing and income growth resources and opportunities to become housed. Utilize the framework to obtain funding for projects utilizing Homekey and other sources to create supportive and temporary housing units in higher resourced areas, such as projects in Soquel, Santa Cruz, and Ben Lomond.	Number of households experiencing unsheltered homelessness will decrease by 50%; progress on other goals described in the Framework.	Complete framework actions by January 2024. In February 2024, update the Framework to, at a minimum, ensure compliance and consistency with federal and state plan requirements and goal alignment with resource availability. Occupancy of units by December 2025.	In Progress and Ongoing. Updated Framework was adopted in 2024 for the 2024-2027 period. https://housingforhealthpartnership.org/Portals/29/hap/pdf/H4_H_Framework_2024-7-v3.1.pdf. Implementation of the Framework is ongoing.
Program H-4B: Continue to partner with qualified developers and service providers to seek all available sources of funding for development and/or preservation of affordable housing for special needs households, in partnership with property owners/developers that have a site available for such housing development, and/or for supportive and rehousing services for special needs households, including but not limited to, those listed below. <u>State of California-administered funding programs:</u> ▪ CDBG, including CDBG-DR ▪ AHSC ▪ Joe Serna, Jr. Farmworker Housing Grant Program ▪ Infill Infrastructure Grant (IIG) ▪ Manufactured Housing Opportunity and Revitalization Program ▪ MHP ▪ CalHome ▪ HOME ▪ Homekey Round 3 ▪ HHAP ▪ ESG ▪ Housing and Disability Advocacy Program ▪ BCSH Encampment Resolution Fund (ERF 1) ▪ Bringing Families Home (BHF) ▪ Transitional Housing Program/Housing Navigators Program (THP/HNP) ▪ California Emergency Solutions and Housing Program (CESH – 18/19) ▪ Permanent Local Housing Allocation Program (PLHA) <u>Federal (HUD) funding programs available to the local Continuum of Care or the Housing Authority:</u> ▪ HUD Continuum of Care Grant Program ▪ HUD Unsheltered SNOFO Grant program ▪ HUD 202 or HUD 811 grants ▪ Project-based Section 8 Vouchers ▪ Housing Opportunities for Persons living with AIDS (HOPWA)	State, federal, or other funding awards for local housing projects and special needs programs	Ongoing, when funding opportunities arise that the County or other entities are eligible to apply for. Typically, the County submits multiple funding applications to HCD each year, including an annual PLHA allocation, some of which are successful in obtaining an award. The CoC also typically applies for HUD funding one or more times per year.	Ongoing.
Program H-4C: Review land use policies and County Codes related to group homes, community care facilities, transitional housing, emergency shelters (also known as navigation centers or interim housing, including such facilities consisting of multiple emergency sleeping cabins and/or tiny homes with supportive services), and permanent supportive housing, for consistency with recently updated, preemptive state laws.	Completion of review, and if necessary, land use policy and/or code amendments to ensure consistency with state law.	Complete the review by December 2024 and complete code updates by December 2026	In progress. CDI has begun work on this policy project and completion by Dec. 2026 is on track.

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-4D: Explore options for increasing the supply and awareness of the supply of permanent, affordable, and accessible housing for people with disabilities, including: ▪ Continue to require developers of County-assisted affordable housing projects to conduct targeted outreach to disabled residents and organizations for marketing, rental and/or sale of ADA-accessible units, and/or maintain separate waiting lists for such units, if allowed by all financing sources for the development, and/or otherwise ensure ADA units are offered first to households that need units adapted for use by people with physical disabilities; ▪ Encourage housing developers, including developers of affordable housing projects, to build more ADA-accessible units that meet the needs of physically disabled households, (as well as units accessible for those with sensory disabilities), and to exceed state or federal requirements for accessibility when feasible; ▪ Promote universal design and visitability of new or renovated housing units permitted by the County by providing outreach materials on universal design to building permit applicants, and by encouraging discretionary project applicants to incorporate universal design features into their housing projects by adding a question about such features to the application checklist for Development Review Group (DRG) applications, and highlighting such features when presenting projects to the approving body.	Additional accessible and visitable units developed, increased occupancy of such units by residents needing the accessibility features of the specific unit.	Ongoing, add Universal Design to DRG checklist by December 2024	Ongoing and in progress.
Program H-4E: Provide technical assistance with site selection, environmental review, and/or the development review and permitting process, to public or non-profit agencies, including other County departments, or state/ regional agencies, that seek to develop, renovate or expand community care facilities for foster children, transitional housing for young adults aging out of the foster care system, or similar residential care facilities for children and youth in need of special services, in appropriate zones within the unincorporated areas of the County.	Improved coordination with facility developers, increased capacity for special needs children and youth	Upon request	Ongoing. One transitional housing facility for TAY is currently in development with funding and technical assistance from the County. It is expected to break ground in 2025 and be completed by late 2025.
Program H-4F: Continue to support housing access and affordability for local seniors by: ▪ Referring seniors seeking rental housing, or seniors seeking a housemate, to the shared housing match program operated by Senior Network Services, or to other comparable shared housing local programs; ▪ Encouraging owners of age-restricted MHPs parks and other age-restricted senior housing developments in the County to maintain the legal senior housing status of those properties, and to make improvements where necessary to ensure retention of senior-only status; ▪ Supporting the development of multi-family housing projects with small units, such as studios, one- and two-bedroom apartments, including accessible units, in Residential Flex and higher-density multi-family zones, that can meet the needs of seniors as well as younger households, and can add a significant number of affordable or “affordable by design” rental units to the County’s housing stock, providing more housing options for seniors who wish to live in integrated communities with neighbors of all ages; ▪ Encourage developers to offer floor plans that allow seniors to “age in place” in their homes by incorporating universal access features and the opportunity for simplified conversion to universal access; ▪ Encourage developers to design multi-generational housing projects such as townhomes or subdivisions with ADUs, or other designs conducive to multi-generational living, so extended families can live together comfortably.	Increased supply of housing units available and affordable to seniors, maintenance of existing age-restricted housing, to the extent feasible/legal.	Ongoing	Ongoing.
Program H-4G: Prioritize the use of local affordable housing funds for projects that include housing affordable to extremely low-income and/or special needs households, including affordable housing for farmworkers and their families, as defined in Policy H-4.1 above. Funding streams that can be leveraged with County funds include but are not limited to: USDA multi-family programs, Joe Serna Jr. Farmworker Housing Grants, HUD Sections 811 and 202, Low Income Housing Tax Credits, Homekey, NPLH, Veterans Housing and Homelessness Prevention (VHHP) Program.	Inclusion of new ELI and special needs units, including farmworker housing, in County-assisted housing developments	Ongoing	Ongoing and partially complete. A new 80-unit, 100% lower-income, multi-family rental project (Cienega Heights), including 37 farmworker housing units funded by a Joe Serna grant, was completed in December 2024 and occupied in January 2025. Project is located just outside Watsonville city limits, on Atkinson Lane. The County provided \$3 million acquisition financing and technical assistance to assist development of this project.

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-5: Research the feasibility of expanding electrification requirements to all new residential construction throughout the county.	Summary of feasibility findings	December 2024	In Progress. CDI, Santa Cruz County Office of Response, Recovery, and Resilience, and AMBAG are working together to develop and provide trainings on reach codes, incentives, and educational trainings in support of building electrification.
Program H-6A: Collaborate with the County Agriculture Commissioner, local growers, farmworker housing providers, and other interested parties to promote the maintenance and development of various types of farmworker housing by participating in regional farmworker housing collaboratives, such as that convened regularly by the Monterey Bay Economic Partnership (MBEP), that includes stakeholders such as agricultural property owners, lessee farmers, agricultural employees, agricultural product processors, funders, public sector representatives, and housing developers, to discuss options and pathways for developing farmworker housing in the region. (See also Programs H-4B and H-4G and Policy H-4.3 regarding funding and policy for affordable farmworker housing developments.)	Development of additional on-farm and/or unsubsidized farmworker housing units in the unincorporated area, increased awareness of updated County codes and available sites for farmworker housing.	Ongoing. MBEP group meets quarterly.	Ongoing. One small on-farm farmworker housing project is currently in pre-development by the Land Trust, consisting of four RV pads with hook-ups that will be rented to farmworkers by the Land Trust on their South County property. The RVs will be leased to local growers for berry farming and related ag uses.
Program H-6B: Coordinate with local employers, business groups, environmental and housing advocacy groups, H4H, other public agencies, commissions, civic and neighborhood groups to build public understanding and support for development of new workforce, affordable, and special needs housing units, much of which must, due to the very limited supply of developable land within the urbanized areas of the County, consist of higher-density, multi-family housing, such as apartments or condominium buildings of three or more stories. The Housing Element identifies additional multi-family housing capacity in higher resource, higher income and concentrated areas of affluence as part of actions to enhance housing mobility (housing choices and affordability) in these areas. Seek to build greater understanding of other issues related to housing, such as the connections between inadequate housing supply, housing cost burdens, inadequate local workforce, and homelessness, and the connections between sustainability, climate adaptation and resilience, and infill development strategies. Partner with these local partners and groups to increase awareness of available housing programs, including local, regional, state, and federal housing programs for low- and moderate-income households, those with special needs, and/or homeless residents.	Development of a community awareness and engagement plan to implement this program.	Ongoing, by December 2026 (development of plan)	Ongoing.
Program H-6C: Meet regularly with fair housing advocates in the region, to the extent they are available, such as CRLA, Project Sentinel, Watsonville Law Center, or others, to collaborate, share data, and explore how the County, cities, Coastal Commission staff, special districts, and other local agencies involved in development review, land use planning or regulation, permitting, housing finance, and/or development and operation of housing in the region, can support and affirmatively further fair housing in Santa Cruz county and the Monterey Bay region. Request AMBAG assistance in convening such meetings, or to offer training on fair housing to staff of AMBAG member agencies and regional regulatory agencies involved in land use policy and/or regulation.	Meetings with fair housing advocates and/or attendance at AMBAG or comparable fair housing training events	Biennially	Ongoing coordination with legal aid providers occurs on as needed basis. Meetings and trainings occur during annual affordable housing month or comparable events.
Program H-6D: Continue to work with AMBAG, RTC, and the County's cities to update the regional Metropolitan Transportation Plan/ Sustainable Communities Strategy, which will plan for more intensive housing development near existing job centers and near transportation corridors.	Updated regional MTP/SCS	2026 and every four years thereafter	In progress. AMBAG is working with the region's jurisdictions to update and evaluate the various performance measures, project lists, and data to develop the 2050 MTP/SCS, which is expected to be adopted in June 2026.

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-6E: Seek the cooperation of local cities, particularly one or both of the existing CDBG entitlement cities (Santa Cruz and Watsonville), as well as one or more of the smaller cities within the county, to evaluate the pros and cons of forming a “CDBG Urban County15” and/or “HOME Consortium”, which could result in significantly increased annual federal funding for affordable housing and community development activities, including funding for homeless assistance programs, across the county as a whole, as well as other non-monetary benefits of such an approach, such as increased access to technical assistance programs, networking and partnership opportunities, and better leveraging of local resources. Depending on the results of the evaluation, adopt required resolution(s) to approve partnership agreements with one or more cities and submit the required CDBG Urban County application to HUD as soon as possible thereafter.	Report to Board of Supervisors with results of evaluation, and (if applicable), Board and Council resolutions to form an Urban County partnership submitted to HUD.	Complete evaluation by 2025	Pending.
Program H-6F: Continue to work with the Coastal Commission to achieve a prompt and positive outcome related to the Sustainability Update.	Coastal Commission Approval of the Sustainability Update by February 2024	February 2024	Completed and in effect by March 2024.

Jurisdiction	Santa Cruz County - Unincorporated	NOTE: This table must contain an inventory of ALL surplus/excess lands the reporting jurisdiction owns	Note: "+" indicates an optional field Cells in grey contain auto-calculation formulas
Reporting Period	2024 (Jan. 1 - Dec. 31)		

**ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation**

For Santa Cruz County jurisdictions, please format the APN's as follows:999-999-99-9999

Table H						
Locally Owned Surplus Sites						
Parcel Identifier				Designation	Size	Notes
1	2	3	4	5	6	7
APN	Street Address/Intersection	Existing Use	Number of Units	Surplus Designation	Parcel Size (in acres)	Notes
Summary Row: Start Data Entry Below						
026-261-16, 026-261-13, 026-261-17	855-905 7th Ave., Santa Cruz, CA 95062	Vacant	1	Surplus Land	8.3	2 large parcels are vacant, smallest parcel has 1 SFD; LRPMP online; Declared surplus land 6/23/2023
042-151-31-0000	105 Esplanade	Vacant	0	Surplus Land	0.06	Declared surplus land 8/22/2023

Jurisdiction	Santa Cruz County - Unincorporated	
Reporting Year	2024	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Local Early Action Planning (LEAP) Reporting
(CCR Title 25 §6202)

Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.

Total Award Amount	\$ 500,000.00		Total award amount is auto-populated based on amounts entered in rows 15-26.		
Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes
1- Administrative costs	\$18,153.00	\$17,539.88	Completed	None	
2- Built Environment Element	\$26,117.00	\$26,116.98	Completed	None	
3- Access + Mobility Element	\$8,955.00	\$8,955.22	Completed	None	
4- Residential and Mixed-Use Standards	\$37,241.00	\$37,241.07	Completed	None	
5- Countywide Design Guidelines	\$21,929.00	\$21,929.01	Completed	None	
6- Permit Process Code Modernization	\$19,095.00	\$19,095.43	Completed	None	
7- ADU Ordinance Update	\$23,086.00	\$23,085.84	Completed	Local General Fund	
8- Res. Growth Forecasting/Opportunity Sites	\$4,232.00	\$4,231.98	Completed	None	
9a- Hwy 1 Over-Crossing Study	\$150,376.00	\$150,376.09	Completed	None	
9b- Active Transportation Plan	\$7,870.00	\$7,870.16	Completed	Other	
10- Supportive Housing Code Updates	\$4,761.00	\$3,851.98	Completed	None	
11-Public Outreach	\$55,879.00	\$56,049.68	Completed	None	
12 - Public hearings	\$25,440.00	\$25,439.73	Completed	None	
13 - Board Adoption	\$34,751.00	\$34,751.26	Completed	None	
14 - Coastal Coordination	\$34,910.00	\$34,551.73	Completed	None	
15 - Implementation	\$27,205.00	\$28,913.96	Completed	Local General Fund	

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	6
Moderate	Deed Restricted	3
	Non-Deed Restricted	2
Above Moderate		27
Total Units		38

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	9
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	54
Moderate	Deed Restricted	1
	Non-Deed Restricted	49
Above Moderate		34
Total Units		147

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	42
	Non-Deed Restricted	0
Low	Deed Restricted	42
	Non-Deed Restricted	49
Moderate	Deed Restricted	0
	Non-Deed Restricted	28
Above Moderate		27
Total Units		188

Exhibit C
County Plans Supporting Lower-Income Housing

This Exhibit is provided in response to the Board's December 10, 2024 request for more information about the County's plans and efforts to support development of lower-income housing. It also includes a brief overview of recent accomplishments related to lower-income housing.

The County has two primary ways to support the development and preservation of lower-income housing:

- 1) Regulatory approaches, primarily through its land use planning and development review functions, including its zoning and related development codes, and its General Plan, including the Housing and Land Use Elements; and
- 2) Direct funding (subsidy) of affordable housing projects and programs, primarily through the Housing Section of the Planning Division, which administers the housing assets of the former Redevelopment Agency, and through the Housing for Health Division of the Human Services Department, also known as the administrative entity for the Continuum of Care.

A brief overview of each approach to supporting an adequate supply of units affordable to lower-income households, including recent accomplishments and current efforts, is provided below.

1) Regulatory Approaches: Focus on Housing Element, Sustainability Update, County Codes

Accomplishments of Prior Housing Element Period (5th Cycle)

Santa Cruz County had considerable success in meeting its affordable housing goals during its prior (5th) Housing Element cycle, which covered the period from 2015 to 2023. During this period, which included the last few years of the 2008 recession, and four major federally declared disasters that created significant challenges for the housing industry (the COVID19 pandemic, CZU Fire, and the 2017 and 2023 Storm Disasters), the County permitted 1,185 housing units, or 93% of its Regional Housing Needs Allocation (RHNA) goal of 1,314 units. As shown in Figure 1 below, more than half of the total units permitted in the past cycle (57%) were affordable units, while just 43% were Above-Moderate income units. Thirty-eight percent (446) of the total units permitted in this period were lower-income units, ranging from Extremely Low- to Low-Income affordability.

Exhibit C
County Plans Supporting Lower-Income Housing

Figure 1: 5th Cycle RHNA Accomplishments: Unit Goals vs. Units Permitted



Income Level	RHNA Goal	Permitted	% of Goal Permitted	% of Total Units Permitted by Income Level
Very Low	317	187	59%	16%
Low	207	259	125%	22%
Moderate	240	230	96%	19%
Above Moderate	550	509	93%	43%
Total	1,314	1,185	93%	100%

Regulatory Changes during the 5th Cycle

During the 5th Cycle, the County modernized its major land use policies, primarily through the Sustainability Update, and related code and policy updates, to make housing development in general, and especially affordable housing development, more feasible and more environmentally sustainable. These policy efforts included the Sustainability Update (2022), the Public Facility, School Employee and Farmworker Housing Ordinance (2018), updates to the density bonus and inclusionary zoning codes (2018), the ADU code updates and Permanent Room Housing (PRH) Combining District (2020), and Tiny Homes on Wheels Ordinance (2022). All of these policy updates support the development of smaller affordable by design and affordably by subsidy units, primarily on infill sites, and support housing going vertical, rather than sprawling over more acres of farmland and open space. Much of the content of the Sustainability Update also supports the

Exhibit C
County Plans Supporting Lower-Income Housing

feasibility of such projects by ensuring that infrastructure planning is also done to provide all necessary wet and dry utilities, as well as community facilities like schools, services and safety, for these projects.

During the same period, the state enacted hundreds of laws to address California's housing crisis and improve the feasibility of developing new housing, especially affordable, lower-income housing. This large volume of recent state legislation includes multiple bills updating ADU and density bonus state law, and many "streamlining" bills intended to streamline the development review and permitting process and make land use policy more conducive to sustainable development. Notable bills include Senate Bill (SB) 35/423, Assembly Bill 2011, SB 330, and SB 9 and SB 10, which allow infill multifamily housing, including "missing middle" housing, as well as larger apartment projects.

Current Policy Efforts: 6th Cycle Housing Element: 2024 - 2031

The 6th Cycle Housing Element, adopted in late 2023, is driven by two guiding principles: facilitating the development of new housing; and affirmatively furthering fair housing (avoiding unlawful discrimination in its housing and land use policies and programs). The County's housing development goal is driven by the RHNA, a goal issued by the State requiring the County's zoning and land use plans to accommodate a minimum number of new housing units, divided into four income levels. In order to meet its current RHNA goal of 4,634 units, a rezoning program was necessary because the County's zoning and land use plans, combined with the remaining vacant/underutilized sites, had inadequate capacity to meet its RHNA goal.

The RHNA does not require the County to build housing itself, or to provide funding for its development. The County's primary responsibility under state housing element law is to ensure that its zoning, land use plans, and policies provide adequate capacity for housing development, and by removing regulatory barriers to housing production.

Current Rezoning Program

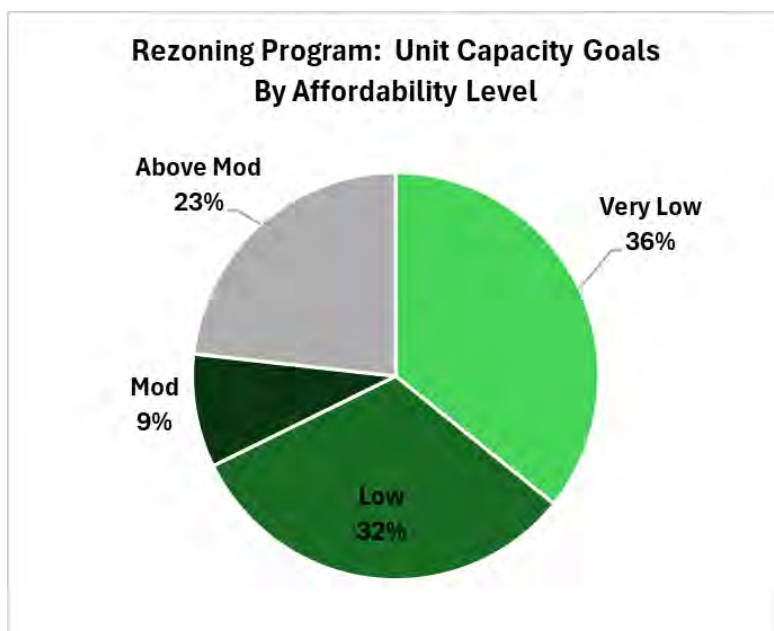
The 2023 Housing Element sites inventory analysis estimated the total housing unit capacity under the County's current zoning and land use plans across the unincorporated areas of the county. That analysis determined that existing capacity was not adequate to meet the RHNA, although much of the RHNA, including for lower- and moderate-income housing, was already accommodated through existing zoning and land use plans. To address the identified shortfall, a rezoning program was developed as prescribed by state law to create additional capacity where the remaining units could be developed. The rezoning program focused particularly on creating significantly more capacity for higher density housing, such as apartments and condominiums, which housing element law, known as the "Mullin densities," assumes will be more affordable by design than large-lot single family homes. Most affordable housing developers in recent decades rely on obtaining sites zoned to allow at least 20 or 30 units per acre. Lower densities than that

Exhibit C

County Plans Supporting Lower-Income Housing

are generally not financially feasible for affordable housing development. The rezoning program included in the 2023 Housing Element provides a target of rezoning and general plan amendments to additional capacity of more than 2,100 units. More than three-quarters, or 77% of this additional capacity, is for affordable units, as shown in Figure 2 below. Approximately 68% of this new capacity is for lower-income units. Having this significant amount of land zoned for the higher densities needed by affordable and multi-family housing developers is one of the most important mechanisms for improving housing affordability and supply, particularly for lower-income units, including those in the extremely low-, very low-, and low-income categories, in the County.

Figure 2: Rezoning Program Goals by Income Level



Income Level	Very Low	Low	Mod	Above Mod	Total
Unit Capacity (Goal)	767	684	193	498	2,142
Percent of Total	36%	32%	9%	23%	100%
Batch A: completed Dec 2024	382	315	59	113	869
Batch B: Pending, to be completed in 2025	385	369	134	385	1,273
<i>Total Affordable Unit Capacity (Lower & Mod)</i>	<i>1,644</i>	<i>77%</i>			
<i>Total Lower-Income Unit Capacity</i>	<i>1,451</i>	<i>68%</i>			

In 2024, shortly after adoption of the 2023 Housing Element, the County began to implement the rezoning program. To make it more manageable, the list of parcels proposed for rezoning was split into two “batches.” The Zoning and General Plan map amendments for Batch A were adopted by the Board of Supervisors on December 10,

Exhibit C

County Plans Supporting Lower-Income Housing

2024, and are now in effect. County staff is now preparing to bring Batch B materials to the Planning Commission and Board in Spring of 2025. Completion of the entire rezoning program will provide the most effective and significant way to incentivize development of new units affordable to lower- and moderate-income households. The rezoning of Batch A has already enabled several subsidized housing projects to launch into predevelopment and/or design phases.

Policies and Programs Supporting Lower-Income Housing Development

State Housing Element law was created in 1969 primarily to require California cities and towns to support, rather than oppose or obstruct, development of multi-family housing, rental housing, and lower-income housing. The law responded to land use policy and development trends at the time, where many communities resisted the development of affordable, higher density, rental and/or subsidized housing in their towns and cities by enacting exclusionary, large-lot, lower-density and/or single-family zoning, and regulations to limit affordable housing development due to local opposition. Since 1969, housing element law has been amended numerous times to focus even more directly and create more enforceable mechanisms to ensure that local land use policies support, rather than obstruct, the development of adequate lower-income housing to meet each community's needs for such housing supply.¹

Consistent with the focus of the state law on supporting affordable, lower-income housing development, much of the County's 2023 Housing Element also focuses on making lower-income development more feasible through land use planning, as described above, and through numerous policies and programs that support such planning efforts. These policies and programs were developed through a robust community engagement process that the County undertook throughout 2023, with several community focus groups including affordable housing developers, market-rate developers, other local stakeholders of various types, and residents in need of affordable housing. Many of the County's policies and programs most directly related to lower-income housing are listed under Goals H-1 and H-3 of the 2023 Housing Element:

- *Goal H-1: Facilitate Development of New Housing, Primarily in Infill Areas.* This goal aims to increase housing production for all income levels, with particular priority given to affordable housing projects (e.g., Policy H-1.6: Priority Processing, and Program H-1B and H-1C, Rezoning Program and Ministerial Combining District).
- *Goal H-3: Facilitate the Development of Affordable and Equal Opportunity Housing.* Specific efforts supporting production of lower-income housing are described under this goal. These policies and programs focus on both financing for affordable housing (Policy H-3.4) and ensuring higher-density zoning is available to facilitate

¹ https://abag.ca.gov/sites/default/files/rhna_background.pdf

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County Plans Supporting Lower-Income Housing

the development of affordable housing (Policy H-3.3: Maintenance of Adequate Housing Sites; Policy H-3.7: Do not Allow Development of Single-Family Homes in Multi-Family Residential Zones). Additional efforts to maintain and improve the quality and affordability of existing housing stock are included under Goal H-2.

The Housing Element programs and policies excerpted below support development of lower-income housing within the unincorporated County. A brief summary of each program is provided below, and the complete text of each program is available in Chapter Two of the Housing Element ([Chapter 4.2 of the General Plan](#)). A list of all these programs with current status updates is available in Table D of the Housing Element APR.

- **Program H-1B:** The rezoning program to accommodate the RHNA goals. State law requires that sites zoned for lower-income units allow “by-right” or ministerial processing (see H-1C below), and allow densities of at least 20 units per acre.
- **Program H-1C:** Develop the Ministerial (-Min) Combining District to permit multi-family housing by right (ministerially) for developments with 20% or more lower-income units, and rezone seven commercial parcels into the -Min district. Each site can accommodate more than twenty units at densities of 22-45 units per acre, with a total estimated capacity of at least 200 units.
- **Program H-1E:** Rezone opportunity sites to Residential Flex (RF) zoning and increase densities on current RM-zoned sites to densities of 20 units or more per acre.
- **Program H-1F:** Update multi-family development standards and increase heights at key intersections and activity centers to accommodate more housing near transit in urban multi-family and mixed-use zones.
- **Program H-1J:** Rezone 40 parcels per SB 10, which allows jurisdictions to rezone properties for up to 10 units without review under CEQA, to implement much needed “missing middle” housing into existing neighborhoods, including low-rise apartment and townhouse units (duplexes, triplexes, and quadplexes) within low-density infill neighborhoods.
- **Program H-3A:** Use of County Affordable Housing Impact Fee (AHIF) revenues to assist development of new deed-restricted, generally lower-income, affordable rental units.
- **Program H-3B:** Collaboration with affordable housing developers to promote development of a variety of housing types, including units for Extremely Low-Income households.
- **Program H-3C:** Seek documentation from local utility districts to verify their compliance with state law that requires that all public sewer and water providers provide priority to, and retain sufficient capacity for, lower-income, affordable housing projects built within their service areas.

Exhibit C
County Plans Supporting Lower-Income Housing

- **Program H-3H:** Commission a new nexus study and evaluation of the County's inclusionary housing program (aka "Measure J") codified in County Code Chapter 17.10. The study would evaluate various aspects of the program and recommend updates, including possible updates to the Affordable Housing Impact Fee (AHIF) rates and fee structure, changes to inclusionary requirements per Program H-3J, affordability levels, and harmonizing the program with State density bonus law.
- **Program H-3J:** Modify inclusionary housing requirements in SCCC Chapter 17.10 to require 15% of all units developed in residential rental projects provided as affordable ("Measure J") units.
- **Program H-3K:** Continue to work with owners of Public Facility (PF) zoned sites to facilitate 100% affordable lower-income housing, and/or employee housing projects.
- **Program H-1D:** Update density bonus code (SCCC Chapter 17.12) to ensure consistency with current state density bonus law and provide additional policy incentives, including encouraging inclusion of extremely low-income units.
- **Program H-1K:** Provide priority processing for projects of seven or more new units with at least 15% lower-income, or 25% moderate-income units, and/ or projects to substantially rehabilitate 10 or more subsidized rental units.

2) Direct Funding Approaches: Local Subsidies and Technical Assistance

The County has been providing significant funding and in-kind support for affordable, mostly lower-income housing development for more than thirty years. Most of the direct funding in prior decades was available through the County's former Redevelopment Agency, in the form of what was then called tax increment revenue, from local property taxes in the County's redevelopment project areas, and the "Housing set-aside" portion of that revenue. The recycled funds from the prior Housing set aside are now known as the Low-Moderate Income Housing Fund. Governor Brown dissolved all redevelopment agencies in 2011. The housing function of the County serves as the "Housing Successor" to the prior Redevelopment Agency. Annual reports prepared by County staff, which are attached to the Annual APR and sent to HCD each year, describe annual expenditures of Low-Mod Housing funds. The vast majority of these support development of lower-income rental units, focusing on very low and extremely low units. These reports are available on the County's website.² In the past five years, 32% of the over \$9.4 million in County Low-Mod funds expended, or slightly over \$3 million, was spent to assist development of housing for extremely low-income (ELI) households.

Many affordable housing developments, including rental and homeowner units and mobile home parks across the county now provide quality housing to local residents because of the funding and in-kind support they received from the County, mostly through its former Redevelopment Agency, and since 2012, through the County as Housing

² <https://cdi.santacruzcountyca.gov/Planning/Housing/HousingResources/HousingSuccessorAgencyReports.aspx>

Exhibit C
County Plans Supporting Lower-Income Housing

Successor to the former RDA. A map of affordable rental projects completed and in development is on the CDI Housing website.³ Most County funding provided to date for such projects has supported the development of lower-income rental units and lower-income housing in mobile home parks. The table below lists current, 100% affordable, lower-income, subsidized housing projects in development or recently completed. All but one of these has received or been conditionally awarded financing and in-kind support from the County. This list does not include additional affordable projects on the horizon in the early planning stages (due diligence, acquisition), but have not yet requested County financing or submitted any development applications to the County.

100% Affordable, Lower-Income Housing Projects Pipeline and Recent Completions:

Project & Developer Name	# and Type of Units		Location	Status
Park Haven Plaza * 2838 Park Ave LP	36	Rental (ELI)	2838 Park Ave, Soquel	In construction
Freedom House Transitional * CFSC	11	Transitional Rental (ELI)	2716 Freedom Blvd, Watsonville	Construction to in 2025
41st and Soquel Linc Housing/The Pacific Communities	256	Rental (ELI)	2755 41 st Ave, Soquel	Predevelopment
Anton Solana * Anton Development / Pacific Housing	183	Rental (ELI to Low)	Corner of Thurber Ln and Soquel Dr, Soquel	Predevelopment
Green Valley Rd * MidPen Housing	60 -120 (TBD)	Rental (TBD)	578 Green Valley Rd, Watsonville	Predevelopment
Bienestar Plaza * MidPen Housing	57	Rental (ELI to Low)	1520 Capitola Rd, Santa Cruz	Completed 2023
Cienega Heights * MidPen Housing	80	Rental (ELI to Low)	Brewington Ave, Watsonville	Completed 2024
Rodeo Creek Court * Habitat for Humanity	11	First-Time Buyer (Low)	Harper St, Santa Cruz	Completed 2024
Total 694 to 754 Units				

* Project has received or has been conditionally committed County funding.

³ <https://cdi.santacruzcountycalifornia.gov/Planning/Housing/CountyHousingProjects.aspx>