PLANNING DEPARTMENT

GOVERNMENTAL CENTER

Alvin D. James
Planning Director

COUNTY OF SANTA CRUZ

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May 5, 1998

AGENDA: May 19, 1998

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN POLICIES AND IMPLEMENTING ORDINANCES REGARDING BIOMEDICAL LIVESTOCK OPERATIONS TO INCORPORATE THE REVISIONS APPROVED BY THE CALIFORNIA COASTAL COMMISSION

Members of the Board:

On September 23, 1997, your Board adopted amendments to the County's General Plan/Local Coastal Program Land Use Plan and Zoning Ordinance which recognized biomedical livestock operations as allowed uses in the agricultural zone districts, and created a review process and a set of operational conditions for such uses. Because these regulations will affect lands within the coastal zone, certification of the policy and ordinance amendments by the California Coastal Commission was required. Review of the amendments by the Commission was scheduled for March 11, **1998.**

On March 10, 1998, your Board reviewed a report which analyzed the coastal staffs recommendation concerning the County's adopted amendment package (Attachment 4). In this report, staff reviewed the recommended revisions proposed by coastal staff. Staff then presented your Board with a detailed recommendation on each revision. Following a brief discussion, your Board took the following actions:

- approved the recommended revisions to the LCP policies and ordinance amendments as recommended by staff, with minor modifications, in concept

- directed County Counsel and Planning staff to attend the Coastal Commission hearing to present the County's position

Following your action, coastal staff prepared an addendum to their initial staff report, which incorporated most of the revisions approved by your Board. This addendum was presented to the Commission by coastal staff. After a lengthy public hearing and discussion by the Commission, the biomedical livestock operation policies and implementing ordinances were adopted. A letter from the California Coastal Commission detailed the changes adopted by the Commission (Attachment 3). The final step in this process is for your Board to accept the modifications approved by the Coastal Commission, by adopting a revised Resolution and Ordinance with the specific changes.

Attachment 1 is the version of the policy and ordinance amendments adopted by the Coastal Commission. The language approved by your Board in concept on March 10, 1998, and adopted by the Coastal Commission is presented in the underlined format. The language added by the California Coastal Commission and not yet approved by your Board is shown in **bold print.**

General Plan/Local Coastal Program Land Use Plan Policies

The changes to the General Plan/Local Coastal Program Land Use Plan (GP/LCP) policies were relatively minor (Attachment 1). All of the changes adopted by the Coastal Commission reflect the Board's action on March 10, 1998, except for the addition of the following underlined phrase from Policy 5.13.6.1: ". . . . . pursuant to a site master plan that: shows the use to be soil-dependent, limits.. . . ." This modification is consistent with similar language adopted by your Board for inclusion in the ordinance amendments as a required finding to be made by the Agricultural Policy Advisory Commission. Including this wording in the GP/LCP policy is appropriate.

Zoning Ordinance

The Biomedical Livestock Operation (BLO) ordinance approved by the Coastal Commission incorporated most of the revisions approved by your Board. There are only three Coastal Commission changes to the ordinance amendments approved by your Board on March 10, 1998.

Section 13.10.647(c)(2) - This section lists the required information to be included on the site plan that is required to be submitted for consideration of the master plan for a biomedical livestock operation. The Coastal Commission added language that requires that a "description of the parcel(s) and contiguous parcels' current and historic land uses,. . ." be included. Staff has discussed this language with Coastal staff and the intent of the added language is to include a description of the previous and recent uses of the parcel(s) in order to develop background information to corroborate agricultural viability and productivity of the site. Staff recommends acceptance of this modification, as it will provide the decision makers with more information

regarding the context of the proposed biomedical livestock operation use.

Section 13.10.647(c)(2)(ii) - The approved Coastal Commission language adds the following underlined word: . structures associated with other princioallv allowed agricultural uses; . .. This section establishes the amount of impervious surfacing allowed with a biomedical livestock operation. The original wording exempted structures associated with any allowed agricultural use. The new wording would limit the exemption to those uses which are listed in the Agricultural Uses Chart in Section 13.10.3 12(b) of the County Code as uses requiring a level of review less than Level V, or principal permitted uses. Any structures associated with these types of uses would not be counted towards the impervious surfacing limit of 1% for a biomedical livestock operation on the parcel. The effect of adding the word "principally", then, is to further restrict the types of agricultural structures which are not counted as impervious surfacing. Given that an alternative exists to the way impervious surfacing can be calculated on a parcel (only using the area where the biomedical livestock operation is located as the basis for the 1%), staff can recommend acceptance of the Coastal Commission revision.

Section 13.10.647(d)(3) - This section is one of the findings required to be made for approval of a biomedical livestock operation. The Coastal Commission revision adds the following underlined language:

> The Biomedical Livestock Operation complies with all provisions of the General Plan and Local Coastal Program Land Use Plan and the County Code regarding uses on agricultural land and complies with the provisions of Chapter 16.30, Riparian Corridor and Wetlands Protection and Chapter 16.32. Sensitive Habitat Protection. The land area devoted to the Biomedical Livestock Operation shown on the required site plan complies with all Plan and Code siting requirements, is commensurate with the needs of the Biomedical Livestock Operation, and is configured in a manner to avoid conflicts. and to be compatible with any other existing or potential agricultural uses of the subject parcel.

The underlined language is, for the most part, a recitation of the need for the proposed biomedical livestock operation to be consistent with the GP/LCP, the County Code, and specific sections of the County Code (Chapters 16.30 and 16.32); that the land area is suitable for the needs of the biomedical livestock operation; and that the use is sited to avoid conflicts and is compatible with existing agricultural uses on the parcel. These parts of the finding present no real problem and simply restate findings required for all development permits. Making a finding that a biomedical livestock operation is compatible with "any other existing or **potential** agricultural uses of the subject parcel" would require the County, through the Agricultural Policy Advisory Commission review and CEQA process, to assess the compatibility of the existing and all possible agricultural use of the property with a biomedical livestock operation, both during the operation and after cessation of the use. This is consistent with the County's agricultural land preservation policies and, therefore, staff recommends that your Board accept this revision.

CEOA Review

The revisions to the GP/LCP and the implementing ordinances were reviewed by the Environmental Coordinator. The Environmental Coordinator has determined that no further review is necessary because the revisions approved by your Board and the California Coastal Commission are more protective of the environment than the version which received a negative Declaration (Attachment 5).

Planning Commission Review

Review of the revisions to the GP/LCP policies and the implementing ordinances by the Planning Commission is required if the subjects of the revisions were not a matter of discussion at the Planning Commission public hearings. In reviewing the Planning Commission minutes, it is clear that all of the topics touched on by the revisions were discussed at the Planning Commission public hearings.

Recommendation

The biomedical livestock operation policies and ordinances are ready for your Board's final approval. Staff recommends that your Board accept the Coastal Commission's revisions to the policies and ordinances adopted by your Board in September 1997. If your Board accepts the revisions of the California Coastal Commission, staff will transmit this action to the Executive Director of the Coastal Commission for final certification. If your Board wishes to modify the language adopted by the Coastal Commission, a new submittal to the Coastal Commission will be required. This will be processed by the Coastal Commission staff in the same fashion as the original submittal, including the preparation of a staff report and scheduling of a public hearing.

It is, therefore, RECOMMENDED that your Board:

1. Conduct a public hearing on the changes to the biomedical livestock operation policies and ordinances adopted by the California Coastal Commission, and

2. Adopt the resolution Adopting Amendments to the Santa Cruz County General Plan/Local Coastal Program Land Use Plan and Implementing Ordinances Regarding the Raising of Livestock for Biomedical Purposes in the Agricultural Zone Districts as revised by the actions of the California Coastal Commission (Attachment 2), and

3. Adopt the Ordinance Amending the Santa Cruz County Code relating to biomedical livestock operations (Attachment 2, Exhibit B), and

4. Direct staff to transmit the action of the Board to the Executive Director of the

California Coastal Commission for final certification.

Sincerely,

Alvin D. James
Planning Director

RECOMMENDED:

Susan A. Mauriello
County Administrative Officer

Attachments:
1. Amendments to the Santa Cruz County General Plan/Local Coastal Program Land Use Plan and Implementing Ordinances (Underline/W/Bold Version)
2. Resolution Adopting Amendments to the Santa Cruz County General Plan/Local Coastal Program Land Use Plan and Implementing Ordinances
3. Letter of Charles Lester, District Manager, California Coastal Commission, dated March 30, 1998.
4. Letter of Alvin D. James, Planning Director, dated March 3, 1998, with Attachment 2.
5. Memo of Ken Hart, Environmental Coordinator, dated April 17, 1998.

cc: County Counsel
County Administrative Office
Agricultural Commissioner
Environmental Health Services
Public Health Officer
Agricultural Policy Advisory Commission
UC Agricultural Extension
Natural Resource Conservation Service
Save Our Agricultural Land
Paul Bruno, Esq.
Santa Cruz County Farm Bureau
Santa Cruz Biotechnology, Inc.
California Coastal Commission

PROPOSED AMENDMENTS TO THE COUNTY OF SANTA CRUZ GENERAL PLAN AND LOCAL COASTAL PROGRAM

1. Amend the County General Plan and Local Coastal Program by adding Section 5.13.6.1 to read as follows:

"5.13.6.1 Biomedical Livestock Operations
Allow Biomedical Livestock Operations as a Level V Conditional Use on agriculturally zoned land, pursuant to a site master plan that: **shows the use to be soil-dependent,** limits impervious surface coverage to 1% (or 5% if the site is under 20 acres); removes as little otherwise productive land as possible; and maximizes and preserves soil productivity on the remainder of the site, subject to all other provisions of the General Plan-Local Coastal Program, 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."

2. Add the following definition of "Livestock" to the General Plan and Local Coastal Program Glossary:

"Any grazing, browsing or similar equine, porcine, bovine, ovine, or other ruminant, including but not limited to any horse, pony, mule, donkey, pig, hog, cow, ox, sheep, goat, or llama, excepting those prohibited by County Code Chapter 6.12."

3. Add the following definition of "Biomedical Livestock Operation" to the General Plan and Local Coastal Program Glossary:

"An agricultural livestock management operation that uses livestock for ~~research,~~ experimentation~~, or testing,~~ or for the production of any biomedical or pharmaceutical product or by-product. A Biomedical Research Facility, as defined by federal or state law, and when physically separated from any biomedical laboratory, may be considered a Biomedical Livestock Operation under this definition."

4. Add the following definition of "Laboratory, Biomedical" to the General Plan and Local Coastal Program Glossary:

"Any facility that is specially equipped for medical or pharmaceutical experimentation, testing, procedures, research, development, or production, excluding any equipment that is used exclusively for the injection of biological agents, the drawing of blood from animals, or the separation of animal blood into serum and plasma."

ORDINANCE _____

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.3 12 RELATING TO AGRICULTURAL USES, SECTION 13.10.700-L, RELATING TO DEFINITIONS, SECTION 13.20.073 RELATING TO COASTAL EXCLUSIONS SECTION 16.30.050(B) RELATING TO RIPARIAN CORRIDOR EXEMPTIONS. SECTION 16.32.090(C) RELATING TO USES ALLOWED IN SENSITIVE HABITATS SECTION 16.32.105 RELATING TO SENSITIVE HABITAT EXEMPTIONS AND ADDING SECTION 13.10.647 RELATING TO BIOMEDICAL LIVESTOCK OPERATIONS

SECTION I

Section 13.10.3 12 of the County Code is hereby amended to add the following agricultural use to read as follows:

USE	CA	A	AP
Agricultural activities: crops and livestock			
Biomedical Livestock Operations (subject to Section 13.10.647)	5	5	---

SECTION II

Section 13.10.700-L of the County Code is hereby amended to add the following definitions to read as follows:

Laboratory, Biomedical. Any facility that is specially equipped for medical or pharmaceutical experimentation, testing, procedures, research, development, or production, excluding any equipment that is used exclusively for the injection of biological agents, the drawing of blood from animals, or the separation of animal blood into serum and plasma.

Livestock. Any grazing, browsing or similar equine, porcine, bovine, ovine, or other ruminant, including but not limited to any horse, pony, mule, donkey, pig, hog, cow, ox, sheep, goat, or llama, excepting those prohibited by County Code Chapter 6.12.

Livestock Operation, Biomedical. ~~Animal~~ livestock management operation that uses livestock for ~~research, experimentation, or testing,~~ or for the production of any biomedical or pharmaceutical

product or by-product. A Biomedical Research Facility, as defined by federal or state law, and when physically separated from any biomedical laboratory, may be considered a Biomedical Livestock Operation under this definition.

SECTION III

Chapter 13.10 of the County Code is hereby amended to add Section 13.10.647 to read as follows:

13.10.647 Biomedical Livestock Operations

(a) ~~Purpose~~ It is the purpose of this section to provide for and regulate Biomedical Livestock Operations, as defined in Section 13.10.700-L, which may be established in zone districts where it is an allowed use on the relevant uses chart. It is a further purpose of this Section to define and regulate a new and evolving land use type while protecting the public health, safety and welfare; to provide notice to adjacent land owners; to implement the policies of the Santa Cruz County General Plan and Local Coastal Program; and to preserve and protect agricultural land in the County.

(b) Only Livestock Permitted on Agricultural Land. On agriculturally zoned land, the animals used in the Biomedical Livestock Operation shall be limited to Livestock as defined in Section 13.10.700-L

(c) Application Requirements. Approval of all Biomedical Livestock Operations shall be processed in accordance with the provisions in Chapter 18.10, and shall require a public hearing and action by the Zoning Administrator (Level V). Barns, storage, equipment, and other buildings, associated paving, fences, and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit requirements provided in Section 13.20.073. The applicant for a Biomedical Livestock Operation shall submit to the County Planning Department a master plan of the proposed facility. The master plan shall be considered part of the permit for the use and shall include the following documentation.

(1) The documentation prescribed in Section 18.10.2 1 O(b) of this Code. The Planning Director may, however, waive some of the prescribed requirements of Subsections 18.10.210(a)(8), (9) and (1 1), upon a determination that specific items are not relevant due to project characteristics.

(2) A site plan for all property and parcels on which the Biomedical Livestock Operation is proposed to be located, which includes: the location and a description of the-current and proposed structures and their uses, including any structures to be demolished; delineation of property lines, adjacent streets, and existing and

proposed on-site access roads; a description of the parcel(s) and contiguous parcels' **current and historic** land uses, including areas used for manure management; delineation of sensitive habitats as defined in Section 16.32.040; and information regarding potential environmental impacts. Proposed structures shall meet the following requirements:

(i) Structures shall be clustered in groups and sited so as to remove no land from agricultural production or potential agricultural production, or, if this is not feasible, to remove as little land as possible from agricultural production to the extent there is a demonstrated need consistent with all other constraints contained in this Ordinance. Structures for housing livestock shall be open to permit free air flow through the structure.

(ii) On agriculturally designated land, t~~T~~he maximum land coverage by all structures and impervious surfaces that are part of the Biomedical Livestock Operation shall not exceed 1% of the total gross parcel size(s). This limit may be extended to 5% on parcels less than 20 acres, with a Level VI approval. Residential structures pursuant to Section 13.10.314(b), driveways and accessory uses; structures associated with other **principally** allowed ~~or conditional~~ agricultural uses; access roads utilized for other parcels and/or uses; driveways not covered with impervious surfacing (as defined in County Code Chapter 16.32) shall not count towards the 1% coverage maximum. Structures associated with other conditional agricultural uses shall either be counted towards the 1% coverage maximum, or the portion of the parcel devoted to the other conditional agricultural uses shall be deducted from the gross parcel size before applying the percentage limitation to determine the maximum coverage for structures and impervious surfaces..

(iii) Flooring and impervious surfaces, within or surrounding barns or other structures to house livestock, which would impair long-term soil capabilities, shall be limited to the minimum area needed for pens, roadways, loading and storage.

(3) A description of the species and the maximum number of animals of each species proposed for the Biomedical Livestock Operation, the amount of land to be occupied by animals, and the location of all existing and proposed fencing, including but not limited to perimeter, pasture and pens. This description shall be supported by a report from a Certified Range Manager as to a recommended number of animals that the site can support, consistent with the requirements of Section 13.10.647(e)(2).

(4) A manure management and erosion control plan prepared pursuant to Section 16.22.060, that:

(i) precludes any impairment of long-term soil capabilities for growing plants or forage;

(ii) precludes any impairment of surface and groundwater quality or quantity;

(iii) includes provisions for fly control, as required by Chapter 7.36; ~~and~~

(iv) includes provisions for the control of objectionable odors; and

(v) locates manure management operations either: within the project's allowable impervious surface area; or on other lands not suitable for cultivation or used for forage, unless for soil or plant enrichment purposes within or by the next growing season.

(5) A plan for disposal of laboratory animals which are euthanized or otherwise culled from the animals continuing to be used for the Biomedical Livestock Operation's program. Any incineration or disposal shall comply with all requirements of state and federal law.

(6) Documentary proof that all required permits, licenses, registrations, approvals, and similar requirements of local, state and federal regulatory agencies have been obtained including, without limitation, those of the Regional Water Quality Control Board, Monterey Bay Air Pollution Control District. US Department of Agriculture, California Department of Food and Agriculture, US Food and Drug Administration, and Centers for Disease Control and the National Institutes of Health. The County Planning Department shall be notified within 60 days of any change in the status of such permits, licenses, approvals and registrations.

(7) A written description of the proposed research, testing, experimentation and/or biomedical (or pharmaceutical) product manufacturing program that will utilize the livestock. If the proposed use includes injections or introduction into and/or extractions from livestock (collectively, "Injections"), the description shall include identification of the substances involved in the Injections.

(d) Required Findings. Prior to Issuance of a development permit for a Biomedical Livestock Operation, the general findings for development permits set forth in Subsection 18.10.230(a) and Coastal Permit findings of Section 13.20.110, if applicable, shall be made. The following additional findings shall also be made:

(1) On agriculturally-designated land. ~~n~~No Biomedical Laboratory, as defined in Section 13.10.700-L, will be located on the site.

(2) The Biomedical Livestock Operation complies with the requirements of Chapters 7.22, 7.30 and 7.100 of the County Code, and any other applicable federal, state and/or local law, regulation or standard, including the County Animal Control Ordinance, regarding medical or biohazardous waste, recombinant DNA technology, hazardous substances, and care and treatment of animals

(3) The Biomedical Livestock Operation complies with all provisions of the General Plan and Local Coastal Program Land Use Plan and the County Code regarding uses on agricultural land ~~including the requirements of Section 1310.647~~ **and complies with the provisions of Chapter 16.30, Riparian Corridor and Wetlands Protection and Chapter 16.32, Sensitive Habitat Protection. The land area devoted to the Biomedical Livestock Operation shown on the required site plan complies with all Plan and Code siting requirements, is commensurate with the needs of the Biomedical Livestock Operation, and is configured in a manner to avoid conflicts, and to be compatible with any other existing or potential agricultural uses of the subject parcel.**

(4) Livestock will be securely confined to the site. The use minimizes fencing or other structures, equipment or devices which restrict the natural movement of wildlife in their existing habitat and corridors, based on the latest habitat and biodiversity information available. All fencing complies with County Code Section 13.10.525 unless an approval is granted to exceed the six foot maximum height limit pursuant to County Code Section 13.10.525(c)(2).

(5) On agriculturally zoned land, any research, testing, experimentation or product manufacturing at the Biomedical Livestock Operation shall be limited to the injection, or introduction, of those reagents which are inert, non-viable, non-infectious and non-hazardous and shall specifically exclude any live microorganisms, live viruses (whether wild-type or attenuated), live bacteria, live fungus, live mycoplasma, or live parasites; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); or radioactive compounds or isotopes. This requirement shall not be construed to prohibit any standard and well-established practice of veterinary medicine.

(6) The proposed operation is soil-dependent (e.g. involves grazing. based on the number of animals which could be feasiblv and economically grazed on the site assuming a minimum 40% of feed will be from grazing on-site) and will not generate excessive manure that would adversely affect soil productivity or water aualitv.

(e) Additional Review. Prior to any action by the Zoning Administrator, the following additional review shall take place:

(1) The adoption or amendment of a master plan for a Biomedical Livestock Operation is a "project" within the meaning of CEQA and the County Environmental Review Guidelines, and is subject to environmental review.

(2) The master plan shall be reviewed by the Agricultural Policy Advisory Commission (APAC), including consultation with the Agricultural Commissioner, the United States Department of Agriculture Natural Resources Conservation Service, and the University of California Extension Service, as applicable, for a recommendation to the Zoning Administrator on the following:

(i) the size (including square footage) and location of support structures, and

(ii) appropriate animal density for the site in question.

With respect to the foregoing, APAC shall make its recommendation based on (a) determination of whether the proposed operation is soil-dependent (e.g. involves grazing) and (b) the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed from grazing on-site.

(3) The application shall be referred to the County Public Health Officer who shall review the application and the written description of the proposed research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program. Review by the County Public Health Officer shall include the following:

(i) A written summary report of the proposed program, which shall be made available to the public and to the Zoning Administrator prior to any public hearing, including recommendations to the Zoning Administrator as to whether to approve, conditionally approve or deny the application. The Public Health Officer shall base the summary report and recommendations on all information available to him/her. In investigating and preparing his/her report and recommendation, the Public Health Officer may consult with and obtain information from experts in the biomedical research field, with fees and costs for such consultations and information to be paid for by the Applicant. Any interested person may also submit written comments on the proposed program to the Zoning Administrator at or prior to the Level V Hearing.

(ii) A recommendation as to permit conditions for the Biotechnology Livestock Operation that are necessary to ensure that the public health, safety, and

welfare are protected at all times.

(4) If the Public Health Officer determines that the proposed Biomedical Livestock Operation presents a human health hazard, the Zoning Administrator shall not approve or conditionally approve the Biotechnology Livestock Operation. If the recommendation is to approve or conditionally approve the Biomedical Livestock Operation, the Zoning Administrator shall proceed to make a final decision on the application in accordance with all applicable criteria. In any case, the recommendations of the Public Health Officer shall be incorporated into the conditions, findings and decision of the Zoning Administrator.

(5) If the Planning Commission or Board of Supervisors acts to approve the proposed Biomedical Livestock Operation despite an unfavorable recommendation by the Public Health Officer to the Zoning Administrator, the Officer shall be further consulted as to appropriate conditions to place on the Operation.

(f) Amendments to Approved Master Plan. Any changes to the approved master plan, including any material changes to the approved research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program that will utilize the livestock, shall require an amendment to the Master Plan or Development Permit in accordance with the procedures for obtaining a Major Amendment set forth in County Code Section 18.10.134. A material change to the approved research, testing, experimentation or product manufacturing program shall include any change that could have an effect on public health, safety, welfare or the environment. Any request for an amendment to the Master Plan or Development Permit shall be summarized and reviewed by the County Public Health Officer, using the same procedure as required for an initial application. No material change in the program shall occur until after the proposed change receives final approval following a Level V review. A change from injections involving non-hazardous substances such as reagents which are inert, non-viable, and non-infectious to injections involving any potentially hazardous agents such as live microorganisms, live viruses (whether wild-type or attenuated), live fungi, live parasites, live mycoplasma, live bacteria; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); and/or radioactive compounds or isotopes shall be prohibited.

(g) Permit Expiration and Renewal. A Biomedical Livestock Operation shall be subject to the following review following approval of a development permit

(1) Any development permit approved for a Biomedical Livestock Use shall be valid for five years or a lesser time as established by the Zoning Administrator. The permit holder shall be required to submit an application for renewal prior to the expiration of the development permit. The permit shall also be conditioned to require the permit holder to submit a closure plan prior to terminating a biomedical livestock

operation or prior to permit expiration if a renewal application is not sought or is denied. The closure plan shall provide for the removal of any facilities inappropriate for future non-biomedical agricultural use of the site. Continued operation of the Biomedical Livestock use shall be subject to permit renewal processed at Level IV, or Level V, if a coastal permit is involved, according to procedures set forth in County Code Chapter 18.10. Under no circumstances, whether through conditions beyond the control of the permittee, lack of actual notice of expiration, reliance on an error of public officials, or for any other reason shall the expiration date of a permit be automatically extended, except as may be provided by relevant provisions of State law, or give rise to an estoppel against the County. Requests for renewal of a development permit for a Biomedical Livestock Use shall be evaluated based on compliance with original permit conditions and inspection by the County Planning Department; inspection of the site by the County Health Officer for compliance with Chapters 7.22, 7.30, and 7.100 and the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program; review by the County Planning Department of all applicable federal, state and/or local laws and the applicant's compliance with them as documented by the respective agencies; and a review of all applicable County ordinances and policies.

(2) The Public Health Officer, the Director of Animal Control and/or Planning staff shall have the right to make random, unannounced inspections and/or investigations of any Biomedical Livestock Operation, including access to all databases containing information on the livestock which is part of the biomedical livestock operation, as necessary to determine compliance with the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program and/or Chapters 7.22, 7.30, and 7.100.

(h) Violations of Conditions of Development Permit. It shall be unlawful for any person to exercise any Development Permit which authorizes a Biomedical Livestock Operation without complying with all of the conditions of such permit. Any violation of permit requirements shall be subject to enforcement action as set forth in County Code Chapter 19.01.

(i) Review of Ordinance. Upon the earlier of the filing with the County of (1) a total of five (5) applications (including applications to amend Master Plans and/or Development Permits to encompass additional land under an existing Master Plan and/or Development permit; but, excluding applications solely for renewal under subsection (h) above), or (2) applications totaling five (5) parcels of land, this Ordinance shall be reviewed by the Planning Commission, and public hearing(s) conducted before it, regarding the impact (including potential impact) of biomedical livestock operations on agriculturally zoned land. The Planning Commission, following public hearing(s), shall make recommendations to the Board of Supervisors regarding any amendments to this Ordinance, the County Code and the General Plan that the Planning Commission believes is in the best interest of

the County in order to maintain and protect prime agricultural crop land and range land in the County. The Board of Supervisors shall hold public hearing(s) and act on the Planning Commission's recommendations.

SECTION IV

Section 13.20.073 of the County Code is hereby amended to add subsection (i) to read as follows:

(i) Biomedical Livestock Operations Not Excluded. Barns, storage, equipment, and other buildings, associated paving, fences, and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit requirements.

SECTION V

Subsection (b) of Section 16.30.050 of the County Code is hereby amended to read as follows:

(b) The continuance of any pre-existing agricultural use, but not establishment or expansion of any Biomedical Livestock Operation, provided such use has been exercised within the last five years.

SECTION VI

Subsection A. 13 of Section 16.32.090(c) of the County Code is hereby amended to read as follows:

A. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Tvpe of Sensitive. Area	Permitted or Conditional Uses	Conditions
13. Intermittent Wetlands	limited grazing, including limited grazing associated with soil-dependent biomedical livestock operations, uses within wetlands(above), existing agriculture	

Revisions to September 23, 1997 **ATTACHMENT 1**
Board of Supervisors Adopted Ordinance
Coastal Commission changes approved by BOS in concept in underline/~~overstrike~~
Subsequent Coastal Commission changes in **bold**

SECTION VII

Subsection C.2 of Section 16.32.090(c) of the County Code is hereby amended to read as follows:

C. HABITATS OF LOCALLY UNIQUE SPECIES

Type of Habitat	Permitted or Conditional Uses	Conditions
2. Grassland in the Coastal Zone	nature observation, educational instruction, grazing, soil-dependent biomedical livestock operations, viticulture, consistent with Local Coastal Program policies; residential uses meeting performance criteria	Structures shall be clustered and located outside the grassland where feasible

SECTION VIII

Section 16.32.105 of the County Code is hereby amended to read as follows:

Existing commercial agricultural operations and related activities, but not establishment or expansion of any Biomedical Livestock Operation, shall be exempt from the provisions of Section 16.32.060. Any development activity which has received a riparian exception approved according to the provisions of Chapter 16.30 (Riparian Corridor and Wetlands Protection) may be exempted from the provisions of this chapter if the Planning Director determines that such development activity has received a review, in connection with the granting of the riparian exception, equivalent to the review that would be required by this chapter.

SECTION IX

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

SECTION X

This Ordinance is adopted to incorporate the modifications suggested by the California Coastal Commission as a condition of certification of Ordinance No. 4474; this Ordinance therefore supercedes Ordinance No. 4474 in its entirety and shall take effect on the 31st day after final

passage.

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

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

_____
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Copies to: Planning
County Counsel
Health Service

ATTACHMENT 2

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the Motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION ADOPTING AMENDMENTS TO THE COUNTY GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCES REGARDING THE RAISING OF LIVESTOCK FOR BIOMEDICAL PURPOSES IN THE AGRICULTURAL ZONE DISTRICTS

WHEREAS, the Board of Supervisors, on August 27, 1996, directed the Planning Department to develop amendments to the County General Plan/Local Coastal Program Land Use Plan and Zoning Ordinances to permit the raising of livestock for biomedical purposes in the Agricultural zone districts; and

WHEREAS, the Planning Department has developed proposed amendments to the County General Plan/Local Coastal Program and Zoning Ordinance that would permit the raising of livestock for biomedical purposes under certain conditions; and

WHEREAS, the Agricultural Policy Advisory Commission considered the proposed amendments to the County General Plan/Local Coastal Program and Zoning Ordinance at a public hearing on January 30, 1997 and recommended approval of the amendments with specific revisions; and

WHEREAS, the Planning Commission considered the proposed amendments to the County General Plan/Local Coastal Program and Zoning Ordinance at public hearings on February 26, April 9, and May 28, 1997, and received written and oral comments regarding the proposed amendments; and

WHEREAS, the Planning Commission adopted Resolution No. 97-2 recommending approval of the proposed amendments to the County General Plan/Local Coastal Program and Zoning Ordinance, subject to specific revisions; and

WHEREAS, a Conditional Negative Declaration for the amendments to the County General Plan/Local Coastal Program and Zoning Ordinance has been issued by the County

ATTACHMENT 2

Environmental Coordinator in conformance with the provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on September 23, 1997, to consider an amendment to the General Plan and Local Coastal Program Land Use Plan and amendments to the Santa Cruz County Code, the staff report and all testimony and evidence received at the public hearing; and

WHEREAS, on September 23, 1997, the Board of Supervisors adopted Resolution No. 390-97 approving the amendments to the General Plan and Local Coastal Program Land Use Plan and Ordinance No. 4474 amending the Santa Cruz County Code to allow the raising of livestock for biomedical purposes under certain conditions in agricultural zone districts, effective upon certification by the California Coastal Commission; and

WHEREAS, these amendments were considered by the California Coastal Commission on March 11, 1998, and were conditionally approved by the Commission, subject to specified modifications; and

WHEREAS, the County Environmental Coordinator has reviewed the modifications and determined that they are more protective of the environment and that the Conditional Negative Declaration continues to be in conformance with the provisions of the California Environmental Quality Act and the Santa Cruz County Environmental Review Guidelines; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on May 19, 1998, to consider the modifications approved by the Coastal Commission, the staff report and all testimony and evidence presented at the public hearing; and

WHEREAS, the proposed amendments to the County General Plan/Local Coastal Program and Zoning Ordinance are consistent with the County General Plan/Local Coastal Program Land Use Plan and all other provisions of the implementing ordinances.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of Santa Cruz accepts the modifications to the Amendment to the General Plan and Local Coastal Program Land Use Plan and to Ordinance No. 4474 suggested by the California Coastal Commission and upon which its certification is conditioned, approves the Conditional Negative Declaration and adopts the amendments' to the County General Plan/Local Coastal Program Land Use Plan as set forth in Exhibit A and an Ordinance Amending County Code Sections 13.10.3 12 Relating to Agricultural Uses, Section 13.10.700-L Relating to Definitions, Section 13.20.073 Relating to Coastal Exclusions, Section 16.30.050(b) Relating to Riparian Corridor exemptions, Section 16.32.090(c) Relating to Uses Allowed in Sensitive Habitats, Section 16.32.105 Relating to Sensitive Habitat exemptions and Adding Section 13.10.647 Relating to Biomedical Livestock Operations (Exhibit B).

ATTACHMENT 2

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 19___, by the following vote:

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

_____
Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

DISTRIBUTION: County Counsel
Lloyd Williams
Back Ranch Road Association
Paul Bruno
Santa Cruz Biotechnology
Save Our Agricultural Land, c/o J. Wittwer
Environmental Health Services
Agricultural Commissioner
UC Extension Service
Agricultural Policy Advisory Commission
Rich Casale, NRCS

PROPOSED AMENDMENTS TO THE COUNTY OF SANTA CRUZ GENERAL PLAN AND LOCAL COASTAL PROGRAM

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1. Amend the County General Plan and Local Coastal Program by adding Section 5.13.6.1 to read as follows:

"5.13.6.1 Biomedical Livestock Operations
Allow Biomedical Livestock Operations as a Level V Conditional Use on agriculturally zoned land, pursuant to a site master plan that: shows the use to be soil-dependent, limits impervious surface coverage to 1% (or 5 % if the site is under 20 acres); removes as little otherwise productive land as possible; and maximizes and preserves soil productivity on the remainder of the site, subject to all other provisions of the General Plan-Local Coastal Program, 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."

2. Add the following definition of "Livestock" to the General Plan and Local Coastal Program Glossary:

"Any grazing, browsing or similar equine, porcine, bovine, ovine, or other ruminant, including but not limited to any horse, pony, mule, donkey, pig, hog, cow, ox, sheep, goat, or llama, excepting those prohibited by County Code Chapter 6.12."

3. Add the following definition of "Biomedical Livestock Operation" to the General Plan and Local Coastal Program Glossary:

"An agricultural livestock management operation that uses livestock for experimentation or for the production of any biomedical or pharmaceutical product or by-product. A Biomedical Research Facility, as defined by federal or state law, and when physically separated from any biomedical laboratory, may be considered a Biomedical Livestock Operation under this definition."

4. Add the following definition of "Laboratory, Biomedical" to the General Plan and Local Coastal Program Glossary:

"Any facility that is specially equipped for medical or pharmaceutical experimentation, testing, procedures, research, development, or production, excluding any equipment that is used exclusively for the injection of biological agents, the drawing of blood from animals, or the separation of animal blood into serum and plasma."

ORDINANCE 4474-C

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.3 12 RELATING TO AGRICULTURAL USES, SECTION 13.10.700-L, RELATING TO DEFINITIONS, SECTION 13.20.073 RELATING TO COASTAL EXCLUSIONS, SECTION 16.30.050(B) RELATING TO RIPARIAN CORRIDOR EXEMPTIONS, SECTION 16.32.090(C) RELATING TO USES ALLOWED IN SENSITIVE HABITATS, SECTION 16.32.105 RELATING TO SENSITIVE HABITAT EXEMPTIONS AND ADDING SECTION 13.10.647 RELATING TO BIOMEDICAL LIVESTOCK OPERATIONS

SECTION I

Section 13.10.3 12 of the County Code is hereby amended to add the following agricultural use to read as follows:

USE	CA	A	AP
Agricultural activities: crops and livestock			
Biomedical Livestock Operations (subject to Section 13.10.647)	5	5	---

SECTION II

Section 13.10.700-L of the County Code is hereby amended to add the following definitions to read as follows:

Laboratory, Biomedical. Any facility that is specially equipped for medical or pharmaceutical experimentation, testing, procedures, research, development, or production, excluding any equipment that is used exclusively for the injection of biological agents, the drawing of blood from animals, or the separation of animal blood into serum and plasma.

Livestock. Any grazing, browsing or similar equine, porcine, bovine, ovine, or other ruminant, including but not limited to any horse, pony, mule, donkey, pig, hog, cow, ox, sheep, goat, or llama, excepting those prohibited by County Code Chapter 6.12.

Livestock Operation, Biomedical. An agricultural livestock management operation that uses livestock for experimentation or for the production of any biomedical or pharmaceutical product or by-product. A Biomedical Research Facility, as defined by federal or state law, and when physically separated from any biomedical laboratory, may be considered a Biomedical Livestock Operation under this definition.

SECTION III

Chapter 13.10 of the County Code is hereby amended to add Section 13.10.647 to read as follows:

13.10.647 Biomedical Livestock Operations

(a) Purpose. It is the purpose of this section to provide for and regulate Biomedical Livestock Operations, as defined in Section 13.10.700-L, which may be established in zone districts where it is an allowed use on the relevant uses chart. It is a further purpose of this Section to define and regulate a new and evolving land use type while protecting the public health, safety and welfare; to provide notice to adjacent land owners; to implement the policies of the Santa Cruz County General Plan and Local Coastal Program; and to preserve and protect agricultural land in the County.

(b) Only Livestock Permitted on Agricultural Land. On agriculturally zoned land, the animals used in the Biomedical Livestock Operation shall be limited to Livestock as defined in Section 13.10.700-L

(c) Application Requirements. Approval of all Biomedical Livestock Operations shall be processed in accordance with the provisions in Chapter 18.10, and shall require a public hearing and action by the Zoning Administrator (Level V). Barns, storage, equipment, and other buildings, associated paving, fences, and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit requirements provided in Section 13.20.073. The applicant for a Biomedical Livestock Operation shall submit to the County Planning Department a master plan of the proposed facility. The master plan shall be considered part of the permit for the use and shall include the following documentation.

(1) The documentation prescribed in Section 18.10.210(b) of this Code. The Planning Director may, however, waive some of the prescribed requirements of Subsections 18.10.210(a)(8), (9) and (11), upon a determination that specific items are not relevant due to project characteristics.

(2) A site plan for all property and parcels on which the Biomedical Livestock Operation is proposed to be located, which includes: the location and a description of the current and proposed structures and their uses, including any structures to be demolished; delineation of property lines, adjacent streets, and existing and proposed on-site access roads; a description of the parcel(s) and contiguous parcels' current and historic land uses, including areas used for manure management; delineation of sensitive habitats as defined in Section 16.32.040; and information regarding potential environmental impacts. Proposed structures shall meet the following requirements:

(i) Structures shall be clustered in groups and sited so as to remove no land from agricultural production or potential agricultural production, or, if this is not feasible, to remove as little land as possible from agricultural production to the extent there is a demonstrated need consistent with all other constraints contained in this Ordinance. Structures for housing livestock shall be open to permit free air flow through the structure.

(ii) On agriculturally designated land, the maximum land coverage by all structures and impervious surfaces that are part of the Biomedical Livestock Operation shall not exceed 1% of the total gross parcel size(s). This limit may be extended to 5% on parcels less than 20 acres, with a Level VI approval. Residential structures pursuant to Section 13.10.3 14(b), driveways and accessory uses; structures associated with other principally allowed agricultural uses; access roads utilized for other parcels and/or uses; driveways not covered with impervious surfacing (as defined in County Code Chapter 16.32) shall not count towards the 1% coverage maximum. Structures associated with other conditional agricultural uses shall either be counted towards the 1% coverage maximum, or the portion of the parcel devoted to the other conditional agricultural uses shall be deducted from the gross parcel size before applying the percentage limitation to determine the maximum coverage for structures and impervious surfaces.

(iii) Flooring and impervious surfaces, within or surrounding barns or other structures to house livestock, which would impair long-term soil capabilities, shall be limited to the minimum area needed for pens, roadways, loading and storage.

(3) A description of the species and the maximum number of animals of each species proposed for the Biomedical Livestock Operation, the amount of land to be occupied by animals, and the location of all existing and proposed fencing, including but not limited to perimeter, pasture and pens. This description shall be supported by a report from a Certified Range Manager as to a recommended number of animals that the site can support, consistent with the requirements of Section 13.10.647(e)(2).

(4) A manure management and erosion control plan prepared pursuant to Section 16.22.060, that:

(i) precludes any impairment of long-term soil capabilities for growing plants or forage;

(ii) precludes any impairment of surface and groundwater quality or quantity;

(iii) includes provisions for fly control, as required by Chapter 7.36;

(iv) includes provisions for the control of objectionable odors; and

(v) locates manure management operations either: within the project's allowable impervious surface area; or on other lands not suitable for cultivation or used for forage, unless for soil or plant enrichment purposes within or by the next growing season.

(5) A plan for disposal of laboratory animals which are euthanized or otherwise culled from the animals continuing to be used for the Biomedical Livestock Operation's program. Any incineration or disposal shall comply with all requirements of state and federal law.

(6) Documentary proof that all required permits, licenses, registrations, approvals, and similar requirements of local, state and federal regulatory agencies have been obtained including, without limitation, those of the Regional Water Quality Control Board, Monterey Bay Air Pollution Control District. US Department of Agriculture, California Department of Food and Agriculture, US Food and Drug Administration, and Centers for Disease Control and the National Institutes of Health. The County Planning Department shall be notified within 60 days of any change in the status of such permits, licenses, approvals and registrations.

(7) A written description of the proposed research, testing, experimentation and/or biomedical (or pharmaceutical) product manufacturing program that will utilize the livestock. If the proposed use includes injections or introduction into and/or extractions from livestock (collectively, "Injections"), the description shall include identification of the substances involved in the Injections.

(d) Required Findings. Prior to Issuance of a development permit for a Biomedical Livestock Operation, the general findings for development permits set forth in Subsection 18.10.230(a) and Coastal Permit findings of Section 13.20.110, if applicable, shall be made. The following additional findings shall also be made:

(1) On agriculturally-designated land, no Biomedical Laboratory, as defined in Section 13.10.700-L, will be located on the site.

(2) The Biomedical Livestock Operation complies with the requirements of Chapters 7.22, 7.30 and 7.100 of the County Code, and any other applicable federal, state and/or local law, regulation or standard, including the County Animal Control Ordinance, regarding medical or biohazardous waste, recombinant DNA technology, hazardous substances, and care and treatment of animals

(3) The Biomedical Livestock Operation complies with all provisions of the General Plan and Local Coastal Program Land Use Plan and the County Code regarding uses on agricultural land and complies with the provisions of Chapter 16.30, Riparian

Corridor and Wetlands Protection and Chapter 16.32, Sensitive Habitat Protection. The land area devoted to the Biomedical Livestock Operation shown on the required site plan complies with all Plan and Code siting requirements, is commensurate with the needs of the Biomedical Livestock Operation, and is configured in a manner to avoid conflicts, and to be compatible with any other existing or potential agricultural uses of the subject parcel.

(4) Livestock will be securely confined to the site. The use minimizes fencing or other structures, equipment or devices which restrict the natural movement of wildlife in their existing habitat and corridors, based on the latest habitat and biodiversity information available. All fencing complies with County Code Section 13.10.525 unless an approval is granted to exceed the six foot maximum height limit pursuant to County Code Section 13.10.525(c)(2).

(5) On agriculturally zoned land, any research, testing, experimentation or product manufacturing at the Biomedical Livestock Operation shall be limited to the injection, or introduction, of those reagents which are inert, non-viable, non-infectious and non-hazardous and shall specifically exclude any live microorganisms, live viruses (whether wild-type or attenuated), live bacteria, live fungus, live mycoplasma, or live parasites; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); or radioactive compounds or isotopes. This requirement shall not be construed to prohibit any standard and well-established practice of veterinary medicine.

(6) The proposed operation is soil-dependent (e.g. involves grazing, based on the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed will be from grazing on-site) and will not generate excessive manure that would adversely affect soil productivity or water quality.

(e) Additional Review. Prior to any action by the Zoning Administrator, the following additional review shall take place:

(1) The adoption or amendment of a master plan for a Biomedical Livestock Operation is a "project" within the meaning of CEQA and the County Environmental Review Guidelines, and is subject to environmental review.

(2) The master plan shall be reviewed by the Agricultural Policy Advisory Commission (APAC), including consultation with the Agricultural Commissioner, the United States Department of Agriculture Natural Resources Conservation Service, and the University of California Extension Service, as applicable, for a recommendation to the Zoning Administrator on the following:

(i) the size (including square footage) and location of support structures, and

(ii) appropriate animal density. for the site in question.

With respect to the foregoing, APAC shall make its recommendation based on (a) determination of whether the proposed operation is soil-dependent (e.g. involves grazing) and (b) the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed from grazing on-site.

(3) The application shall be referred to the County Public Health Officer who shall review the application and the written description of the proposed research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program. Review by the County Public Health Officer shall include the following:

(i) A written summary report of the proposed program, which shall be made available to the public and to the Zoning Administrator prior to any public hearing, including recommendations to the Zoning Administrator as to whether to approve, conditionally approve or deny the application. The Public Health Officer shall base the summary report and recommendations on all information available to him/her. In investigating and preparing his/her report and recommendation, the Public Health Officer may consult with and obtain information from experts in the biomedical research field, with fees and costs for such consultations and information to be paid for by the Applicant. Any interested person may also submit written comments on the proposed program to the Zoning Administrator at or prior to the Level V Hearing.

(ii) A recommendation as to permit conditions for the Biotechnology Livestock Operation that are necessary to ensure that the public health, safety, and welfare are protected at all times.

(4) If the Public Health Officer determines that the proposed Biomedical Livestock Operation presents a human health hazard, the Zoning Administrator shall not approve or conditionally approve the Biotechnology Livestock Operation. If the recommendation is to approve or conditionally approve the Biomedical Livestock Operation, the Zoning Administrator shall proceed to make a final decision on the application in accordance with all applicable criteria. In any case, the recommendations of the Public Health Officer shall be incorporated into the conditions, findings and decision of the Zoning Administrator.

(5) If the Planning Commission or Board of Supervisors acts to approve the proposed Biomedical Livestock Operation despite an unfavorable recommendation by the Public Health Officer to the Zoning Administrator, the Officer shall be further consulted as to appropriate conditions to place on the Operation.

(f) Amendments to Approved Master Plan. Any changes to the approved master plan, including any material changes to the approved research, testing, experimentation or biomedical (or

pharmaceutical) product manufacturing program that will utilize the livestock, shall require an amendment to the Master Plan or Development Permit in accordance with the procedures for obtaining a Major Amendment set forth in County Code Section 18.10.134. A material change to the approved research, testing, experimentation or product manufacturing program shall include any change that could have an effect on public health, safety, welfare or the environment. Any request for an amendment to the Master Plan or Development Permit shall be summarized and reviewed by the County Public Health Officer, using the same procedure as required for an initial application. No material change in the program shall occur until after the proposed change receives final approval following a Level V review. A change from injections involving non-hazardous substances such as reagents which are inert, non-viable, and non-infectious to injections involving any potentially hazardous agents such as live microorganisms, live viruses (whether wild-type or attenuated), live fungi, live parasites, live mycoplasma, live bacteria; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); and/or radioactive compounds or isotopes shall be prohibited.

(g) Permit Expiration and Renewal. A Biomedical Livestock Operation shall be subject to the following review following approval of a development permit

(1) Any development permit approved for a Biomedical Livestock Use shall be valid for five years or a lesser time as established by the Zoning Administrator. The permit holder shall be required to submit an application for renewal prior to the expiration of the development permit. The permit shall also be conditioned to require the permit holder to submit a closure plan prior to terminating a biomedical livestock operation or prior to permit expiration if a renewal application is not sought or is denied. The closure plan shall provide for the removal of any facilities inappropriate for future non-biomedical agricultural use of the site. Continued operation of the Biomedical Livestock use shall be subject to permit renewal processed at Level IV, or Level V, if a coastal permit is involved, according to procedures set forth in County Code Chapter 18.10. Under no circumstances, whether through conditions beyond the control of the permittee, lack of actual notice of expiration, reliance on an error of public officials, or for any other reason shall the expiration date of a permit be automatically extended, except as may be provided by relevant provisions of State law, or give rise to an estoppel against the County. Requests for renewal of a development permit for a Biomedical Livestock Use shall be evaluated based on compliance with original permit conditions and inspection by the County Planning Department; inspection of the site by the County Health Officer for compliance with Chapters 7.22, 7.30, and 7.100 and the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program; review by the County Planning Department of all applicable federal,. state and/or local laws and the applicant's compliance with them as documented by the respective agencies; and a review of all applicable County ordinances and policies.

(2) The Public Health Officer, the Director of Animal Control and/or Planning staff

shall have the right to make random, unannounced inspections and/or investigations of any Biomedical Livestock Operation, including access to all databases containing information on the livestock which is part of the biomedical livestock operation, as necessary to determine compliance with the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program and/or Chapters 7.22, 7.30, and 7.100.

(h) Violations of Conditions of Development Permit. It shall be unlawful for any person to exercise any Development Permit which authorizes a Biomedical Livestock Operation without complying with all of the conditions of such permit. Any violation of permit requirements shall be subject to enforcement action as set forth in County Code Chapter 19.01.

(i) Review of Ordinance. Upon the earlier of the filing with the County of (1) a total of five (5) applications (including applications to amend Master Plans and/or Development Permits to encompass additional land under an existing Master Plan and/or Development permit; but, excluding applications solely for renewal under subsection (h) above), or (2) applications totaling five (5) parcels of land, this Ordinance shall be reviewed by the Planning Commission, and public hearing(s) conducted before it, regarding the impact (including potential impact) of biomedical livestock operations on agriculturally zoned land. The Planning Commission, following public hearing(s), shall make recommendations to the Board of Supervisors regarding any amendments to this Ordinance, the County Code and the General Plan that the Planning Commission believes is in the best interest of the County in order to maintain and protect prime agricultural crop land and range land in the County. The Board of Supervisors shall hold public hearing(s) and act on the Planning Commission's recommendations.

SECTION IV

Section 13.20.073 of the County Code is hereby amended to add subsection (i) to read as follows:

(i) Biomedical Livestock Operations Not Excluded. Barns, storage, equipment, and other buildings, associated paving, fences, and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit requirements.

SECTION V

Subsection (b) of Section 16.30.050 of the County Code is hereby amended to read as follows:

(b) The continuance of any pre-existing agricultural use, but not establishment or expansion of any Biomedical Livestock Operation, provided such use has been exercised within the last five years.

SECTION VI

Subsection A. 13 of Section 16.32.090(c) of the County Code is hereby amended to read as follows:

A. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Type of Sensitive Area	Permitted or Conditional Uses	Conditions
13. Intermittent Wetlands	limited grazing, including limited grazing associated with soil-dependent biomedical livestock operations, uses within wetlands(above), existing agriculture	

SECTION VII

Subsection C.2 of Section 16.32.090(c) of the County Code is hereby amended to read as follows:

C. HABITATS OF LOCALLY UNIQUE SPECIES

Type of Habitat	Permitted or Conditional Uses	Conditions
2. Grassland in the Coastal Zone	nature observation, educational instruction, grazing, soil-dependent biomedical livestock operations, viticulture, consistent with Local Coastal Program policies; residential uses meeting performance criteria	Structures shall be clustered and located outside the grassland where feasible

SECTION VIII

Section 16.32.105 of the County Code is hereby amended to read as follows:

Existing commercial agricultural operations and related activities, but not establishment or expansion of any Biomedical Livestock Operation, shall be exempt from the provisions of Section 16.32.060. Any development activity which has received a riparian exception approved according to the provisions of Chapter 16.30 (Riparian Corridor and Wetlands Protection) may be exempted from the provisions of this chapter if the Planning Director determines that such development activity has received a review, in connection with the granting of the riparian exception, equivalent to the review

that would be required by this chapter.

SECTION IX

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

SECTION X

This Ordinance is adopted to incorporate the modifications suggested by the California Coastal Commission as a condition of certification of Ordinance No. 4474; this Ordinance therefore supercedes Ordinance **No. 4474** in its entirety and shall take effect on the 31st day after final passage.

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

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

_____
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Copies to: Planning
County Counsel
Health Services Agency

ATTACHMENT 3

STATE OF CALIFORNIA-THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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

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March 30, 1998

Mark Deming
Santa Cruz County Principal Planner
701 Ocean Street Room 400
Santa Cruz, CA 95060

RE: ***Santa Cruz County Local Coastal Program Amendment # 3-97***

Dear Mark,

On March 11, 1998 the Coastal Commission approved the County's Local Coastal Program amendment submittal regarding "biomedical livestock operations," provided modifications are made. These modifications generally follow the suggested changes contained in the Board of Supervisors' March 10, 1998 action. These are shown on pages 7-l 2 of the attached revised staff report. The subsequent findings contain the reasons for the Commission's action. You will note that these findings differ slightly from those contained in the previous February 18, 1998 staff report because the Commission action reflects changes to our original recommendation contained in the March 10, 1998 Addendum. Specifically, the Commission took the following four actions on March 11, 1998:

- Denied the land use plan amendment as submitted by a vote of O-l 1;
- Approved the land use plan amendment if modified by a vote of 7-4;
- Denied the implementation plan amendment as submitted by a vote of l-10;
- Approved the implementation plan amendment if modified by a vote of 6-5.

Attached is a summary of the provisions of the amendment as would be modified. The County has six months in which to adopt the amendment with the suggested modifications. Alternatively, the County can decide to rework the amendment in another way and resubmit a new version to the Commission for consideration.

We look forward to receiving a final copy of the Plan and Ordinance texts that reflect the Commission's action.

Sincerely,

Charles Lester
District Manager

cc: Clerk of the Board

enclosures

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SUMMARY OF LIMITATIONS PLACED ON BIOMEDICAL LIVESTOCK OPERATIONS6 3g ALLOWED ON AGRICULTURALLY-DESIGNATED LAND IN SANTA CRUZ COUNTY

Operations:

- can only be for experimentation or production of biomedical or pharmaceutical products (not for research or testing);
- can only be permitted for five-year periods;
- can only be approved with a public hearing;
- must be limited initially to only 5 Countywide;
- can only be approved pursuant to a master site plan;
- can only occupy the amount of land needed for the operation;
- must be soil-dependent (e.g., involves grazing);
- must be compatible with other existing or potential agricultural uses on the site;
- must contain as little impervious surface coverage as needed;
- must follow a manure management plan;
- must follow an erosion control plan;
- must be permitted by relevant local, state, and federal regulatory agencies;
- must be in compliance with all relevant County ordinances;
- must be subject to environmental review under California Environmental Quality Act;
- must be reviewed by County Agricultural Policy Advisory Commission and Agricultural Commission;
- must be reviewed by U.S. Natural Resources Conservation Service and UC Extension Service;
- can not restrict movement of wildlife in their existing habitats and corridors;
- can only involve introduction of inert, non-viable, non-infectious, and non-hazardous reagents (can not involve live microorganisms, viruses, bacteria, fungus, mycoplasma or parasites; nor recombinant polynucleotides nor radioactive compounds or isotopes);
- must not constitute a human health hazard and must be reviewed by County Health Officer;
- must be subject to random, unannounced inspections.

Animals

- can only be grazers or browsers such as horses, mules, donkey, pigs, cows, sheep, goats, and llamas (can not be rabbits, mice or similar small lab animals);
- can only be euthanized or otherwise culled pursuant to a plan for such disposal of animals;
- must be securely confined to the site;
- must be limited in number to the amount that can derive 40% of their feed from on-site;

- must be limited in number to the amount that will not generate excess manure detrimental to soil productivity or water quality.

Structures:

- can not be laboratories;
- can only be approved through the permit process in the coastal zone (can not qualify for an exclusion from coastal permit requirements);
- must be clustered in groups;
- must be open to permit free air flow if used to house livestock;
- must not exceed 1% site coverage in aggregate (or 5% on parcels less than 20 acres in size);
- must be sited off of productive (or potentially productive) land if at all feasible;
- must have size and location reviewed by agricultural experts;
- must be removed if not useable by other agricultural use upon termination of biomedical operation.

CALIFORNIA COASTAL COMMISSION

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

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ADOPTED

March 25, 1998

TO: Commissioners and Interested Persons

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

SUBJECT: **SANTA CRUZ COUNTY: LOCAL COASTAL PRO-GRAM MAJOR AMENDMENT NO. 3-97 (Biomedical Livestock Operations).** For public hearing and Commission action at its meeting of March 11, 1998, to be held at Hyatt Regency, One Old Golf Course Road, Monterey.

SUMMARY OF STAFF REPORT

Description Of Amendment Request

Santa Cruz County is proposing to amend the Land Use and Implementation portions of its Local Coastal Program to allow biomedical livestock operations on land designated for agriculture. A biomedical livestock operation is defined as one which uses "livestock for research, experimentation, or testing, or for the production of any biomedical or pharmaceutical product or by-product." A definition of livestock is added. A distinguishing definition of "biomedical laboratory" is also added, and biomedical laboratories are specifically not permitted on agricultural land, under this amendment. The Implementation plan would include standards and criteria for approving biomedical operations, including:

- requiring a master plan;
- clustering structures in groups;
- limiting impervious surface coverage to 1% (or up to 5% if the site is under 20 acres);
- recommendation from a Certified Range Manager as to the number of animals a site can support;
- manure management and erosion control plan;
- disposal plan for culled or euthanized animals;
- description of the operation;
- securely confining livestock to the site;
- limitations on types of injected materials;
- referrals to agricultural experts and to County Public Health Officer;
- five year limit on initial permit.

This amendment was filed on December 15, 1997. The standard of review of the Land Use Plan amendment is that it must be consistent with the Coastal Act; the standard of review of this Implementation Plan amendment is that it must be consistent with and adequate to carry out the policies of the certified Coastal Land Use Plan.

Summary Of Staff Recommendation

ADOPTED

Staff recommends that the Commission **approve, only if modified,** the proposed amendment as submitted by the County for the reasons given in the recommended findings. Whether and under what circumstances to allow biomedical livestock operations on coastal zone agricultural land must be based on Coastal Act criteria. Thus, biomedical livestock operations must maintain the maximum amount of prime agricultural land in agricultural production to assure protection of the area's agricultural economy. In raising livestock to extract their blood or other components for use in making drugs, biomedical operations can function in different ways. Such operations can resemble traditional grazing, although there will be some differences (e.g., year-round vs. seasonal, use of supplemental feed vs. forage, and specialized structures for the biomedical procedures). These differences would make biomedical operations resemble dairy operations, which are allowed in agricultural zones. However, biomedical operations can also resemble institutional or industrial uses, taking place mostly or entirely in enclosed structures. In these cases the operations would resemble kennels or veterinary offices which are conditionally allowed on agricultural land.

The proposed local coastal program amendment treats biomedical livestock operations akin to the grazing/dairy scenario, but it does not prohibit the confinement scenario. The proposed amendment includes many criteria to address potential impacts on public health, soils, water quality, and other environmental factors from biomedical livestock operations. However, especially if confinement is to be practiced, the amendment's provisions are deficient in fully addressing potential impacts over an entire site. Trampling, excess manure applications , and structures can adversely affect the land. For this reason, the proposed amendment must be denied as submitted because agricultural and soil productivity may not be maintained.

Modifications are suggested to limit site coverage, retain long-term soil productivity, allow only soil-deoendent biomedical operations. not exclude biotechnical facilities from the permit process, restrict site coverage of other ancillary uses, ~~limit operations to one per parcel~~, apply sensitive habitat rules, incorporate herd size all-recommendations into the permit, give the Health Officer a chance to make new recommendations if his/her recommendation for denial is overturned on appeal, require a closure plan, and process renewals as Level 5 in the coastal zone~~, and allow biotechnical operations on industrial or institutional lands~~. These are summarized in the following chart with the letters in the last column referring to the suggested modifications on pages ~~6~~ 7- 12~~11~~.

ISSUE	SUBMITTAL	MODIFICATION
Impervious site coverage	1 or 5% maximum stated in Implementation Plan	A. Include 1 or 5% in Land *Use Plan,* too
Remainder of site not in productive use	No criteria	A.,E. Preserve productivity for other agriculture; biomed operation must be soil-dependent
Exclusion from need for a coastal permit	Implies biotech is excluded	B. Do not exclude biotech
Other ancillary uses	Allowed, with a biotech operation	~~A, C. Do not allow if site has a biotech operation~~ Allowed, within coverage limitations
~~Amount of biotech operations~~	~~No limit (reevaluate after first five applications)~~	~~A, C. Limit to one per parcel~~
Manure	Can be spread, dried, etc. on farmland	C, D,E. Do not harm farmland in processing manure
Additional reviews by agricultural advisors	Appear to be recommendations only	E. Explicitly incorporate ~~additional reviews~~ herd size recommendations in permit
Biotic reviews	Existing agricultural operations exempt	A2, F. Require biotic review of biotech operation
Public health officer recommendation	Can be overridden by Planning Commission or Board of Supervisors	G. Give officer another chance on appeal to make recommendations
Closure plan	Not reauired	H. Reauire one
Expiration and renewal	New Level 4 (notice, no hearing) after 5 years	H. Process renewal at Level 5 (public hearing)
~~Where biotech allowed~~	~~Agricultural districts only~~	~~I. Allow elsewhere, too~~
Nature of biomedical livestock use	For research, experimentation, testing	A Do not allow for research or testing

Summary Of Issues And Comments

At the County hearings, the proposed amendment elicited support from a biomedical livestock operator. The proposal raised concerns from others favoring preservation of agricultural land for growing food and fiber crops. Some likened biomedical livestock operations more to feedlots, research facilities, or industrial uses that should be located elsewhere. There were also diverse suggestions offered for specific criteria for permitting biomedical livestock operations, including maximum site coverage and number of animals. The proposed text was refined several times during the extended County hearing process

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to attempt to address public concerns, while,reaffirming that biomedical livestock operations are "agricultural" uses appropriately located on agricultural land.

ADOPTED

Additional Information

For further information about this report or the amendment process, please contact Rick Hyman or Charles Lester, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (408) 427-4863.

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Table of Contents

I. STAFF RECOMMENDATION

MOTIONS AND RESOLUTIONS ADOPTED

A. DENIAL OF LAND USE PLAN MAJOR AMENDMENT #3-97 AS SUBMITTED

MOTION :

"I move that the Commission certify Major Amendment # 3-97 to the County of Santa Cruz Land Use Plan as submitted by the County."

Staff recommends a "NO" vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION;

The Commission hereby **rejects** Major Amendment # *3-97* to the *Land Use P/an* of the County of Santa Cruz as submitted for the specific reasons discussed in the recommended findings on the grounds that, as submitted, it does not meet the requirements of Chapter 3 of the Coastal Act. There are feasible alternatives or feasible mitigation measures available which would substantially less any significant adverse environmental effects which approval of the amendment would have on the environment.

B. APPROVAL OF LAND USE PLAN MAJOR AMENDMENT #3-97 IF MODIFIED

MOTION :

"*I move that the Commission certify Major Amendment # 3-97 to the County of Santa Cruz Land Use P/an, if modified according to Suggested Modifications 'A-land A-3".*

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

RESOLUTION:

The Commission hereby **certifies** Major Amendment # *3-97* to the *Land Use P/an* of the County of Santa Cruz, if modified according to Suggested Modifications A-l and A-3, for the specific reasons discussed in the recommended findings on the grounds that, as submitted, the amendment and the LUP as thereby amended meet the requirements of the Coastal Act. The amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

C. DENIAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #3-97 AS SUBMITTED

MOTION:

ADOPTED

*"I move that the Commission **reject** Major Amendment #3-97 to the Santa Cruz County Local* Coastal *Program Implementation Plan as submitted by the County. "*

Staff recommends a "YES" vote which would result in **denial** of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment (otherwise the amendment is approved as submitted).

RESOLUTION:

The Commission hereby **rejects** Major Amendment #3-97 to the Implementation Plan of the Santa Cruz County LCP, as submitted, for the specific reasons discussed in the following findings, on the grounds that the amendment is not adequate to carry out the certified *Land Use Plan.*

D. APPROVAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #3-97 IF MODIFIED

MOTION :

*"I move that the Commission **approve** Major Amendment #3-97 to the Santa Cruz County Local Coastal Program Implementation Plan, if modified according to Suggested Modifications A-2 through I."*

Staff recommends a "YES" vote which would result in **approval** of this amendment if modified. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

The Commission hereby **approves** Major Amendment #3-97 to the Implementation Plan of the Santa Cruz County LCP, for the specific reasons discussed in the following findings, on the grounds that, as modified by Suggested Modifications A-2 through I, the amendment conforms with and is adequate to carry out the certified *Land Use P/an.* Approval of the amendment will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

ADOPTED SUGGESTED MODIFICATIONS ADOPTED

The Commission hereby suggests the following changes to the proposed Local Coastal Program amendments which are necessary to make the requisite findings. If the local government accepts all of the suggested modifications within six months of Commission action, by formal resolution of the Board of Supervisors, the amendments will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

Suggested additions are shown underlined; suggested deletions are shown as cross-outs. For proposed new Section 13.10.647, Attachment B shows the complete ordinance with these modifications included.

A. Coverage Limitations

1. Revise proposed new section 5.13.6.1 of the Santa Cruz County 1994 General Plan and Local Coastal Program as *follows:*

5.13.6.1 Biomedical Livestock Operations
Allow Biomedical Livestock Operations as a Level V Conditional Use on agriculturally zoned land~~, as the only conditional use on the parcel (except for one residence) and where undertaken~~ pursuant to a site master plan that: shows the use to be soil-dependent. limits impervious surface coverage to no more than 1% (or 5% if the site is under20 acres); removes as little otherwise productive land as possible; and maximizes and preserves soil productivity on the remainder of the site. subject to all other provisions of the General Plan-Local Coastal Program, 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.

2. Revise proposed new Section 13.10647(d)(3) of the County Code *under "Required Findings" by adding the following:*

The Biomedical Livestock Operation complies with all provisions of the General Plan and Local Coastal Program Land Use Plan and the County Code regarding uses on agricultural land and comslies with the provisions of Chapters 16.30. Rioarian Corridor and Wetlands Protection and 16.32. Sensitive Habitat Protection. The land area devoted to the Biomedical Livestock Operation shown on the required site plan complies with all Plan and Code sitina reauirements. is commensurate with the needs of the Biomedical Livestock Oaeration. and is configured in a manner to avoid conflicts, and to be compatible with anv other existina or potential agricultural uses of the subject parcel. ~~For purposes of applying these provisions, non-soil dependent operations shall not be considered as the principal agricultural use of a parcel. No conditional uses, defined as uses shown to require Level V or higher review on the Section 13.10.312 Agricultural Use Chart, shall be allowed on a parcel with a Biomedical Livestock~~

~~Operation, except for one dwelling unit and its appurtenant structures, and only one Biomedical Livestock Operation shall be permitted per parcel.~~

ADOPTED

3. Revise as follows the added definition of 'Biomedical Livestock Operation" in the General Plan and Local Coastal Program *Glossary and in proposed new Section 13. IO. 700L:*

Livestock Operation, Biomedical. An agricultural livestock manaaement operation that uses livestock for ~~research.~~ experimentation. ~~or testing.~~ or for the production of any biomedical or pharmaceutical product or by-product. A Biomedical Research Facility, as defined bv federal or state law. and when physically separated from anv biomedical laboratorv. may be considered a Biomedical Livestock Operation under this definition.

B. Exclusion Inapplicable

1. Revise proposed new section 13.10.647(c) *of the* County Code, *under "Application Requirements" as follows:*

Approval of all Biomedical Livestock Operations shall be processed in accordance with the provisions in Chapter 18.10, and shall require a public hearing and action by the Zoning Administrator (Level V). Barns. storaae. equipment, and other buildinas. associated paving, fences. and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit requirements provided in Section 13.20.073. The applicant for a Biomedical Livestock Operation shall submit to the County Planning Department a master plan of the proposed facility. The master plan shall be considered part of the permit for the use and shall include the following documentation.. . .

2. Revise existing Section 13.20.073 of the County Code (see Attachment *C), regarding "Agriculturally-Related Development Exclusions, " by adding the following as introductory or concluding language:*

Barns. storaae. equipment. and other buildinas. associated paving. fences. and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit reauirements.

C. Ancillary Limitations

1. Revise proposed new Section 13.10.647(c)(2) of the County Code, *under "Application Requirements"* as *follows:*

A site plan for all property and parcels on which the Biomedical Livestock Operation is proposed to be located, which includes: the location and a description of the ~~historic,~~

current and proposed structures and their uses, including any structures to be demolished; delineation of property lines, adjacent streets, and existing and proposed on-site access roads; a description of the parcel(s)' and contiguous parcels' current and historic land uses, including areas used for manure manaaemenf; delineation of sensitive habitats as defined in Section 16.32.040; and information regarding potential environmental impacts. Proposed structures shall meet the following requirements:...

(ii) On agriculturally-designated land. tThe maximum land coverage by all structures and impervious surfaces that are part of the Biomedical Livestock Operation shall not exceed 1% of the total gross parcel size(s). This limit may be extended to 5% on parcels less than 20 acres, with a Level VI approval. One Residential structures pursuant to Section 13.10.314(b), driveways and accessory uses; structures associated with other principally allowed or conditional agricultural uses; access roads utilized for other parcels and/or uses; and driveways not covered with impervious surfacing (as defined in County Code Chapter 16.32) shall not count towards the 1% coverage maximum. Structures associated with other conditional aaricultural uses shall either be counted towards the 1% coverage maximum. or the portion of the parcel devoted to the other conditional aaricultural uses shall be deducted from the gross parcel size before applying the percentage limitation to determine the maximum coverage for structures and impervious surfaces.

D. Manure Management

1. Revise proposed new Section 13.10.647(c)(4) of the County Code, *under "Application Requirements" as follows:*

A manure management and erosion control plan prepared pursuant to Section 16.22.060 that:...and
(iv) includes provision for the control of objectionable odors; and
(v). locates manure manaaement operations either: within the proiect's allowable impervious surface area: or on other lands not suitable for cultivation or used for foraae, unless for soil or plant enrichment purposes within or bv the next arowina season.

2. Revise proposed new Section 13.10647(e)(2) of the County Code *under "Additional Review" as follows:*

. ..With respect to the foregoing, APAC shall make its recommendation based on (a) determination of whether the proposed operation is soil-dependent (e.g., involves arazina) and (b) the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed will be from grazing on-site- ~~generate excessive manure that would adversely affect soil productivity or water quality.~~

E. Findings

ADOPTED

Add the following subsection (6) at the end of new Section 13. IO.647 of the County Code *under "Required Findings:'*

~~The Biomedical Livestock Operation complies with or is conditioned to comply with all of the recommendations generated by the reviews required by Section 13.10.647(e).~~ The proposed operation is soil-dependent (e.g. involves arazina. based on the number of animals which could be feasibly and economically grazed on the site assumina a minimum 40% of feed will be from grazing on-site) and will not aenerate excessive manure that would adverselv affect soil productivity or water aualitv.

F. Habitat Protection

1. Add to proposed new Section 13.10.647(d)(4) *of the* County Code *under "Additional Review' the following:*

. ..The use minimizes fencing or other structures, equipment or devices which restrict the natural movement of wildlife in their existing habitat and corridors, based on the latest habitat and biodiversity information available. All fencing complies with County code Section 13.10.525...

~~2. *Add to proposed new Section 13.10.647(e)(1) of the* County Code *under "Additional Review" the following:*~~

~~The adoption or amendment of a master plan for a Biomedical Livestock Operation is a "project" within the meaning of CEQA and the County Environmental Review Guidelines, and is subject to environmental review. Thus, any Biomedical Livestock Operation project must comply with the provisions of Chapters 16.30, Riparian Corridor and Wetlands Protection and 16.32, Sensitive Habitat Protection, as well as other applicable provisions.~~

3. Revise existing Section 16.30.050(b) of the County Code *under "Exemptions" from Riparian Corridor and Wetlands Protection (see Attachment C) as follows:*

The continuance of any preexisting agricultural use, but not establishment or expansion of anv Biomedical Livestock Operation, provided such use has been exercised within the last five years.

4. Revise existing Section 16.32.105 of the County Code *under "Exemption" from biotic approval (see Attachment C) as follows:*

Existing commercial agricultural operations and related activities, but not establishment or expansion of anv Biomedical Livestock Operation, shall be exempt from the provisions of Section 16.32.060...

5. Revise existing Section 16.32.090(c) of the County as *follows:*

ADOPTED

Type of Sensitive Area	Permitted or Conditional Uses	Conditions
13. Intermittent Wetlands	limited grazing, including limited arazina associated with biomedical livestock operations, uses within wetlands(above), existina agriculture	
2 Grasslands in the Coastal Zone	nature observation, educational instruction, arazina, soil-dependent biomedical livestock operations, viticulture, consistent with Local Coastal Proaram policies, residential uses meeting performance criteria	Structures shall be clustered and located outside the grassland where feasible

G. Public Health Officer

Revise proposed new Section 13.10.647(e) *of the* County Code *under "Additional Review" by adding the following new subsection at the end:*

~~(5) If the Planning Commission or Board of Supervisors acts on the application on appeal, that body shall also incorporate the recommendations of the Public Health Officer into its decision.~~ If the Planning Commission or Board of Supervisors acts to approve the proposed Biomedical Livestock Operation despite an unfavorable recommendation bv the Public Health Officer to the Zonina Administrator, the Officer shall be further consulted as to appropriate conditions to place on the Operation.

H . Closure Plan

Revise proposed new Section 13.10.647(g)(1) of the County Code *under "Permit Expiration and Renewal" by adding the following underlined text:*

Any development permit approved for a Biomedical Livestock Use shall be valid for five years or a lesser time as established by the Zoning Administrator. The permit holder shall be required to submit an application for renewal prior to the expiration of the development permit. The permit shall also be conditioned to require the permit holder to submit a

closure plan prior to terminatina a biomedical livestock operation or prior to permit expiration if a renewal application is not sought or is denied. The closure plan shall provide for the removal of any facilities inappropriate for future non-biomedical aaricultura! use of the site. Continued operation of the Biomedical Livestock use shall be subject to permit renewal processed at Level IV, or Level V. if a coastal permit is involved, according to procedures set forth in County code Chapter 18.10....

l. Allowed in Other Districts

~~1. *Revise existing Section 13.10.342 "Industrial Use Chart" in the County Code by adding the following entry:*~~

~~USE~~	~~M-1~~	~~M-2~~	~~M-3~~
~~Biomedical Livestock Operations (subject to Section 13.10.647)~~	~~5~~	~~5~~	

~~2. *and/or revise existing Section 13.10.362 "PF Uses Chart" by adding the following entry:*~~

~~USE~~	~~APPROVAL LEVEL~~
~~Biomedical Livestock Operations (subject to Section 13.10.647)~~	~~5~~

~~3. *and/or revise existing Section 13.10.322 "Residential Use Chart" in the County Code by adding the following entry:*~~

~~USE~~	~~RA~~	~~RR~~	~~R-1~~	~~RB~~	~~RM~~
~~Biomedical Livestock Operations (subject to Section 13.10.647)~~	~~5~~				

&Revise proposed Section 13.10.647(d)(1) of the County Code *by adding the following:*

On aariculturally-designated land. n~~N~~o biomedical Laboratory, as defined in Section 13.10.700-L, will be located on the site.

III. RECOMMENDED FINDINGS

ADOPTED

The Commission finds and declares for Santa Cruz County Major Amendment # 3-97:

A. **LAND USE PLAN**

1. Description of Proposed Amendment

The proposed amendment *to* the *Land Use Plan* would allow biomedical livestock operations on land designated for agriculture, "subject...to standards which assure protection of the public health, safety and welfare." A biomedical livestock operation is defined as one which uses "livestock for research, experimentation, or testing, or for the production of any biomedical or pharmaceutical product or by-product." A definition of livestock is also added, as is a distinguishing definition of "biomedical laboratory." Biomedical laboratories are specifically not to be permitted on agricultural land under this amendment. These changes would be accomplished by adding Policy 5.13.6.1 to the *Santa Cruz County General Plan and Local Coastal Program* and adding three new definitions to the Glossary. The full text of these additional provisions is found in Attachment A.

The exact nature of biomedical livestock operations that might take place under the new policy is unknown. Biomedical livestock operations are a new type of use and are still relatively rare. In fact the term "biomedical livestock operations" was developed specifically for this amendment; it is not in common usage. In raising livestock to extract their blood or other components for use in making drugs, biomedical operations can function in different ways. Such operations can resemble traditional grazing, although there will be some differences. For example, most grazing in the County is seasonal, cattle are taken to market or moved elsewhere in winter. In contrast, a biomedical operation would retain its livestock year-round. Because of this, it is likely that the operation would need to use purchased feed as a supplement to forage. Also, keeping animals through the year and needing specialized, sanitary equipment to extract the biomedical product would require more substantial structures than typically found on County pastures. These differences would make biomedical operations resemble dairy operations (where cows or goats are milked daily) or poultry operations (where eggs are gathered daily). However, there are specific sanitary and confinement practices associated with biomedical operations (in part pursuant to federal regulations) that are more stringent than other types of livestock operations.

Other biomedical livestock operations need not resemble grazing operations. Testimony contained in the County file indicated that operators may achieve better nutrition for their animals through using feed and that the primary purpose of having pasture areas is for exercise and health maintenance. Weather and other natural, variable conditions make reliance on on-site grown plant material difficult for long-term maintenance of animals, especially in large numbers. (As noted above, most grazing in

the County occurs seasonally, not year-round.) The County has formulated a definition of biomedical livestock to encompass such animals as goats which prefer to eat shrubs and trees over grass and pigs and hogs which are not typically thought of as grazing animals. Evidence presented at the County hearing indicates that biomedical livestock operations could be conducted largely in secured, enclosed facilities with the animals let out only occasionally or not at all, thus, more akin to institutional or industrial uses. In these cases the operations would more closely resemble kennels or veterinary offices.

2. Applicable Coastal Act Policies

The most important governing Coastal Act provision is the first part of Section 30241, which states:

> *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy.. .*

The remainder of the Section provides for clearly distinguishing urban and rural areas and, hence, protecting rural agricultural lands. Section 30241 (d) for example states:

> *By developing available* lands *not suited for agriculture prior to the conversion of agricultural lands.*

Also relevant are the following Coastal Act provisions:

> *Section 30242: All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (I) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*
>
> *Section 30243: The long-term productivity of soils . . . shall be protected.*
>
> *Section 30240: Environmentally sensitive habitat areas shall be protected against* any *significant disruption of habitat values, and only uses dependent on those resources* shall *be* allowed *within those areas.*
>
> *Section 30253(2): New development* shall *assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.. .*

To implement Coastal Act Section 30241 the Coastal Commission typically has certified local coastal programs that designate agricultural land for exclusive or almost exclusive

ADOPTED

agricultural use. Although the Coastal Act does not directly define "agriculture," one clear purpose of Sections 30241, 30242, and 30243 is to maintain and preset-ve the land resources that necessarily support agricultural activities, such as crop production and grazing. Section 30241 makes explicit reference to the Williamson Act definition of prime agricultural land which suggests the following are among, but not necessarily the only, agricultural uses: raising livestock for the production of food and fiber, raising crops, and planting orchards and vineyards.

A second purpose of the Coastal Act's agricultural protection policies is to maintain clear boundaries between more intensive urban uses and less intensive rural land uses. The Coastal Act also protects agricultural land uses to help concentrate development, maintain scenic resources, and preserve undeveloped rural coastline. Protecting soils and maintaining open grazing lands, then, is a primary goal of the Coastal Act. This policy is reflected in the certified Santa Cruz County LCP, for example, and other local coastal programs that limit coverage by structures (including structures associated with cultivation or grazing activities) on prime soils and generally keep agriculturally-related uses (e.g., processing facilities) off of prime soils.

To further implement these Coastal Act policies, the *Santa Cruz County Genera/ P/an and Local Coastal Program* defines and maps Agricultural Resource areas (see Attachment C). There are seven types which meet the criteria for commercial agricultural land, including "Type 3 -- Viable Agricultural Land Within the Coastal Zone." (policies 5.13.1 and 5.13.2). All such land must be maintained in an Agricultural Land Use Designation (policy 5.13.3), most typically Commercial Agriculture ('CA"). Principal permitted uses "include only agricultural pursuits for the commercial cultivation of plant crops including food, flower, and fiber crops and raising of animals including grazing and livestock production." (policy 5.13.5) Some conditional uses are also allowed, under strict criteria to maintain soil productivity (see policy 5.13.6, cited below and in Attachment C). Examples of uses that may be allowed under certain circumstances in agricultural zoning districts include dwellings, flood control works, kennels, riding academies, public stables, veterinary offices, and wineries.

3. Analysis for Conformance to Coastal Act

As just discussed, the primary question for analyzing the County's proposed amendment for biomedical livestock operations is whether or not this amendment maintains the use limitations on agricultural lands to those that are resource-dependent or that would otherwise preserve agricultural lands. In other words, will the *Land Use P/an* as proposed for amendment maintain the long-term productivity of soils?

In general, the existing *County Land Use Plan* with the proposed amendment has some provisions which would help assure that productivity is maximized with this new allowed biomedical use. First, biomedical **laboratories** are not permitted on agriculturally-zoned land (see Attachment A). This means that the biomedical product, once

collected from the animals, needs to be processed elsewhere; e.g., pharmaceuticals will not be produced on farmland. Only the raising of the animals and the extraction of the biomedical products is allowed on the agricultural lands.

ADOPTED

Second, biomedical livestock operations are defined to be a conditional use, which means they must:

- constitute the principal agricultural use of the parcel or be ancillary, incidental, or accessory to the principal agricultural use of the parcel;
- be sited to avoid conflicts with principal agricultural activities in the area; and
- be sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production. (policy 5.13.6; see Attachment C)

Third, all other agricultural protection policies apply (see Attachment C), including:

- 5.13.8: requires agricultural support facilities to locate either off good agricultural soils, or where this is not feasible, on the perimeter of good agricultural soils;
- 5.13.10: prohibits the placement of water or sewer lines on commercial agricultural lands
- 513.13: encourages the composting of agricultural wastes
- 5.13.14: limits land divisions, and then only for agricultural purposes
- 5.13.27: sites structures to minimize possible conflicts with agriculture in the area
- 5.13.28: makes residential use ancillary to commercial agricultural use

However, these protective measures are not sufficient to ensure that all biomedical livestock operations that could be approved under the County's proposed amendment would be consistent with the cited Coastal Act policies, especially to protect soil-productivity. To the extent there will be demand for biomedical products, prime productive farmland could be taken out of crop production and replaced by biomedical livestock operations As written, implementation of this *Land Use P/an* amendment could result in some adverse scenarios resulting from operations which confine animals to uncultivated areas (e.g., enclosed pens, barns) and feed them imported feed. (The Commission notes that, although there is a facility size limitation in the proposed zoning based on grazing, as discussed below, there is no actual requirement for biomedical livestock operations to include grazing.)

Under one scenario, the operators may judge it undesirable for their livestock to eat other than imported feed. No grazing would occur. Then, if the animals simply used the remainder of the site for exercise area, it could be stripped bare of cover (i.e., stripped of its long-term agricultural or soil productivity), either by the operator to prevent grazing or by the animals' activities over time. Testimony indicated that many more animals could be fed than the natural carrying capacity of the land. There is no

incentive to maintain a vegetative cover, natural or cultivated, on the land, nor are there requirements to maintain a vegetative cover.

ADOPTED

Under another scenario -- total confinement -- the balance of the site could be put to non-productive use. The remaining parts of the parcel could be developed with ancillary uses (e.g., spread with manure), a home, or other conditional uses. Although a "conditional use" itself, biomedical livestock operations would be considered "the principal agricultural use" of the parcel for purposes of Policy 5.13.6. In contrast to most other principal agricultural uses, such as planted crops or orchards, these biomedical livestock operations would not need to maximize site use or take advantage of prime soils to be productive. Thus, there would be fewer constraints on locating ancillary uses and less incentive for maintaining productivity over the entire site. This is because the test for allowing and locating other ancillary or conditional uses is that they be sited to avoid conflicts with principal agricultural activities. If the principal agricultural use were a biomedical livestock operation that occurred totally indoors, then meeting this test would be rather easy and could result in kennels or wineries, for example, scattered over what could be productive crop land. An ancillary use, which might be sited in a way so as not to interfere with a biomedical operation that was mostly indoors, could interfere with a subsequent agricultural use, like crop cultivation which needs more land and may need a buffer from the non-agricultural use. Thus, the site may suffer a long-term loss of productivity, at least as far as the soil is concerned, rendering it less productive for other agricultural pursuits, if the biomedical livestock use were to cease.

Furthermore, testimony to the County indicated that biomedical livestock operations are much more profitable than other agricultural operations. Thus, there would not be an incentive to productively use any portion of a parcel not devoted to biomedical use. And, to the extent that owners of "Agricultural Resource" land believe that they could make more money from biomedical operations, they would see an incentive in taking their land out of other production and attempt to market it for biomedical purposes. If such occurred, the maximum amount of prime farmland would no longer be in production.

In conclusion, allowing biomedical livestock operations on agricultural lands, even under the conditions established in the County's *Land Use Plan,* may not always result in maximum or long-term productivity of soils. Thus, although it has positive features, the amendment, as submitted, must be denied as inconsistent with Coastal Act Sections 30241 and 30243.

4. Ways to Modify the Proposed Amendment

One alternative to address the amendment's inconsistency is to allow biomedical operations only on non-agriculturally designated land. If an operator wanted to establish an operation on currently-designated agricultural land, a redesignation would

ADOPTED

be required, which in turn would require that the soils be found unsuitable for commercial agriculture; i.e., that the land use plan designation is no longer appropriate. This would be a difficult process with limited likelihood of success, given the County's strict criteria for making such findings. The Commission need not exclusively mandate such an alternative under the Coastal Act, given other alternatives that can ensure resource protection and given that biomedical operations might want to take advantage of grazing opportunities that would likely be unavailable on non-agriculturally designated lands. Other alternatives are worth considering that would not result in a loss of productivity of agricultural soils:

a. Allow Biomedical Livestock Operations in Other Land Use Designations

One alternative is to at least allow biomedical livestock operations on other than agricultural land. This would give potential operators who did not need agricultural soils other siting options in order to comply with Section 30241(d) of the Coastal Act. If an application for a biomedical operation on agricultural land was filed, it could be evaluated for its impacts on and compatibility with prime soils. The environmental review process could then include an evaluation of alternative locations. If the operation were found to be one that made use of and did not harm the soils, then it could be allowed on the agricultural land. If not, it would have to go elsewhere, and this alternative would ensure that there would be other potential locations for those operations which did not need nor want to be, or were judged best not belonging, on agricultural land.

Some biomedical operations are located within industrial designations in other jurisdictions. The County's 1994 *General* Plan *and Local Coastal Program* allows the following in "Light Industrial" designations pursuant to policy 2.17.3, "Allow light industrial facilities such as assembly and manufacturing; commercial services facilities such as auto repair, contractors' yards, and warehousing; and outdoor sales facilities, such as nurseries, lumber yards, and boat and auto sales..." (see Attachment C). It also has a "Heavy Industry" designation for such activities as lumber mills and manufacturing plants (objective 2.19a). And, there is a "Public Facility/Institutional" designation for both public and quasi-public facility uses with a long-term Master Plan (objective 2.21, policies 2.21.3, & 2.21.5). These provisions are broad enough so that permitting biomedical livestock operations in these districts would not require a *Land Use P/an* amendment. This alternative is supported by the Commission and is, thus, accommodated without requiring a suggested *Land Use Plan* modification, ~~although it does require an Implementation Plan amendment (see finding below).~~

b. Allow Grazing Operations Only

A second alternative would allow only biomedical livestock operations that use land for grazing to be permitted on agriculturally-designated land. To ensure that the operator really intended to graze the livestock, the amount of animals would be limited to those which could be accommodated onsite, consistent with appropriate, current grazing

ADOPTED

practices. Given the many variables involved, this number would be determined in a range management plan prepared by a certified range manager. (As noted below, the proposed Implementation Plan amendment somewhat embraces this approach, but suggests allowing 2 1/2 times the number of animals that could be fed entirely through grazing.) This could mean a low number of animals due to winter rain conditions and may actually preclude biomedical livestock operations, which would want to be year-round, not seasonal, enterprises. This approach could also limit the kinds of livestock used in the biomedical operation because the optimal feed for certain animals may not be the vegetation that typically grows on the County's grazing lands. For these reasons, this approach may be unrealistic and was rejected by the County. The Commission finds this alternative to have merit, ~~but not necessary because other approaches exist to address biomedical operations that do not entail grazing.~~ if it provided for some level of supplemental feed to be factored into the animal carrving capacity equation as reflected in Modification A-l. That is. the Commission supports biomedical livestock operations on agricultural land if they are soil-dependent (e.g., involve grazina) so that agricultural and soil productivity is maintained, but with the flexibility for the operator to also feed the livestock from supplemental sources.

A further means of helping to ensure that the proposed use is limited to beina soil-debendent is in definina the activities associated with it. The Countv's definition includes usina livestock for research and testina. This implies a laboratotv tvpe of use, which is otherwise prohibited bv the next sentence in the definition and is more appropriately located off of agricultural land. Thus. the Commission is supportive of a revised definition of biomedical livestock operations that deletes research and testing usina biomedical livestock, as reflected in Modification A-3.

c. Establish Overlay Zones or Criteria for Suitable Sites

A third alternative would be to allow biomedical livestock operations only on certain agricultural lands. These could be specifically preordained or determined by criteria upon receipt of an application. A biomedical overlay zone could be established that could be applied to certain parcels now or that would be applied through a rezoning in connection with a proposed biomedical livestock operation. These approaches would mean individual site suitability would be determined on a comprehensive or case-by-case basis; there would not be an automatic right to use just any agricultural site for biomedical use, as is the case with the proposed amendment. Criteria would have to be established as to where to allow biomedical livestock operations. For example, such operations could be limited to lands that have typically been in grazing use as opposed to cultivated lands that grow crops. Or, their location could be limited to sloping, as opposed to flat, lands which would be less desirable to cultivate. This option could be accomplished solely through additional implementation provisions, as the proposed *Land Use P/an* amendment is broad enough for such an overlay or criteria-based zoning provision to be consistent with it. Again, the County chose not to take such an approach, and it is more limiting than the Coastal Act would mandate, given other alternatives.

d. Define as Non-agricultural Use ADOPTED

Another alternative would be to allow biomedical livestock operations as a conditional use, but not consider it to be an agricultural use. It would then be placed in the same category as dwellings, flood control works, kennels, riding academies, public stables, veterinary offices, and wineries. These are allowed only where there is another prime agricultural use; therefore, under this option the biomedical livestock operation would not be considered the primary use of the site. This would help ensure that the biomedical use is subordinate to and does not impinge upon traditional agricultural uses. This approach was rejected by the County because biomedical livestock operations would then lose other advantages that are afforded to defined "agricultural uses." Since some biomedical livestock operations may desire to take advantage of an entire site for grazing purposes, this option would be too restrictive and the Coastal Commission finds it unnecessary to exclusively mandate under the Coastal Act.

e. Keep Off of Productive Land

A further alternative would allow biomedical livestock operations where all their ancillary facilities can be located off of productive land. This would be a further tightening of the County's policy to require siting of ancillary structures for other agricultural uses on the perimeter of good soils. The justification would be that there are a variety of soil conditions and unlikely to be many biomedical operations, and, hence, there is a lesser, if any, need for biomedical operations to use any otherwise productive land. The counterargument would be that since biomedical livestock operations are themselves a form of productive agriculture, they should be treated no differently than other productive forms of agriculture. The Commission finds that this approach has merit, but may be too limiting in the case where the biomedical operation is a soil-dependent operation.

f. Set Impervious Surface Coverage Limits

A less restrictive alternative would amplify the County's current proposal; that is, in being conditional uses, biomedical livestock operations must minimize removal of agricultural land from production. This approach would be based on the assertion that non-grazing aspects of biomedical operations are not productive uses of agricultural land. The proposed amendment could be modified to quantify a maximum for the perimeter of good agricultural soils that would be allowed for supporting biomedical livestock operations (e.g., the barns, manure handling facilities). The accompanying zoning ordinance amendment already does this with standards not found in the proposed *Land Use P/an* amendment (see Attachment A):

- one percent site coverage (pursuant to Section 13.10.647c(2)ii);
- five percent site coverage on smaller parcels with Level VI (Planning Commission) review but with no specified criteria;

- removing "as little land as possible" from production (pursuant to Section 13.10.647(c)(2)i).

But, since the zoning ordinance can be changed, provided only that the Commission finds such a revision consistent with the *Land Use Plan,* such standards would have to be placed in the *Land Use Plan* as well for them to have permanence. The corollary would have to be assurances that the remainder of the entire parcel at least retains the ability to support a commercial agricultural use that the biomedical facility would not interfere with nor preclude. Language could be added to the proposed amendment that requires that the entire site where a biomedical livestock operation is located be planned to maximize and preserve soil productivity and not contain other conditional uses. The Commission finds this alternative worthy as being both practicable and having the ability to ensure consistency with the Coastal Act, as reflected in Modification A-l.

g. Conclusion

In conclusion, the Commission finds that among the alternatives needed to find consistency with stated Coastal Act policies. the best way is to ~~that rather than trying to define and commensurately~~ limit the definition of biomedical livestock operations ~~approaches for addressing different scenarios~~. First, biomedical livestock operations should be soil-dependent. Second. biomedical livestock operations should not involve research or testing. ~~there should be the option of locating biomedical livestock operations elsewhere than on just agriculturally-designated land. As noted, the Commission finds that this approach is already accommodated by the certified *Land Use Plan* (and only an Implementation modification is necessary). Second, there should be restrictions on biomedical operations that do not use the soil productively so~~ < Third, for all biomedical operations there must be limits on their ancillary facilities so that they do not have an adverse impact on long-term soil productivity.

If the *Land Use P/an* policy were so modified in these ways, as outlined under "b. Allow Grazina Operations Only and f: Limit Impervious Surface Coverage" above and as shown in Suggested Modifications A-l and A-3, then the amendment can be approved as being consistent with the cited Coastal Act policies to protect agricultural and soil productivity.

B. IMPLEMENTATION PLAN AMENDMENT

1. Description of Proposed Amendment

A new section 13.10.647 is proposed to be added to the County Code which will be part of the Implementation Plan (see Attachment A). It contains standards and criteria for approving biomedical livestock operations, including:

- requiring a master plan;
- clustering structures in groups;
- limiting impervious surface coverage to 1% (or up to 5% if the site is under 20 acres);
- recommendation from a Certified Range Manager as to the recommended number of animals the site can support;
- manure management and erosion control plan;
- disposal plan for culled or euthanized animals;
- description of the operation;
- securely confining livestock to the site;
- limitations on types of injected materials;
- referrals to agricultural experts and to County Public Health Officer;
- five year limit on initial permit.

ADOPTED

Biomedical livestock operations would be added as a permitted use in the CA (Commercial Agricultural) and "A" (Agricultural) zoning districts, subject to these provisions and a Level V (Zoning Administrator public hearing) review (Section 13.10.312; see Attachment C). Definitions would be added for the terms "Laboratory, Biomedical," "Livestock," and "Livestock Operation, Biomedical" in Section 13.10.770-L. The full text of these proposed sections is found in Attachment A. Other existing selected local coastal program sections referenced in these new provisions are found in Attachment C.

2. Analysis for Conformance to Modified Land Use **Plan**

These proposed implementation provisions are consistent with the new *Land Use P/an* language as adopted by the County and actually help answer some concerns raised above with the proposal. For example, they set site coverage limitations that the proposed *Land Use Plan* amendment does not (before modification). However, the proposed implementation revisions are not entirely adequate to carry out the *Land Use P/an* policy with suggested modifications A-l (quoted in part below) and A-3 or other existing *Land Use P/an* provisions. Specifically, the proposed zoning may not result in an operation which is "soil-dependent" and "removes as little otherwise productive land as possible and maximizes and preserves soil productivity on the remainder of the site."

a. Soil Productivity

As noted, the proposed zoning sets limits on structural and impervious coverage. However, these limits are to apply only to the biomedical livestock operations (not to other facilities which may be on-site). Neither do they apply to other non-structural ground-disturbing activities associated with biomedical livestock operations; namely, manure spreading (which could extend over several acres) or trampled vegetation. To the contrary, proposed Section 13.10.647(e)2 seems to allow 2 1/2 times the number of

animals that could be supported by a pasture by stating, "With respect to the foregoing [the master plan review], APAC [Agricultural Policy Advisory Commission] shall make its recommendation based on the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed will be from grazing on-site." Thus, more manure could be generated, and more intensive use of the land made, than from traditional grazing operations that would stay within the carrying capacity of the land (September 16, 1997 letter to Board of Supervisors from Reed International in the file provides data on such a possible occurrence).

The proposed amendment is structured to require addressing the amount of manure that would be generated as a result of this provision, rather than having manure management capabilities be a determinant of use intensity. Although implicit in the proposed text, it does not state that the required site plan show areas used to store, compost, or spread manure (Section 13.10.647(c)2). Neither is the master plan required to show what else occurs on that portion of the parcel without structures or impervious surface coverage. In terms of assuring long-term agricultural and soil productivity, knowing historic and current site uses is crucial. The manure management plan is to preclude any impairment of long-term soil capabilities for growing plants or forage, but has no restriction on short- or mid-term use of land for managing manure. Testimony to the County indicated that proper application of manure on fields acts as a beneficial fertilizer. However, excessive applications, applications at certain times (i.e., the rainy season), and applications in certain areas (e.g., riparian corridors, groundwater recharge areas) could be problematic.

A further concern is that the proposed amendment is structured in a way where most requirements are to be satisfied through the master plan submitted by the applicant. The County must then make certain findings to approve the biomedical livestock operation as shown on the master plan. Although implicit, the proposed text does not clearly state that the County has the ability to require adjustments in the master plan to best accomplish overall *Land Use Plan* objectives. For example, the master plan may show only a small number of livestock in a biomedical operation, but have it take up excessive amounts of land or be configured in a way which precludes conventional farming of the remainder of the site.

ADOPTED

Under the *Land Use P/an* policies, biomedical operations are to be a "conditional use." The zoning ordinance, like most others, distinguishes "principal permitted uses" from other allowed uses. Biomedical livestock operations are not proposed to be "principal permitted uses." However, they are proposed to be an agricultural use and as such can constitute the "principal agricultural use of the property," even though they are not a "principal permitted use" under the County's other terminology. As conditional uses, biomedical livestock operations must "constitute the principal agricultural use of the parcel or be ancillary, incidental, or accessory to the principal agricultural use of the parcel." (policy 5.13.6, see Attachment C). The proposed zoning provisions suggest that biomedical livestock operations could always be considered the principal agricultural use of the site. However, as noted in the above findings on the *Land Use*

P/an, the nature of biomedical livestock operations can vary greatly from grazing operations to confined facility operations. The proposed Implementation provisions do not specifically provide for a determination of the nature of the operation on which to base the required findings. ~~If the nature of the operation is such that it is non-soil dependent (e.g., does not involve grazing or using plants grown on the site as feed), then there would no need to consider it, and it should not be considered as, the "principal agricultural use of the parcel." It could still be approved as an allowed use, but under the policy cited above would have to be ancillary, incidental, or acccessory to a principal agricultural use. In other words, a biomedical operation that makes use of the soil can be the main and possibly only agricultural use of a site; a biomedical operation that does not make use of the soil would not qualify to be the main and only agricultural use of a site designated for agriculture~~.

ADOPTED

In order to be consistent with the modified *Land Use Plan* policy and address these issues, the master plan provisions in the zoning ordinance should show: (1) how the entire site where the biomedical livestock operation is to occur has been and is to be used; (2) a manure management operation that does not interfere with cultivation or grazing; and-(3) a soil-dependent operation and (4) coverage limitations for conditional uses other than the biomedical livestock operation. ~~no other conditional uses on the site, with the exception of one residence.~~ Regarding the latter, an exception for residential uses. including their associated drivewavs and accessory structures, allowina additional coverage bevond the 1% (or 5%) stated in the *Land Use P/an* is justified. This is because p~~P~~ursuant to existing Section 13.10.314b, a residence must be ancillary to commercial agricultural use of the parcel and, if the parcel is of adequate size, a binding arrangement for commercial agricultural use of the remainder of the site must be in place(see Attachment C). A residence may be necessary for a caretaker or employee of the biomedical operation to be on-site. As a corollary to these master plan changes, the County should have the explicit ability to define and adjust the limits of a biomedical livestock operation to avoid conflicts, and be compatible, with any other existing or potential agricultural uses of the subject parcel. Also, the County should have the ability to set the intensity of a biomedical livestock operation to a level commensurate with appropriate manure management. Finally, the zonina should contain the same definition of "biomedical livestock operation." as does the *Land Use P/an.* -Elements of Suggested Modifications A-2, A-3. C,~~and~~ D, and E accomplish these objectives.

~~**Operations Per Site:** Although the ordinance provision applies to an entire "parcel," it governs individual operators. A parcel owner could divide his property into several leases, and agricultural leases are exempt from Subdivision Map Act and Coastal Permit requirements. Since each leaseholder could apply for his or her own biomedical livestock operation approval and would only be responsible for his or her leased area, the coverage and remainder use provisions of the modified *Land Use Plan* policy and proposed ordinance could be circumvented. In order to prevent this, there could be a limit of one operation per legal parcel. Suggested Modifications C is a way to accomplish this.~~

Closure Plans: The proposed amendment establishes a five year period for a permit for a biomedical livestock operation. As suggested, facilities for biomedical livestock operations may be different than for other types of agriculture and may interfere with other types of agricultural uses. In order to ensure long-term agricultural productivity, permit holders should be required to submit and implement closure plans that make sites useable for other productive uses prior to terminating an operation. Suggested Modification H includes a way to accomplish this.

ADOPTED

Alternative Sites: As noted in the *Land Use Plan* findings above, the option of allowing biomedical livestock operations on other than agricultural lands should at least be available, if such operations are not soil-dependent (e.g.. not grazing operations\. As modified. biomedical livestock operations will be soil-dependent. Other biomedical ooerations usina livestock would thus be laboratory-type operations. According to the Countv staff report of March 10. 1998 to the Board of Supervisors, these "types are alreadv allowed uses in the Commercial Service (C-4). Liaht Industrial (M-l) and Heaw Industrial (M-2) zone districts. Thus. alternatives do exist for those types of biomedical uses which do not meet the standards for the agricultural zone district. This is important because rA further option is to allow biomedical operations in "RA Residential Agricultural" districts, "where small-scale commercial agriculture, such as animal keeping...can take place with the primary use of the property as residential." (Section 13.10.321b; see Attachment C). Required master plans for biomedical livestock operations are to be considered "projects" within the meaning of CEQA under proposed Section 13.10.674(e). Since alternatives analyses must be included in environmental impact reports, an alternative other than to use agricultural land should be available for facilities that do not fit the criteria for locating on agricultural land- important because County staff has suggested that exceptions to sensitive habitat policies may be necessary in order to accommodate biomedical livestock operations on agriculturally designated land, exceptions that would run counter to the intent of the certified *Land Use Plan* (see Sensitive Habitat discussion below). Biomedical livestock operations are currently not explicitly allowed in "Residential Agricultural," "Industrial," and "Public Facilities" zoning districts, although, as noted, they could be allowable uses given the governing *Land Use Plan* provisions. Suggested Modification I is a way to accomplish this. With such a change, parts c(2)ii and d(1) of proposed Section 13.10.647 would need to be clarified to indicate that they apply to only agriculturally- - A clarification that the prohibition of biomedical laboratories onlv applies to aariculturallv-desianated land is appropriate and is reflected in -Suggested Modification s C and I-3 include ways to accomplish this.

b. Public Health and Welfare

As noted, the proposed amendment requires referral to the County Public Health Officer. Under proposed Section 13.10.647.e(4) the Zoning Administrator must deny the biomedical livestock operation upon a determination by the County Public Health Officer of it presenting a public health hazard. This will help implement the proposed *Land Use P/an* provision to protect "the public health, safety, and welfare" (see

Attachment A). However, the proposed Code section does not account for appeal actions that might occur. The County Planning Commission and/or Board could overrule the Zoning Administrator's action. In that case, the Public Health Officer should be given further opportunity to recommend appropriate safeguarding conditions of the permit in order to carry out the public health and safety mandate of the proposed *Land Use P/an* policy. Suggested Modification G is a way to accomplish this.

c. Incorporation of Additional Reviews

ADOPTED

The proposed amendment is formulated so that the Zoning Administrator acts on a permit application or master plan for a biomedical livestock operation by making certain findings. However, the proposed amendment addresses some issues, such as environmental review, support structure size, animal density, and public health under a separate "Additional Review" section. Although implied, the language is not explicit that the Zoning Administrator's decision must encompass the results of these other reviews. Environmental review would be addressed throuah the County's implementation of the California Environmental Quality Act and public health would be addressed throuah Modification G discussed above. Since ignoring ~~any of these other~~ reviewers' recommendations reaardina support structures and animal densitv in a final permit decision could mean that the *Land Use Plan* is not fully carried out, their results should explicitly be required to be factored into any coastal permit. Suggested Modification& 2 and E respectively are~~is a~~ ways to accomplish this.

3. Relationship to Adopted Exclusion Orders and Remainder of Implementation Plan

In order to approve this implementation plan amendment, the entire Implementation Plan as amended must remain adequate to carry out the entire *Land Use P/an* as will be amended. Since the amendment essentially broadens the definition of agricultural use, other Code references to agriculture need to be examined.

a. Exclusion Order

Currently, the exclusion order (E-82-4) granted to the County and included as Section 13.20.073 of the County Code exempts from the coastal permit process barns and other agricultural support structures up to 10,000 square feet on agricultural parcels greater than 10 acres (in addition to fences, wells, some paving, etc.);. (see Attachment C). Thus, if the exclusion were to apply to biomedical livestock operations, all associated facilities could be built on a 10 to 23 acre site without necessitating a coastal permit. (The maximum one percent site coverage is .23 acres or approximately 10,000 square feet). With the proposed recommendation of no more animals than would be supported by grazing for 40% of their food, that could be a sizable operation. For example, if a goat needed one seventh an acre for grazing (as some testimony

suggested), then to achieve the 40% figure, it would only need .05 (1/20th of an acre), so for 23 acres there could be 460 goats.

ADOPTED

The Coastal Commission conditioned approval of the exclusion by stating: "in the event an amendment of the Local Coastal Program...is certified..., development under this order shall comply with the amended Local Coastal Program... however, such amendment shall not authorize the exclusion of any category of development not excluded herein.. ." Biomedical Livestock Operations are proposed to be a new category of permitted agricultural development. As suggested, there may be facilities and impacts associated with such uses that are different from other types of agricultural operations. These have not been analyzed as part of the exclusion process. If the projects that were part of a biomedical livestock operation were excluded, then the coastal permit process (including possible appeals to the Coastal Commission) could not be used to ensure compliance with the various Biomedical Livestock Operation Master Plan requirements which are part of the proposed amendment. The County has not requested that the exclusion be expanded to include biomedical livestock operations. However, since biomedical livestock operations are being defined as an agricultural use, the exclusion could be read as extending to them (see Steen, Chief Assistant County Counsel and Graves, Planner to Planning Commissioners, May 1, 1997). Thus, a clarification is in order to counter this interpretation and uphold the Commission's exclusion condition. Suggested Modification B is a way to accomplish this.

b. Coastal Permits

The proposed amendment provides for the development permit (e.g., a coastal permit) for a biomedical livestock operation to expire after five years. It requires permit renewal subject to Level IV (notice, no public hearing) processing. However, in the County all coastal permits require Level V (public hearing) processing. Since the permit has a expiration date, a new permit will require level V processing in the coastal zone as well. This is necessary to adequately carry out the *Land Use* Plan. Suggested Modification H includes a way to accomplish this.

c. Sensitive Habitats

Existing Section 16.32.105 of the Implementation Plan exempts "existing commercial agricultural operations and related activities from the provisions of Section 16.32.060." (see Attachment C). That referenced section requires a biotic approval for any development within an area of biotic concern. It is unclear whether an existing agricultural operation that switches to a biomedical operation would be determined exempt under this provision. It is also unclear to what extent an exempt operation could still be required to comply with the substance of the remainder of the "Sensitive Habitat Protection" Chapter 16.32. However, a memorandum from County Counsel and County Planning implies a possible County interpretation exempting such operations from habitat provisions that otherwise would apply (Steen and Graves to Planning

Commissioners, May 1, 1997 indicating that if biomedical livestock operations were not defined as agricultural or grazing they would not be allowed in or adjacent to sensitive habitats). Proposed Section 13.10.647.c(2) does require master plans for Biomedical Livestock Operations to delineate sensitive habitats. Section (d)(4) states that "the use minimizes fencing or other structures, equipment or devices which restrict the natural movement of wildlife in their existing habitat and corridors." However, the record indicates that Federal guidelines require secure fencing; thus the implication of this provision is that the facility needs to be sited outside of any habitat areas or wildlife corridors. Since the biotic approval requirements may not be applicable to all wildlife corridors, it may be necessary to consult the latest information on this topic, as learning about the County's overall biodiversity is an on-going exercise. There is no reason why biomedical livestock operations should not and could not comply with Sensitive Habitat protection provisions and there should be no suggestion to the contrary. The certified *Land Use P/an* Sensitive Habitat policies contain no exceptions for biomedical livestock operations. For the same reasons as described for the exclusion finding above, clarifications should be added to prevent future misinterpretations. Concurrentlv, a clarification can indicate that biomedical livestock oberations are allowed in native arasslands. since thev are now defined as soil-deoendent (e.g., arazina). subject to the same criteria as other allowed uses, such as other arazina ("Structures shall be clustered and located outside the arassland where feasible.") Suggested Modifications A-2 and F areis a ways to accomplish thesethis.

Similarly Section 16.30.050(b) exempts "the continuance of any preexisting agricultural use, provided such use has been exercised within the last five years" from complying with Riparian Corridor and Wetlands Protection provisions (see Attachment C). Since biomedical livestock operations are defined as a separate use, this section should be interpreted as not being applicable; i.e., biomedical livestock operations would be subject to the Riparian Corridor provisions. However, to be perfectly clear that an existing grazing operation that becomes a biomedical operation is not interpreted as qualifying for this exemption, adding clarifying language is appropriate to assure that *Land Use P/an* objectives are met. Concurrentlv, a clarification can indicate that arazina associated with biomedical livestock operations is treated no differently than other arazina in intermittent wetlands. where it is allowed under limited circumstances. -Suggested Modifications A-2 and F includes a-ways to accomplish these as wellthis.

4. Conclusion

The proposed added sections to the County Code have several specific provisions designed to ensure that there are no adverse impacts from biomedical livestock operations. However, as submitted, the proposed Implementation Plan amendment is inadequate to fully carry out the *Land Use Plan* as amended with suggested modifications. The above findings indicate changes that can be made to the Implementation Plan to address the inadequacies. If modified to provide for (1) siting configurations which would not interfere with and be compatible with other principal agricultural uses on the remainder of the site, (2) not excluding biotechnmedical

operations from the coastal permit-process, (3) restricting site coverage of otherno other conditional uses on a site with a biomedical operation, (4) soil-deaendent operations only limiting biomedical operations to one per parcel, (5) a manure management operation that does not interfere with cultivation or grazing, (6) incorporating herd sizeall additional review recommendations into the permit, (7) not waiving Sensitive Habitat protection requirements, (8) further recommendations by the Public Health Officer if his/her recommendation for denial is overturned on appeal, (9) closure plans, (10) and permit renewal at Level V in the coastal zone, and (11) biotechnical operations on industrial and/or institutional lands, according to Suggested Modifications A-2 through I on pages 7 through 10, the amended Implementation Plan can be approved as being consistent with and adequate to carry out the *Land Use Plan,* as amended with Modifications A-l and A-3.

ADOPTED

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for local coastal programs (LCPs) and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information the local government has developed. The County issued a Negative Declaration for the biotechnical livestock operations amendment. This further review by the Coastal Commission has uncovered some instances where application of the proposed amendment, unless modified, could result in some adverse environmental impacts. The Commission finds that, for the reasons given in the above findings, approval of the amendment, as modified, will not have significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

SANTA CRUZ COUNTY LOCAL COASTAL PROGRAM MAJOR AMENDMENT # 3-97

ATTACHMENT A

FULL TEXT OF PROPOSED AMENDMENT

PROPOSED AMENDMENTS TO THE COUNTY OF SANTA CRUZ GENERAL PLAN AND LOCAL COASTAL PROGRAM

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1. Amend the County General Plan and Local Coastal Program by adding Section 5.13.6.1 to read as follows:

"**5.13.6.1 Biomedical Livestock Operations**
Allow Biomedical Livestock Operations as a Level V Conditional Use on agriculturally zoned land, subject to all other provisions of the General Plan-Local Coastal Program, 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."

2. Add the following definition of "Livestock" to the General Plan and Local Coastal Program Glossary:

"Any grazing, browsing or similar equine, porcine, bovine, ovine, or other ruminant, including but not limited to any horse, pony, mule, donkey, pig, hog, cow, ox, sheep, goat, or llama; excepting those prohibited by County Code Chapter 6.12."

3. Add the following definition of "Biomedical Livestock Operation" to the General Plan and Local Coastal Program Glossary:

"An agricultural livestock management operation that uses livestock for research, experimentation, or testing, or for the production of any biomedical or pharmaceutical product or by-product. A Biomedical Research Facility, as defined by federal or state law, and when physically separated from any biomedical laboratory, may be 'considered a Biomedical Livestock Operation under this definition."

4. Add the following definition of "Laboratory, Biomedical" to the General Plan and Local Coastal Program Glossary:

"Any facility that is specially equipped for medical or pharmaceutical experimentation, testing, procedures, research, development, or production, excluding any equipment that is used exclusively for the injection of biological agents, the drawing of blood from animals, or the separation of animal blood into serum and plasma."

ORDINANCE NO. 4474

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.3 12 RELATING TO AGRICULTURAL USES, SECTION 13.10.700-L, RELATING TO DEFINITIONS, AND ADDING SECTION 13.10.647 RELATING TO BIOMEDICAL LIVESTOCK OPERATIONS

SECTION I

Section 13. 10.3 12 of the County Code is hereby amended to add the following agricultural use to read as follows:

USE	CA	A	AP
Agricultural activities: crops and livestock			
Biomedical Livestock Operations' (subject to Section 13.10.647)	5	5	---

S E C T I O N II

Section 13.10.700-L of the County Code is hereby amended to add the following definitions to read as follows:

Laboratory, Biomedical. Any facility that is specially equipped for medical or pharmaceutical experimentation, testing, procedures, research, development, or production, excluding any equipment that is used exclusively for the injection of biological agents, the drawing of blood from animals, or the separation of animal blood into serum and plasma.

Livestock. Any grazing,, browsing or similar equine, porcine, bovine, ovine, or other ruminant, including but not limited to any horse, pony, mule, donkey, pig, hog, cow, ox, sheep, goat, or llama, excepting those prohibited by County Code Chapter 6.12.

Livestock Operation. Biomedical. An agricultural livestock management operation that uses livestock for research, experimentation, or testing, or for the production of any biomedical or pharmaceutical product or by-product. A Biomedical Research Facility, as defined by federal or state law, and when physically separated from any biomedical laboratory, may be considered a Biomedical Livestock Operation under this definition.

SECTION III

Chapter 13.10 of the County Code is hereby amended to add Section 13.10.647 to read as follows:

13.10.647 Biomedical Livestock Operations

(a) Purpose. It is the purpose of this section to provide for and regulate Biomedical Livestock Operations, as defined in Section 13.10.700-L, which may be established in zone districts where it is an allowed use on the relevant uses chart. It is a further purpose of this Section to define and regulate a new and evolving land use type while protecting the public health, safety and welfare; to provide notice to adjacent land owners; to implement the policies of the Santa Cruz County General Plan and Local Coastal Program; and to preserve and protect agricultural land in the County.

(b) Only Livestock Permitted on Agricultural Land. On agriculturally zoned land, the animals used in the Biomedical Livestock Operation shall be limited to Livestock as defined in Section 13.10.700-L

(c) Application Requirements. Approval of all Biomedical Livestock Operations shall be processed in accordance with the provisions in Chapter 18. IO, and shall require a public hearing and action by the Zoning Administrator (Level V). The applicant for a Biomedical Livestock Operation shall submit to the County Planning Department a master plan of the proposed facility. The master plan shall be considered part of the permit for the use and shall include the following documentation.

(1) The documentation prescribed in Section 18. IO.2 1 O(b) of this Code. The Planning Director may, however, waive some of the prescribed requirements of Subsections 18. 10.21 O(a)(8), (9) and (1 I), upon a determination that specific items are not relevant due to project characteristics.

(2) A site plan for all property and parcels on which the Biomedical Livestock Operation is proposed to be located, which includes: the location and a description of the current and proposed structures, including any structures to be demolished; delineation of property lines, adjacent streets, and existing and proposed on-site access roads; a description of contiguous land uses; delineation of sensitive habitats as defined in Section 16.32.040; and information regarding potential environmental impacts. Proposed structures shall meet the following requirements:

(i) Structures shall be clustered in groups and sited so as to remove no land from agricultural production or potential agricultural production, or, if this is not feasible, to remove as little land as possible from agricultural production to the extent there is a demonstrated need consistent with all other constraints

contained in this Ordinance. Structures for housing livestock shall be open to permit free air flow thrdugh the structure.

(ii) The maximum land coverage by all structures and impervious surfaces that are a part of the Biomedical Livestock Operation shall not exceed 1% of the total gross parcel size(s). This limit may be extended to 5%, on parcels of less than 20 acres, with a Level VI approval. Residential structures, driveways and accessory uses; structures associated with other allowed or conditional agricultural uses; access roads utilized for other parcels and/or uses; and driveways not covered with impervious surfacing (as defined in County Code Chapter 16.32) shall not count towards the 1% coverage maximum.

(iii) Flooring and impervious surfaces, within or surrounding barns or other structures to house livestock, which would impair long-term soil capabilities, shall be limited to the minimum area needed for pens, roadways, loading and storage.

(3) A description of the species and the maximum number of animals, of each species proposed for the Biomedical Livestock Operation, the amount of land to be occupied by animals, and the location of all existing and proposed fencing, including but not limited to perimeter, pasture and pens. This description shall be supported by a report from a Certified Range Manager as to a recommended number of animals that the site can support, consistent with the requirements of Section 13.10.647(e)(2).

(4) A manure management and erosion control plan prepared pursuant to Section 16.22.060, that:

(i) precludes any impairment of long-term soil'capabilities for growing plants or forage;,

(ii) precludes any impairment of surface and groundwater quality or quantity;

(iii) includes provisions for fly control, as required by Chapter 7.36; and

(iv) includes provisions for the control of objectionable odors.

(5) A plan for disposal of laboratory animals which are euthanized or otherwise culled from the animals continuing to be used for the Biomedical Livestock Operation's program. Any incineration or disposal shall comply with all requirements of state and federal law.

(6) Documentary proof that all required permits, licenses, registrations, approvals, and similar requirements of local, state and federal regulatory agencies have been obtained including, without limitation, those of the Regional Water Quality Control Board,

Monterey Bay Air Pollution Control District. US Department of Agriculture, California Department of Food and Agriculture, US Food and Drug Administration, and Centers for Disease Control and the National Institutes of Health. The County Planning Department shall be notified within 60 days of any change in the status of such permits, licenses, approvals and registrations.

(7) A written description of the proposed research, testing, experimentation and/or biomedical (or pharmaceutical) product manufacturing program that will utilize the livestock. If the proposed use includes injections or introduction into and/or extractions from livestock (collectively, "Injections"), the description shall include identification of the substances involved in the Injections.

(d) Required Findings. Prior to Issuance of a development permit for a Biomedical Livestock Operation, the general findings for development permits set forth in Subsection 18.10.230(a) and Coastal Permit findings of Section 13.20. I IO, if applicable, shall be made. The following additional findings shall also be made:

(1) No Biomedical Laboratory, as defined in Section 13.10.700-L, will be located on the site.

(2) The Biomedical Livestock Operation complies with the requirements of Chapters 7.22, 7.30 and 7.100 of the County Code, and any other applicable federal, state and/or local law, regulation or standard, including the County Animal Control Ordinance, regarding medical or biohazardous waste, recombinant DNA technology, hazardous substances, and care and treatment of animals

(3) The Biomedical Livestock Operation compties with all provisions of the General Plan and Local Coastal Program Land Use Plan and the County Code regarding uses on agricultural land.

(4) Livestock will be securely confined to the site. The use minimizes fencing or other structures, equipment or devices which restrict the natural movement of wildlife in their existing habitat and corridors. All fencing complies with County Code Section 13.10.525 unless an approval is granted to exceed the six foot maximum height limit pursuant to County Code Section 13.10.525(c)(2).

(5) On agriculturally zoned land, any research, testing, experimentation or product manufacturing at the Biomedical Livestock-Operation shall be limited to the injection, or introduction, of those reagents which are inert, non-viable, non-infectious and non; hazardous and shall specifically exclude any live microorganisms, live viruses (whether wild-type or attenuated), live bacteria, live fungus, live mycoplasma, or live parasites; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); or radioactive compounds or isotopes. This requirement shall not be construed to prohibit any standard and well-established

practice of veterinary medicine.

(e) Additional Review. Prior to any action by the Zoning Administrator, the following additional review shall take place:

(1) The adoption or amendment of a master plan for a Biomedical Livestock Operation is a "project" within the meaning of CEQA and the County Environmental Review Guidelines, and is subject to environmental review.

(2) The master plan shall be reviewed by the Agricultural Policy Advisory Commission (APAC). including consultation' with the Agricultural Commissioner, the United States Department of Agriculture Natural Resources Conservation Service, and the University of California Extension Service, as applicable, for a recommendation to the Zoning Administrator on the following:

(i) the size (including square footage) and location of support structures, and

(ii) appropriate animal density for the site in question.

With respect to the foregoing, APAC shall make its recommendation based on the number of animals which could be' feasibly and economically grazed on the site assuming a minimum 40% of feed will be from grazing on-site.

(3) The application shall be referred to the County Public Health Officer who shall review the application and the written description of the proposed research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program. Review by the County Public Health Officer shall include the following:

(i) A written summary report of the proposed program, which shall be made available to the public and to the Zoning Administrator prior to any public hearing, including recommendations to the Zoning Administrator as to whether to approve, conditionally approve or deny the application. The Public Health Officer shall base the summary report and recommendations on all information available to him/her. 'In investigating and preparing his/her report and recommendation, the Public Health Officer may consult with and obtain information from experts in the biomedical research field, with fees and costs for such consultations and information to be paid foi by the Applicant. Any interested person may also submit written comments on the proposed program to the Zoning Administrator at or prior to the Level V Hearing.

(ii) A recommendation as to permit conditions for the Biotechnology Livestock Operation that are necessary to ensure that the public health, safety, and welfare are protected at all times.

(4) If the Public Health Officer determines that the proposed Biomedical Livestock Operation presents a human health hazard, the Zoning Administrator shall not approve or conditionally approve the Biotechnology Livestock Operation. If the recommendation is to approve or conditionally approve the Biomedical Livestock Operation, the Zoning Administrator shall proceed to make a final decision on the application in accordance with all applicable criteria. In any case, the recommendations of the Public Health Officer shall be incorporated into the conditions, findings and decision of the Zoning Administrator.

(f) Amendments to Approved Master Plan. Any changes to the approved master plan, including any material changes to the approved research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program that will utilize the livestock, shall require an amendment to the Master Plan or Development Permit in accordance with the procedures for obtaining a Major Amendment set forth in County Code Section 18.10.134. A material change to the approved research, testing, experimentation or product manufacturing program shall include any change that could have an effect on public health, safety, welfare or the environment. Any request for an amendment to the Master Plan or Development Permit shall be summarized and reviewed by the County Public Health Oficer, using the same procedure as required for an initial application. No material change in the program shall occur until after the proposed change receives final approval following a Level V review. A change from injections involving non-hazardous substances such as reagents which are inert, non-viable, and non-infectious to injections involving any potentially hazardous agents such as live microorganisms, live viruses (whether wild-type or attenuated), live fungi, live parasites, live mycoplasma, live bacteria; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); and/or radioactive compounds or isotopes shall be prohibited.

(g) Permit Expiration and Renewal. A Biomedical Livestock Operation shall be subject to the following review following approval of a development permit

(1) Any development permit approved for a Biomedical Livestock Use shall be valid for five years or a lesser time as established by the Zoning Administrator. The permit holder shall be required to submit an application for renewal prior to the expiration of the development permit. Continued operation of the Biomedical Livestock use shall be subject to permit renewal processed at Level IV according to procedures set forth in County Code Chapter 18.10. Under no circumstances, whether through conditions beyond the control of the permittee, lack of actual notice of expiration, reliance on an error of public officials, or for any other reason shall the expiration date of a permit be automatically extended, except as may be provided by relevant provisions of State law, or give rise to an estoppel against the County. Requests for renewal of a development permit for a Biomedical Livestock Use shall be evaluated based on compliance with original permit conditions and inspection by the County Planning Department; inspection of the site by the County Health Officer for compliance with Chapters 7.22, 7.30, and 7.100 and the research, testing,

experimentation or biomedical (or pharmaceutical) product manufacturing program; review by the County Planning Department of all applicable federal, state and/or local laws and the applicant's compliance with them as documented by the respective agencies; and a review of all applicable County ordinances and policies.

(2) The Public Health Officer, the Director of Animal Control and/or Planning staff shall have the right to make random, unannounced inspections and/or investigations of any Biomedical Livestock Operation, including access to. a!! databases containing information on the livestock which is part of the biomedical livestock operation, as necessary to determine compliance with the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program and/or Chapters 7.22, 7.30, and 7.100.

(h) Violations of Conditions of Development Permit. It shall be unlawful for any person to exercise any Development Permit which authorizes a Biomedical Livestock Operation without complying with all of the conditions of such permit. Any violation of permit requirements shall be subject to enforcement action as set forth in County Code Chapter 19.01.

(i) Review of Ordinance. Upon the earlier of the filing with the County of (I) a total of five (5) applications (including applications to amend Master Plans and/or Development Permits to encompass additional land under an existing Master Plan and/or Development permit; but, excluding applications solely for renewal under subsection (h) above), or (2) applications totaling five (5) parcels of land, this Ordinance shall be reviewed by the Planning Commission, and public hearing(s) conducted before it, regarding the impact (including potential impact) of biomedical livestock operations on agriculturally zoned land. The Planning Commission, following public hearing(s), shall make recommendations to the Board of Supervisors regarding any amendments to this Ordinance, the County Code and the Genera! Plan that the Planning Commission believes is in the best interest of the County in order to maintain&d protect prime agricultural crop land and range land in the County. The Board of Supervisors shall hold public hearing(s) and act on the Planning Commission's recommendations.

SECTION IV

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

SECTION V

This Ordinance shall take effect on the 3 1st day after final passage, or upon certification by the California Coastal Commission, whichever is later.

SANTA CRUZ COUNTY LOCAL COASTAL PROGRAM MAJOR AMENDMENT # 3-97

ATTACHMENT B

ADOPTED

TEXT OF PROPOSED AMENDMENT ADDING ORDINANCE SECTION 13.10.647 SHOWING RECOMMENDED MODIFICATIONS in cross-outs (recommended deletions) and underlines (recommended additions)

ORDINANCE _____

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.312 RELATING TO AGRICULTURAL USES, SECTION 13.10.700-L, RELATING TO DEFINITIONS, AND ADDING SECTION 13.10.647 RELATING TO BIOMEDICAL LIVESTOCK OPERATIONS

SECTION I

Section 13.10.3 12 of the County Code is hereby amended to add the following agricultural use to read as follows:

USE	CA	A	AP
Agricultural activities: crops and livestock			
Biomedical Livestock Operations (subject to Section 13.10.647)	5	5	---

SECTION II

Section 13.10.700-L of the County Code is hereby amended to add the following definitions to read as follows:

Laboratory. Biomedical. Any facility that is specially equipped for medical or pharmaceutical experimentation, testing, procedures, research, development, or production, excluding any equipment that is used exclusively for the injection of biological agents, the drawing of blood from animals, or the separation of animal blood into serum and plasma.

Livestock. Any grazing, browsing or similar equine, porcine, bovine, ovine, or other ruminant, including but not limited to any horse, pony, mule, donkey, pig, hog, cow, ox, sheep, goat, or llama, excepting those prohibited by County Code Chapter 6.12.

Livestock Oneration. Biomedical. An agricultural livestock management operation that uses livestock for ~~research~~, experimentation, ~~or testing,~~ or for the production of any biomedical or pharmaceutical product or by-product. A Biomedical Research Facility, as defined by federal or state law, and when physically separated from any biomedical laboratory, may be considered a Biomedical Livestock Operation under this definition.

SECTION III

Chapter 13.10 of the County Code is hereby amended to add Section 13.10.647 to read as follows:

13.10.647 Biomedical Livestock Operations

(a) Purpose. It is the purpose of this section to provide for and regulate Biomedical Livestock Operations, as defined in Section 13.10.700-L, which may be established in zone districts where it is an allowed use on the relevant uses chart. It is a further purpose of this Section to define and regulate a new and evolving land use type while protecting the public health, safety and welfare; to provide notice to adjacent land owners; to implement the policies of the Santa Cruz County General Plan and Local Coastal Program; and to preserve and protect agricultural land in the County.

(b) Only Livestock Permitted on Agricultural Land. On agriculturally zoned land, the animals used in the Biomedical Livestock Operation shall be limited to Livestock as defined in Section 13.10.700-L

(c) Aunlication Reauirements. Approval of all Biomedical Livestock Operations shall be processed in accordance with the provisions in Chapter 18.10, and shall require a public hearing and action by the Zoning Administrator (Level V). Barns, storage. eauinment. and other buildings. associated paving, fences. and water uollution control facilities which are part of the Biomedical Livestock Onerations are not excluded from coastal permit requirements provided in Section 13.20.073. The applicant for a Biomedical Livestock Operation shall submit to the County Planning Department a master plan of the proposed facility. The master plan shall be considered part of the permit for the use and shall include the following documentation.

(1) The documentation prescribed in Section 18.10.210(b) of this Code. The Planning Director may, however, waive some of the prescribed requirements of Subsections 18.10.210(a)(8), (9) and (1 1), upon a determination that specific items are not relevant due to project characteristics.

(2) A site plan for all property and parcels on which the Biomedical Livestock Operation is proposed to be located. which includes: the location and a description of the current and proposed structures and their uses. including anv structures to be demolished: delineation of property lines. adjacent streets. and existing and proposed on-site access roads: a description of the parcel(s)' and continuous parcels' current and historic land uses. including areas used for manure management: delineation of sensitive habitats as defined in Section 16.32.040: and information regarding notential

environmental impacts. Proposed structures shall meet the following reauirements:

(i) Structures shall be clustered in groups and sited so as to remove no land from agricultural production or potential agricultural production, or, if this is not feasible, to remove as little land as possible from agricultural production to the extent there is a demonstrated need consistent with all other constraints contained in this Ordinance. Structures for housing livestock shall be open to permit free air flow through the structure.

(ii) On anriculturally-designated land. t~~T~~he maximum land coverage by all structures and impervious surfaces that are part of the Biomedical Livestock Operation shall not exceed 1% of the total gross parcel size(s). This limit may be extended to 5% on narcels less than 20 acres. with a Level VI anuroval. Residential structures pursuant to Section 13.10.3 14(b). drivewavs and accessory uses; structures associated with other principally allowed ~~or conditional~~ agricultural uses: access roads utilized for other narcels and/or uses: and drivewavs not covered with imnervious surfacing (as defined in County Code Chanter 16.32) shall not count towards the 1% coverage maximum. Structures associated with other conditional agricultural uses shall either be counted towards the 1% coverage maximum. or the portion of the parcel devoted to the other conditional agricultural uses shall be deducted from the gross parcel size before applying the nercentane limitation to determine the maximum coverage for structures and impervious surfaces.

(iii) Flooring and impervious surfaces, within or surrounding barns or other structures to house livestock, which would impair long-term soil capabilities, shall be limited to the minimum area needed for pens, roadways, loading and storage.

(3) A description of the species and the maximum number of animals of each species proposed for the Biomedical Livestock Operation, the amount of land to be occupied by animals, and the location of all existing and proposed fencing, including but not limited to perimeter, pasture and pens. This description shall be supported by a report from a Certified Range Manager as to a recommended number of animals that the site can support, consistent with the requirements of Section 13.10.647(e)(2).

(4) A manure management and erosion control plan prepared pursuant to Section 16.22.060, that:

(i) precludes any impairment of long-term soil capabilities for growing plants or forage;

(ii) precludes any impairment of surface and groundwater quality or quantity;

(iii) includes provisions for fly control, as required by Chapter 7.36; ~~and~~

(iv) includes nrovision for the control of objectionable odors: and

(v). locates manure management ouerations either: within the project's allowable imuervious surface area: or. on other lands not suitable for cultivation or used for forage, unless for soil or ulant enrichment purposes within or bv the next growing season,

(5) A plan for disposal of laboratory animals which are euthanized or otherwise culled from the animals continuing to be used for the Biomedical Livestock Operation's program. Any incineration or disposal shall comply with all requirements of state and federal law.

(6) Documentary proof that all required permits, licenses, registrations, approvals, and similar requirements of local, state and federal regulatory agencies have been obtained including, without limitation, those of the Regional Water Quality Control Board, Monterey Bay Air Pollution Control District. US Department of Agriculture, California Department of Food and Agriculture, US Food and Drug Administration, and Centers for Disease Control and the National Institutes of Health. The County Planning Department shall be notified within 60 days of any change in the status of such permits, licenses, approvals and registrations.

(7) A written description of the proposed research, testing, experimentation and/or biomedical (or pharmaceutical) product manufacturing program that will utilize the livestock. If the proposed use includes injections or introduction into and/or extractions from livestock (collectively, "Injections"), the description shall include identification of the substances involved in the Injections.

(d) Required Findings. Prior to Issuance of a development permit for a Biomedical Livestock Operation, the general findings for development permits set forth in Subsection 18.10.230(a) and Coastal Permit findings of Section 13.20.110, if applicable, shall be made. The following additional findings shall also be made:

(1) ~~No Biomedical Laboratory, qs defined in Section 13.I0.700 L. will be located on the site.~~ On arriculturally-desirnated land. n~~N~~o biomedical Laboratory, as defined in Section 13.10.700-L. will be located on the site.

(2) The Biomedical Livestock Operation complies with the requirements of Chapters 7.22, 7.30 and 7.100 of the County Code, and any other applicable federal, state and/or local law, regulation or standard, including the County Animal Control Ordinance, regarding medical or biohazardous waste, recombinant DNA technology, hazardous substances, and care and treatment of animals.

(3) The Biomedical Livestock Operation complies with all provisions of the General Plan and Local Coastal Program Land Use Plan and the County Code regarding uses on agricultural land and complies with the provisions of Chauters 16.30. Riuarian Corridor and Wetlands Protection and 16.32, Sensitive Habitat Protection. The land area devoted to the Biomedical Livestock Operation shown on the required site plan complies with all Plan and Code siting requirements. is commensurate with the needs of the Biomedical Livestock Operation. and is configured in a manner to avoid conflicts. and to be compatible with anv other existing: or uotential agricultural uses of the subject parcel.

(4) Livestock will be securely confined to the site. The use minimizes fencing or other structures, equipment or devices which restrict the natural movement of wildlife in their existing habitat and corridors based on the latest habitat and biodiversitv information available. All fencing complies with County Code Section 13.10.525 unless an approval is granted to exceed the six foot maximum height limit pursuant to County Code Section 13.10.525(c)(2).

(5) On agriculturally zoned land, any research, testing, experimentation or product manufacturing at the Biomedical Livestock Operation shall be limited to the injection, or introduction, of those reagents which are inert, non-viable, non-infectious and non-hazardous and shall specifically exclude any live microorganisms, live viruses (whether wild-type or attenuated), live bacteria, live fungus, live mycoplasma, or live parasites; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); or radioactive compounds or isotopes. This requirement shall not be construed to prohibit any standard and well-established practice of veterinary medicine.

(6) The urouosed oueration is soil-deuendent (e.g. involves grazing, based on the number of animals which could be feasibly and economically grazed on the site assuming: a minimum 40% of feed will be from grazing on-site) and will not generate excessive manure that would adversely affect soil productivity or water auality.

(e) Additional Review. Prior to any action by the Zoning Administrator, the following additional review shall take place:

(1) The adoption or amendment of a master plan for a Biomedical Livestock Operation is a "project" within the meaning of CEQA and the County Environmental Review Guidelines, and is subject to environmental review.

(2) The master plan shall be reviewed by the Agricultural Policy Advisory Commission (APAC), including consultation with the Agricultural Commissioner, the United States Department of Agriculture Natural Resources Conservation Service, and the University of California Extension Service, as applicable, for a recommendation to the Zoning Administrator on the following:

(i) the size (including square footage) and location of support structures, and

(ii) appropriate animal density for the site in question,

With respect to the foregoing, APAC shall make its recommendation based on (a) determination of whether the proposed oueration is soil-dependent (e.g.. involves grazing) and (b) the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed will be from grazing on-site.

(3) The application shall be referred to the County Public Health Officer who shall review the application and the written description of the proposed research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program. Review by the County Public Health Officer shall include the following:

(i) A written summary report of the proposed program, which shall be made available to the public and to the Zoning Administrator prior to any public hearing, including recommendations to the Zoning Administrator as to whether to approve, conditionally approve or deny the application. The Public Health Officer shall base the summary report and recommendations on all information available to him/her. In investigating and preparing his/her report and recommendation, the Public Health Officer may consult with and obtain information from experts in the biomedical research field, with fees and costs for such consultations and information to be paid for by the Applicant. Any interested person may also submit

written comments on the proposed program to the Zoning Administrator at or prior to the Level V Hearing.

(ii) A recommendation as to permit conditions for the Biotechnology Livestock Operation that are necessary to ensure that the public health, safety, and welfare are protected at all times.

(4) If the Public Health Officer determines that the proposed Biomedical Livestock Operation presents a human health hazard, the Zoning Administrator shall not approve or conditionally approve the Biotechnology Livestock Operation. If the recommendation is to approve or conditionally approve the Biomedical Livestock Operation, the Zoning Administrator shall proceed to make a final decision on the application in accordance with all applicable criteria. In any case, the recommendations of the Public Health Officer shall be incorporated into the conditions, findings and decision of the Zoning Administrator.

(5) If the Planning Commission or Board of Supervisors acts to auurove the prouosed Biomedical Livestock Oueration desuite an unfavorable recommendation bv the Public Health Officer to the Zoning Administrator. the Officer shall be further consulted as to auurouriate conditions to place on the Oueration.

(f) Amendments to Approved Master Plan. Any changes to the approved master plan, including any material changes to the approved research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program that will utilize the livestock, shall require an amendment to the Master Plan or Development Permit in accordance with the procedures for obtaining a Major Amendment set forth in County Code Section 18.10.134. A material change to the approved research, testing, experimentation or product manufacturing program shall include any change that could have an effect on public health, safety, welfare or the environment. Any request for an amendment to the Master Plan or Development Permit shall be summarized and reviewed by the County Public Health Officer, using the same procedure as required for an initial application. No material change in the program shall occur until after the proposed change receives final approval following a Level V review. A change from injections involving non-hazardous substances such as reagents which are inert, non-viable, and non-infectious to injections involving any potentially hazardous agents such as live microorganisms, live viruses (whether wild-type or attenuated), live fungi, live parasites, live mycoplasma, live bacteria; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); and/or radioactive compounds or isotopes shall be prohibited.

(g) Permit Expiration and Renewal. A Biomedical Livestock Operation shall be subject to the following review following approval of a development permit

(1) Any development permit approved for a Biomedical Livestock Use shall be valid for five years or a lesser time as established by the Zoning Administrator. The permit holder shall be required to submit an application for renewal prior to the expiration of the development permit. The uermit shall also be conditioned to require the uermit holder to submit a closure ulan urior to terminating a biomedical livestock oueration or prior to uermit exuiration if a renewal auulication is not sought or is denied. The closure plan shall provide for the removal of any facilities inappropriate for future non-biomedical agricultural use of the site. Continued operation of the Biomedical Livestock use shall be subject to permit renewal processed at Level IV, or Level V. if a coastal permit is involved. according to procedures set forth in County Code Chapter 18.10. Under no circumstances, whether through conditions beyond the control of the permittee, lack of actual notice of expiration, reliance on an error of public officials, or for any other reason shall the expiration date of a permit be automatically extended, except as may be provided by relevant provisions of State law, or give rise to an estoppel against the County. Requests for renewal of a development permit for a Biomedical Livestock Use shall be evaluated based on compliance with original permit conditions and inspection by the County Planning Department; inspection of the site by the County Health Officer for compliance with Chapters 7.22, 7.30, and 7.100 and the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program; review by the County Planning Department of all applicable federal, state and/or local laws and the applicant's compliance with them as documented by the respective agencies; and a review of all applicable County ordinances and policies.

(2) The Public Health Officer, the Director of Animal Control and/or Planning staff shall have the right to make random, unannounced inspections and/or investigations of any Biomedical Livestock Operation, including access to all databases containing information on the livestock which is part of the biomedical livestock operation, as necessary to determine compliance with the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program and/or Chapters 7.22, 7.30, and 7.100.

(h) Violations of Conditions of Development Permit. It shall be unlawful for any person to exercise any Development Permit which authorizes a Biomedical Livestock Operation without complying with all of the conditions of such permit. Any violation of permit requirements shall be subject to enforcement action as set forth in County Code Chapter 19.01.

(i) Review of Ordinance. Upon the earlier of the filing with the County of (1) a total of five (5) applications (including applications to amend Master Plans and/or Development Permits to encompass additional land under an existing Master Plan and/or Development permit; but, excluding applications solely for renewal under subsection (h) above), or (2) applications totaling five (5) parcels of land, this Ordinance shall be reviewed by the Planning Commission, and public hearing(s) conducted before it, regarding the impact (including potential impact) of biomedical livestock operations on agriculturally zoned land. The Planning Commission, following public hearing(s), shall make recommendations to the Board of Supervisors regarding any amendments to this Ordinance, the County Code and the General Plan that the Planning Commission believes is in the best interest of the County in order to maintain and protect prime agricultural crop land and range land in the County. The Board of Supervisors shall hold public hearing(s) and act on the Planning Commission's recommendations.

SECTION IV

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

SECTION V

This Ordinance shall take effect on the 3 1 st day after final passage, or upon certification by the California Coastal Commission, whichever is later.

ADDITIONAL SUGGEGSTED ORDINANCE AMENDMENTS

Amend existing. Section 13.20.073 of the County Code. regarding: "Arrriculturallv-Related Develoument Exclusions." by adding the following as introductory or concluding; language:

> Barns, storage. equipment. and other buildings. associated paving;. fences. and water pollution control facilities which are uart of the Biomedical Livestock Onerations are not excluded from coastal uermit reauirements,

Amend existing: Section 16.30.050(b) of the County Code under "Exemptions" from Riuarian Corridor and Wetlands Protection as follows:

> The continuance of any preexisting agricultural use, but not establishment or exuansion of anv Biomedical Livestock Oueration, urovided such use has been exercised within the last five years.

Amend existing Section 16.32.105 of the County Code under "Exemption" from biotic auuroval as follows:

> Existing commercial agricultural operations and related activities. but not establishment or exuansion of anv Biomedical Livestock Oueration. shall be exemut from the urovisions of Section 16.32.060...

Amend existing Section 16.32.090(c) of the County Codeas follows:

Type f Sensitive Area	Permitted or Conditional Uses	Conditions
13. Intermittent Wetlands	limited grazing, including limited grazing associated with biomedical livestock ouerations, uses within wetlands(above), existing agriculture	
2 Grasslands in the Coastal Zone	nature observation, educational instruction, grazing, soil-deuendent biomedical livestock ouerations, viticulture, consistent with Local Coastal Program policies, residential uses meeting performance criteria	Structures shall be clustered and located outside the grassland where feasible

SANTA CRUZ COUNTY LOCAL COASTAL PROGRAM MAJOR AMENDMENT # 3-97

ATTACHMENT C

TEXT OF SELECTED REFERENCED PROVISIONS

FROM THE *LAND USE PLAN*:

2.17 Light Industrial Designation
2.19 Heavy Industrial Designation
2.21 Public Facility Designation
5.13 Agricultural Policies
Glossary Agricultural Definitions

FROM THE *COUNTY CODE* (IMPLEMENTING ZONING):

13.10.311 & .312 Agricultural Districts
13.10.314 Special Agricultural Findings
13.10.321b Residential Agricultural District
13.20.073 Agricultural Exclusion
16.30.050 Riparian Corridor/Wetlands Exemption
16.32.060 & .105 Biotic Report Exemption

Objective 2.17 Service Commercial and Light Industrial Designation (C-S)

(LCP) To meet the service and employment needs of the community by providing for commercial services and light industrial activities in areas having adequate access and public services and where the impacts of noise, traffic, and other nuisances and hazards associated with such uses will not adversely affect other land uses.

Policies

2.17.1 Location of Service Commercial/Light Industrial Uses

(LCP) Designate on the General Plan and LCP Land Use Maps areas appropriate for Commercial Services or Light Industrial use based on proximity to major sheets and rail transportation, provision of adequate services, and compatibility with adjacent land uses and the environment.

2.173 Location of Light Industry within the Coastal Zone

(LCP) Permit light industry to locate within the Coastal Zone only on sites currently designated Service Commercial/ Light Industry. Designation of additional sites for light industry shall require an amendment to the General Plan and LCP Land Use Plan Designate new sites only when:

(a) No other feasible alternatives exist,
(b) There is a demonstmted need for new sites,
(c) The site is not suitable for or designated for a coastal priority use,
(d) A compelling public need is demonstmted, and
(e) Development of the site would be consistent with all General Plan and LCP Land Use Plan resource protection policies.

2.173 Allowed Uses in Service Commercial and Light Industrial Designations

(LCP) Allow light industrial facilities such as assembly and manufacturing; commercial services facilities such as auto repair, contractors' yards, and warehousing; and outdoor sales facilities, such as nurseries, lumber yards, and boat and auto sales in the Commercial Services/Light Industry land use designation. Limit the permitted uses inthiscategorytothosewithoutmajorpollutionornuisancefactors. Limitgeneralretailusesinthisdesignation to those which require large showrooms or outside sales area, or those which are ancillary to amanufactuting use and market items produced on site. Allow child care facilities intended to serve the employees of the light industrial development Allow limited office uses and those which are accessory to the approved service commercial or-light industrial use.

217.4 Design of Service Commercial/Light Industrial Uses

Ensure compatibility with adjacent uses through the Commercial Development Permit procedures with careful attention to landscaping, signage, access, site and building design, drainage, on-site parking and circulation, fencing, and mitigation of nuisance factors.

2175 Service Commercial Uses on Small Parcels

Encourage assembly of existing small parcels and restrict intensity of use on small parcels to minimize impacts on traffic and adjacent properties.

Objective 2.19a Heavy Industry Designation (I)

(LCP) To provide for limited heavy industrial activities such as lumber mills and major manufacturing plants, to encourage the productive utilization of the County's natural resources and provide employment for County residents, while ensuring compatibility with the environment, available infrastructure, and adjacent land uses.

Objective 2.21 Public Facility/Institutional Designation (P)

(LCP) To ensure adequate present and future availability of land for both public and quasi-public facility uses including schools and University facilities, fire stations, churches, hospitals, cemeteries, sanitary landfills, and water supply and treatment facilities.

Policies

2.21.1 Public Facility/Institutional Land Use Designation

(LCP) Utilize a Public Facility land use designation on the General Plan and LCP Land Use Maps to designate public and quasi-public facilities uses and integrally related public facility support facilities. Recognize an intensity of use for existing public and private institutions at existing levels of development:

(a) Permit new development or increases in intensity of use for public institutions and private non-residential public facilities uses where consistent with infrastructure constraints, and scenic, natural and agricultural resource protection.

(b) Permit new development or increases in intensity of use for private public facility residential uses, (1) in urban areas equivalent to medium density residential, and (2) in rural areas equivalent to the rural residential density range: 2-1/2 to 20 acres/dwelling unit (or equivalent), as determined by application of the Rural Density Matrix.

2.21.2 Location of Public Facility/Institutional Land Uses

Allow public facility uses in all urban residential land use designation and zoning districts as well as limited public facility uses in commercial designations and districts as regulated in Volume II of the County Code. (See section 2.12.2 for information regarding public facility uses in commercial designations.)

2.213 Allowed Uses in Public Facility/Institutional Designations

Utilize Public Facility land use designations exclusively for the public or quasi-public facility activity at the site, and prohibit private uses more appropriately found under other General Plan and LCP Land Use Plan designations.

231.4 Location of Public Utility Transmission Facilities

Public utility transmission and distriiution facilities, including substations, shall be allowed in all land use districts, provided, however, that the routes or site plans of all proposed gas and electric transmission lines and substations shall be submitted to the Planning Department for review and recommendations prior to the acquisition of necessary land tights. No discretionary permit shall be required for a proposed land use which is subject to the jurisdiction of the California Public Utilities Commission or the California Energy Commission.

2315 &laster Plans for Public Facility/Intitutional Uses

Requite long-term Master Plans for public facilities prior to establishing new facilities or expanding existing facilities. Master Plans should be coordinated with adjacent uses and include neighboring development when the public facility use affects adjacent uses or encourages related support service development. Master Plans should also demonstrate that the proposed use and projected expansion area is compatible with County population growth goals.

AGRICULTURE

Objective 5.13 Commercial Agricultural Land

(LCP) To maintain for exclusive agricultural use 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 land to non-agricultural uses. 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.

Policies

5.13.1 Designation of Commercial Agriculture Land

(LCP) Designate on the General Plan and LCP Resources and Constraints Maps as Agricultural Resource all land which meets the criteria (as defined in the General Plan Glossary) for commercial agricultural land.

5.133 Types of Agriculture Lands

(LCP) 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, by County ordinance to identify the distribution of the following types of Commercial Agricultural Land in the County:

Type 1A — Viable Agricultural Land
Type 1B — Viable Agricultural Land in Utility Assessment Districts
Type 2A — Limited Agricultural Land
Type 2B -Limited Agricultural Land -Geographically Isolated
Type 2C — Limited Agricultural Land in Utility Assessment Districts
Type 2D — Limited Agricultural Land Experiencing Use Conflicts
Type3 — Viable Agricultural Land Within the Coastal Zone
*See Glossary for detailed definition of Agricultural Land, Commercial.

5.133 Land Use Designations for Agricultural Resource Lands

(LCP) All lands designated as Agricultural Resource shah be maintained in an Agricultural Land Use designation, unless the property is included in a public park or biotic reserve and assigned as Parks, Recreation and Open Space (O-R), Resource Conservation (O-C), or Public Facility (P) land use designations.

5.13.4 Zoning of Agricultural Resource Land

(LCP) Maintain all lands designated as Agricultural Resource in the "CA", Commercial Agricultural Zone District, except for land in agricultural preserves zoned to the "AP", Agricultural Preserve Zone District or the "A-P", Agriculture Zone District and Agriculture Preserve Combining Zone District; timber resource land zoned to the "TP", Timber Production Zone District; or public parks and biotic conservation areas zoned to the "PR", Parks, Recreation and Open Space Zone District,

5.135 Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land

(LCP) Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively forlong-term commercial agricultural use. Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops and raising of animals including grazing and livestock production.

5.13.6 Conditional Uses on Commercial Agricultural (CA) Zoned Lands

(LCP) All conditional uses shah be subject to standards which specify siting and development criteria; including size, location and density. Allow conditional uses on CA zoned lands based upon the following conditions:

(a) The use constitutes the principal agricultural use of the parcel; or

(b) The use is ancillary incidental, or accessory to the principal agricultural use of the parcel; or

(c) The use consists of an interim public use which does not impair long term agricultural viability; and

(d) The use is sited to avoid conflicts with principal agricultural activities in the area; and

(e) The use is sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production.

5.13.7 Agriculturally Oriented Structures

Allow only agriculturally oriented structures or dwellings on Commercial Agricultural Land; prohibit non-agricultural residential land use when in conflict with the fundamental objective of preserving agriculture.

5.13.8 Location of Agricultural Support Facilities

Require agricultural support facilities, where permitted on designated Agricultural lands, to locate either off good agricultural soils, or when this is not feasible, on the perimeter of good agricultural soils.

5.13.9 Utility District Expansion

(LCP) 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.

5.13.10 Water and Sewer Lines in the Coastal Zone

(LCP) Prohibit the placement of water or sewer lines on commercial agricultural lands in the Coastal Zone. Allow exceptions to this policy only under the following circumstances and require safeguards (See 513.11) to be adopted which ensure that such facilities will not result in the conversion of commercial agricultural lands to non-agricultural uses:

(a) 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.

(b) 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.

(c) 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.

5.13.11 Protection for Water and Sewer Lines

(LCP) For the purposes of policy 5.13.10, safeguards shah include, but not be limited to:

(a) Prohibiting hookups to trunk lines through commercial agricultural lands, and

(b) Prohibiting the levying of assessment fees against commercial agricultural land for the construction of sewage transmission lines running through them.

(See Wastewater policies, section 7.21)

5.13.12 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 for on-site energy production. **(See program e.)**

5.13.13 Composting Agricultural Wastes

(LCP) 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 land with an approved development permit, including coastal development permits, subject to health and water quality requirements.

LAND DIVISIONS ON COMMERCIAL AGRICULTURAL LAND

5.13.14 Type 1A and Type 3 (Viable Agriculture) Land Division Criteria

(LCP) **Maintain existing** parcel sizes of Type 1A and Type 3 Agricultural Lands and allow land divisions only for exclusive agricultural purposes under the following conditions:

(a) When documented to be necessary for continued commercial **agricultural** use of the parcels,

(b) When determined not to be detrimental to the economic viability of said parcels, adjoining or nearby parcels,

(c) Where all parcels involved will be of sufficient size to allow for economic fanning of the parcels. In no case shah the minimum parcel size in new land divisions be smaller than 10 arable **acres** for Type 1 lands, nor smaller than 20 arable acres for Type 3 lands, and

(d) Where no conflicts with adjacent agricultural operations **result** from the land division.

5.13.15 Agricultural Preserve Contracts

(LCP) Agricultural **Preserve (Williamson** Act) contracts and a covenant enforceable by the County to prohibit the use of the subject parcel for **non-agricultural** purposes shall be **recorded** on the **property** title prior to **filing Final** Maps, for all parcels created by land divisions.

5.13.16 Dividing Off Non-Farmable Land

(LCP) Land divisions 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 shah not be **permitted,** except as provided in policy 5.13.18.

5.13.17 Division Must Not Hamper Long Term Agriculture

(LCP) No **proposed** division shah be approved except where it is shown that such division will not hamperordiscourage long-term commercial agricultural operations.

5.13.18 Dividing Off Non-Designated Land For Public Purposes

(LCP) Property with a minimum parcel size of 40 gross **acres** may have that portion of the land without a commercial **agricultural** zone district designation divided from that portion with such a designation only under the following circumstances:

(a) The division is for a public purpose on land in public ownership;

(b) Potential use of the divided-off **parcel** will not adversely impact the **agricultural** activities of the commercial **agricultural area;**

(c) There is little likelihood for subsequent intrusion of non-agricultural development into larger, exclusively agricultural **area;** and

(d) The divided-off 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 non-agricultural land is part of an agricultural parcel which exists separately **from** other **agricultural areas.**

5.13.19 Type 2 (Limited Agriculture) Land Division Criteria

Allow division of Type 2 **Agricultural** Land only for **agricultural** purposes, but in no case to smaller than a 20 arable acre minimum parcel size for new land divisions.

RESOLVING OPERATIONAL AND LAND USE CONFLICTS

5.1333 Agricultural Buffers Required

(LCP) Require a 200 foot buffer area between commercial agricuhural and non-agricultural land uses to prevent or minimize potential land use conflicts, between either existing or future commercial agricultural and non-agricultural land uses.

5.13.24 Agricultural Buffer Findings Required for Reduced Setbacks

(LCP) A 200 foot buffer setback is. required between habitable development and commercial agricultural land (including residential development, farm labor housing, commercial or industrial establishments oncommercial agricultural land), unlesss a lesser distance is established as set forth in the Agricultural Land Preservation and Protection ordinance. Any amendments to the language of the agricultural buffer ordinance shah require a finding demonstrating that agricuhural lands shah be afforded equal or greater protection with the amended language.

5.1325 Agricultural Policy Advisory Commission Review

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

(a) Habitable structures within 200 feet of commercial agricultural lands; and

(b) Land divisions within 200 feet of commercial agricultural lands.

Density Credit shall be given for the buffer area.

5.13.26 Windbreaks

(LCP) Buffers shall include windbreaks designed to reduce or eliminate the hazard of pesticide drift or other use conflicts based on the prevailing wind direction.

5.1337 Siting to Minimize Conflicts

(LCP) Structures shall be sited to minimize possible conflicts with agriculture in the area. Where structures are located on agricultural land, the structures shall be sited in such a manner to remove as little land as possible from production.

5.13.28 Residential Uses on Commercial Agricultural Laud

(LCP) Issue residential building permits pursuant to policy 5.13.32 in areas designated as commercial agricultural land, only upon documentation that:

(a) The residential use will be ancillary to commercial agricuhural use of the parcel (See criteria in policy 5.13.29); or

(b) 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, residential development shah be allowed only if the residential use does not conflict with on-site or adjacent agricultural activities and the building site has approved agricultural buffer setbacks.

GLOSSARY OF TERMS

Accessory/Ancillary/Appurtenant/Incidental Use
Any use which is secondary or subordinate to the principal or main use of a property and which clearly does not change the character of the main use. For example, a restaurant or gift shop in a resort (which caters primarily to patrons of the resort).

Adjacent Parcel
A parcel near or close to the subject parcel.

Adjoining/contiguous parcel
Abutting, lying next to, or touching a parcel.

Affordable
(LCP) Capable of purchase or rental by a household with moderate or lower income, based on their capacity to make initial monthly payments necessary to obtain housing. Housing is affordable when a household pays 25 to 30 percent or less of their gross income for housing. (See the Housing Element for more explanation of the term "affordable".)

Agricultural Land, Commercial
Commercial agricultural land includes all land which meets the criteria specified below, including all land enforceably restricted with a Land Conservation Act (Williamson Act) contract for Agricultural Preserve.

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 agricultural use over a long period of time, and are likely to continue to be capable of commercial agricultural use in the foreseeable future.

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.

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.

Type 2 — Commercial Agricultural Laud. 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 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 ten years 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.

Type 2A — Limited Agricultural Lands in Large Blocks. These lands are in fairly large blocks, are not in any indebtedness, and are not subject to agricultural-residential use conflicts.

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.

Type 2C — Limited Agricultural Lauds in Utility Assessment Districts. This type includes agricultural lands with limiting factors which are in a utility assessment district, as of 1979, which has incurred bonded indebtedness.

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.

Type 2E — Vineyard Lands.

Type 3 — Viable Agricultural Land within. the Coastal Zone. This category includes all of the following lands outside the Urban Services Line and the Urban Rural Boundary, 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 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 glossary.

Agriculture Uses, Commercial
Agricultural operations conducted as a commercial venture for the purpose of achieving a return on investment.

Agriculture Uses, Non-commercial
Agricultural operations conducted for subsistence purposes, as a hobby or as part of a rural lifestyle where sale of the product is not the primary goal.

Agricultural Policy Advisory Commission
(LCP) A County commission, appointed by the County Board of Supervisors, whose role is to advise the Board on agricultural matters and to review development applications affecting agricultural land.

Agricultural Preserve
A contract between a landowner and Santa Cruz County establishing that a certain amount of land will be used for agricultural purposes only for a minimum of ten years. The ten year period is renewed every year. In recognition of this land use restriction, the landowner may receive preferential taxation on that land.

AMBAG -Association of Monterey Bay Area Governments
AMBAG is a voluntary association of 15 cities and Santa Cruz and Monterey counties in California's Central Coast region formed by a Joint Powers Agreement to serve as a forum for discussion of regional issues. The Association has been designated as an Areawide Planning Organization (APO) by the U.S. Department of Housing and Urban Development; as a Metropolitan Planning Organization (MPO) by the U.S. Department of Transportation; and as a Water Quality Planning Agency by the U.S. Environmental Protection Agency.

Anadromous
(LCP) Species of fish which migrate from the ocean to fresh water streams to spawn.

Ancillary
(LCP) See Accessory.

Approach Zone
The air space at each end of a landing strip that defines the glide path or approach path of an aircraft and which should be free from obstruction, the lower boundary being a plane at a specified slope, beginning at the end of the runway overrun strip.

Appurtenant
(LCP) See Accessory.

Aquaculture
(LCP) A form of agriculture that is devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses.

Aquifer
(LCP) The underground layer of water-bearing rock, sand or gravel through which water can seep or be held in natural storage. Such waterholding rock layers hold sufficient water to be used as water supply.

Arable (land)
Land which is suitable for the cultivation of crops. Such land usually contains soils with a U.S. Soil Conservation Service agricultural capability rating of I-IV and slopes less than 25%.

16.30.050 EXEMPTIONS. The following activities shall be exempt from the provisions of this chapter.

(a) The continuance of any preexisting nonagricultural use, provided such use has not lapsed for a period of one year or more. This shall include change of uses which do not significantly increase the degree of encroachment into or impact on the riparian corridor as determined by the Planning Director.

(b) The continuance of any preexisting agricultural use, provided such use has been exercised within the last five years..

(c) All activities done pursuant to a valid County timber harvest permit.

(d) All activities listed in the California Food and Agricultural Code pursuant to the control or eradication of a pest as defined in Section 5006, Food and Agriculture Code, as required or authorized by the County Agricultural Commissioner..

(e) Drainage, erosioncontrol, or habitat restoration measures required as a condition of County approval of a permitted project. Plans for such measures shall be reviewed and approved by the Planning Director. (Ord. 2460, 7/19/77; 2537, 2/21/78; 3335, 11/23/82)

(f) The Pajaro River Sediment Removal Project, under the Army Corps of Engineers Permit No. 21212S37, issued May, 1995, or as amended. (Ord. 4374, 6/6/95)

16.30.060 EXCEPTIONS. Exceptions and conditioned exceptions to the provisions of this Chapter may be authorized in accordance with the following procedures:

(a) Application. Application for an exception granted pursuant to this chapter shall be made in accordance with the requirements of Chapter 18.10, Level III or V, and shall include the following:

1. Applicant's name, address, and telephone number.

2. Property description: The assessor's parcel number, the location of the property and the street address if any.

3. Project description: A full statement of the activities to be undertaken, mitigation measures which shall be taken, the reasons for granting such'an exception, and any other information pertinent to the findings prerequisite to the granting of an exception pursuant to this section.

4. Two sets of plans indicating the nature and extent of the work proposed. The plans shall depict property lines, landmarks and distance to existing watercourse; proposed development activities, alterations to topography and drainage channels; mitigation measures, including details of erosion control or drainage structures, and the extent of

PART III

13.10.300 BASIC ZONE DISTRICTS (Ord. 3344, 11/23/82; 3432, 8/23/83)

13.10.310 AGRICULTURAL DISTRICTS (Ord. 3344, 11/23/82; 3432, 8/23/83)

Sections:

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 Section 16.50.010 of the Santa Cruz County Code, 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 industries. Within the "CA" Commercial Agriculture Zone District, commercial agriculture shall be encouraged to the exclusion of other land uses which may conflict with it. (Ord. 2622, 1/23/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(b) "A" Agriculture. The purposes of the "A" Agriculture Zone District are to encourage and provide for noncommercial agricultural uses, such as family farming and animal raising, and to allow limited 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 maintain options for a diversity of farm operations; to implement the agricultural preservation policy of Section 16.50 of the

County Code; and to maintain productive open space and rural character in the county. (Ord. 1639, 9/21/71; 2450, 6/21/77; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(c) "AP Agricultural Preserve. The purposes of the "CA" Zone District shall apply to the "AP" Agricultural Preserve Zone District. The "AP" regulations are designated to apply only to lands located within an agricultural preserve established in accordance with the provisions of the California Land Conservation Act of 1965 as now enacted or as hereafter amended, and which are within the "AP" Zone District as of July 27, 1982. (Ord. 1283, 1/2/68; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(d) Interpretation of Provisions. The provisions of this Chapter shall be liberally interpreted insofar as they apply to 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 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 on the map entitled "Agricultural Resources' on file with the Planning Department; 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" and "AP", except where it is clearly demonstrated that any division of such parcels shall not diminish the productivity or in any way hamper or discourage long-term commercial agricultural operations on said parcels or adjoining or nearby parcels.

(Ord. 1283, 1/2/68; 1639, 9/21/71; 2450, 6/21/77; 2622, 1/23/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83

13.10.312 USES IN AGRICULTURAL DISTRICTS.

(a) Principal Permitted Uses.

1. The principal permitted use in the Coastal Zone shall be as follows: "CA" and "AP" agricultural pursuits for the commercial cultivation of plant crops, including food, fiber, flower or other ornamental crops and the commercial raising of animals, including grazing and livestock production, and agriculture and accessory uses and structures; "A": agricultural pursuits, including the noncommercial or commercial cultivation of plant crops or raising of animals, including apiculture, single-family residential and accessory uses and structures, excepting those agricultural activities listed as Discretionary Uses. (Ord. 1283, 1/2/68; 1703, 5/18/72; 1806, 12/12/72; 2769, 9/11/79; 2622, 1/23/79; 2771, 9/11/79; 3015, 12/2/80)

(b) Allowed Uses. The uses allowed in the agricultural districts shall be as provided in the Agricultural Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the agricultural zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. All Level V or higher Approvals in the "CA" and "AP" zone districts are subject to the special findings required by Section 13.10.314(a) in addition to those required in Section 18.10.230.

(Ord. 3632, 3/26/85; 4346, 12/13/94; 4406, 2/27/96; 4416, 6/11/96)

ATTACHMENT 3

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(a) All Uses. For parcels within the "CA" Commercial Agriculture and "AP" Agricultural Preserve Zone Districts, the following special findings must be made in additfon to the findings required by Chapter 18.10 in order to approve any discretionary use listed under Section 13.10.312 which requires a Level V or higher Approval except Agricultural Buffer Determinations:

1. That the establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area.

2. That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or that no other agricultural use is feasible for the parcel.

3. That single-family residential uses will be sited to minimize conflicts, and that all other uses will nbt'conflict with commercial agricultural activities on site, where applicable, or in the area.

4. That the use will be sited to remove no land from production (or potential production) if any nonfarmable potential building site iS available, or if this is not possible, to remove as little land as possible from production. (Ord. 4094, 12/11/90)

(b) Residential Uses in the Coastal Zone. For parcels within the "CA" Commercial Agricultural and "AP" Agricultural Preserve Zone Districts in the Coastal Zone, the following special findings shall be made in addition to those require3 by Chapter 18.1.C and paragraph (a) above in order to approve any discre-tionary residential use including a single family residence, a permanent caretaker's residence, or habitable accessory structure. These findings shall be based upon a review and determination by the Agricultural Policy Advisory Commission.

1. That the parcel is less than one acre in size; or that the parcel has physical constraints (such as adverse topographic, geologic, hydrologic or vegetative conditions} other than size which preclude commercial agricultural use; or that the residential use will be ancillary to commercial agricultural use of the parcel based upon the fact that either:

(i) The farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography and climate of the area; or

(ii) The owners of the subject parcel have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

2. That the residential use will meet all the requirements of Section 16.50.095 pertaining to agricultural buffer setbacks. (Ord. 3646, 5/7/85)

3. That the owners of the parcel have executed binding hold-harmless covenants with the owners and agricultural operators of adjacent agricultural parcels, Such covenants shall run with the land and shall be recorded prior to issuance of the Development permit. (Ord. 2622, 1/23/79; 2771, 9/11/79; 3015, 12/2/80; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

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13.10.321 PURPOSES OF RESIDENTIAL DISTRICTS.

(a) General Purposes. In addition to the general objectives of this Chapter (13.10.120) the residential districts are included in the Zoning Ordinance in order to achieve the following purposes:

1. To provide areas of residential use in locations and at densities consistent with the County General Plan.

2. To preserve areas for primarily residential uses in locations protected from the incompatible effects of nonresidential land uses.

3. To establish a variety of residential land use categories and dwelling unit densities which provide a choice of diversified housing opportunities consistent with public health and safety.

4. To achieve patterns of residential settlement that are compatible with the physical limitations of the land and the natural resources of the County and that do not impair the natural environment.

5. To ensure adequate light, air, privacy, solar access, and open space for each dwelling unit.

6. To maximize efficient energy use and energy conservation in residential districts, and to encourage the use of locally available renewable energy resources.

7. To provide adequate space for off-street parking of automobiles.

8. To provide areas of residential use consistent with the capacity of public services, the Urban Services Line and Rural Services Line and the reserve capacity policy of the Local Coastal Program Land Use Plan for tourist services. To minimize traffic congestion and avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them.

9. To protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion, and hazards such as fire, explosion, or noxious fumes. (Ord. 560, 7/14/58; 1092, 6/8/65; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3501, 3/6/84; 4406, 2/27/96; 4416, 6/11/96)

(b) Specific "RA" Residential Agricultural DistrictPurposes. To provide areas of residential use where development is limited to a range of non-urban densities of single-family dwellings in areas outside the Urban Services Line and Rural Services Line; on lands suitable for development with adequate water, septic system suitability, vehicular access, and fire protection; with adequate protection of natural resources; with adequate protection from natural hazards; and where small- scale commercial agriculture, such as animal-keeping, truck farming and specialty crops, can take place in conjunction with the primary use of the property as residential.

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(Ord. 560, 7/14/78; 839, 11/28/62; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 4346, 12/13/94)

13.20.073 AGRICULTURALLY-RELATED DEVELOPMENT EXCLUSION

Agriculturally-related development as listed below is excluded, on all lands designated agriculture on the General Plan and Local, Coastal Program Land Use Plan maps, except within one hundred feet of any coastal body of waters stream, wetland, estuary, or lake; within areas between the sea and the first public through road paralleling the Sea; or on parcels less than 10 acres in site (Ord. 4346, 12/13/94):

(a) The construction, improvement, or expansion of barns, storage buildings, equipment buildings and other buildings necessary for agricultural support purposes, provided that such buildings will not exceed 40 feet in height; will not cover more than 10,000 square feet of ground area including paving; and will not include agricultural processing plants, greenhouse- [illegible] construction or expansions of more than 2000 square feet of ground area in rural scenic corridors shall comply with 13.20.130(c)4.

(b) Improvement and expansion of existing agriculturally-related processing plants, mushroom farms or greenhouses provided that such improvements will not exceed 40 feet in height, and will not increase ground coverage by more than 25 percent or 10,000 square feet, whichever is less. Building expansions of more than 2000 Square feet in rural scenic corridors shall comply with 13.20.130(c)4. This type of development may be excluded only one time per record parcel of land. If improvement or expansion is proposed after such development pursuant to this exclusion has been carried out, then a Coastal Zone Approval must be obtained for the subsequent development.

(c) Paving in association with development listed in paragraphs (a) and (b), above, provided it will not exceed ten Percent of the ground area covered by the development.

(d) Fences for farm or ranch purposes, except any fences which would block existing equestrian and/or pedestrian trails.

(e) Water wells, well covers, pump houses, water storage tanks of less than 10,000 gallons capacity and water distribution lines, including up to 50 cubic yards of associated grading, provided that such water facilities are not in a water shortage area as designated pursuant to Section 11.90.130 of the County Code pertaining to a Water Shortage Emergency will be used for on-site agriculturally-related purposes only.

(f) Water impoundments in conformance with the Grading Ordinance, (Chapter 16.20 of Santa Cruz County Code) provided that no portion of the body of water will inundate either temporarily or permanently any drainage areas defined as riparian corridors in Chapter 16.30 (Riparian Corridor Protection), provided that such impoundments will not exceed 25 acre feet in capacity and will not be in a designated water shortage area.

(g) Water Pollution control facilities for agricultural purposes if constructed to comply with waste discharge requirements or other orders of the Regional Water Quality Control Board.

13.20.074 SIGNIFICANT TREE REMOVAL EXCLUSION. Significant tree removal in conformance with the provisions of Chapter 16.34 (Significant Trees Protection) is excluded.

13.20.075 [illegible]

16.32.060 APPROVAL REQUIRED.

ATTACHMENT 3

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(a) Except as provided in Subsection (b) below, no person shall commence any development activity within an area of biotic concern until a biotic approval has been issued unless such activity has been reviewed for biotic concerns concurrently with the review-of a development or land-division application pursuant to Chapter 18.10, Level III. (Ord. 3342, 11/23/82; 3442, 8/23/83; 4030, 11/21/89)

(b) A biotic assessment shall not be required for repair or reconstruction of a structure damaged or destroyed as a result of a natural disaster for which a local emergency has been declared by the Board. of Supervisors, when:

(1) the structure, after repair or reconstruction, will not exceed the floor area., height or bulk of the damaged or destroyed structure by 10%, and

(2) the new structure will be located in substantially the same location. (Ord. 4030, 11/21/89; 4160, 12/10/91)

16.32.070 -ASSESSMENTS AND-REPORTS -REQUIRED. A biotic assessment shall be required for all development activities and applications in areas of biotic concern, as identified on maps on file in the Planning Department or as identified during inspection of the site by Planning Department staff. A biotic report shall be required if the Environmental Coordinator determines on the basis of the biotic assessment that further information is required to ensure protection of the sensitive habitat consistent with General Plan and Local Coastal Program Land Use Plan policies. If the Environmental Coordinator determines that the project will have a significant effect on the environment under the provisions of the Environmental Review Guidelines, the biotic report shall be part of the Environmental Impact Report. (Ord. 3342, 11/23; 3442, 8/23/83)

16.32.105 EXEMPTION. Existing commercial agricultural operations and related activities shall be exempted from the provisions of Section 16.32.060. Any development activity which has received a riparian exception approved according to the provisions of Chapter 16.30 (Riparian Corridors and Wetlands Protection) may be exempted from the provisions of this chapter if the Planning Director determines that such development activity has received a review, in connection with the granting of the riparian exception, equivalent to the review that would be required by this chapter. (Ord. 3342, 11/23/82; 3442, 8/23/83)

PLANNING DEPARTMENT

COUNTY OF SANTA CRUZ

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March 3. 1998

Agenda: March 10, 1998

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz. CA 95060

RE: CALIFORNIA COASTAL COMMISSION REVIEW OF THE COUNTY'S GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCE AMENDMENTS REGARDING BIOMEDICAL LIVESTOCK OPERATIONS

Members of the Board:

On September 23, 1997, your Board adopted amendments to the County's General Plan/Local Coastal Program Land Use Plan to recognize Biomedical Livestock Operations (BLO) as agricultural uses and adopted amendments to the County Code to include this use as a conditional agricultural use within the Commercial Agriculture ("CA") and Agriculture ("A") zone districts. The amendments to the County Code also established specific processes. standards and findings under which proposals to develop Biomedical Livestock Operations on agricultural properties would be considered.

Following adoption by your Board, the amendments were delivered to the California Coastal Commission, with the required background materials, for review and certification by the Commission as consistent with the California Coastal Act and the County's Local Coastal Program Land Use Plan. The amendments are scheduled to be considered by the Coastal Commission on March 11, 1998. The staff report from Coastal staff was received on February 20th. The recommendation of Coastal staff is for approval of the County's amendments with certain modifications.

The purpose of this letter is to outline the recommended modifications proposed by the Coastal staff and to present an analysis of these modifications. Based on this analysis, a recomtnendation on each modification is presented to: a) accept the modification, b) reject the modification, or c) submit alternative language to the Coastal Commission.

The Coastal Commission staff report (Attachment 1) divides the County's amendments into several groupings. based on topic, for the purpose of discussing the modifications. The analysis and recommended actions will follow the same organization for ease of referencing

the staff report.

Coverage Limitations

1. Coastal staff proposes to amend new Section 5.13.6.1 of the General Plan/Local Coastal Program (LCP). as follows:

> 5.13.6.1 Biomedical Livestock Operations
> Allow Biomedical Livestock Operations as a Level V Conditional Use on agriculturally zoned land, as the only conditional use on the property (except for one residence) and where undertaken pursuant to a site master plan that: limits impervious surface coverage to 1% (or 5% if the site is under 20 acres); removes as' little otherwise productive land as possible; and maximizes and preserves soil productivity on the remainder of the site, subject to all other provisions of the General Plan/Local Costa1 Program, to the provisions of the Zoning Ordinance applicable to the agriculturally zoned land, and to standards which assure protection of the public health, safety, and welfare, while prohibiting Biomedical Laboratories on agriculturally zoned land.

The proposed modification would prohibit any other conditional uses (except for a residence) on agriculturally zoned property and reference specific standards that the BLO uses are required to meet. As discussed in the Coastal staff report under Recommended Findings (page 11-20), the purpose for adding this language to the LCP is twofold. The first part of the modified language underlined above would prohibit any other conditional uses (other than a residence) on a parcel with an approved BLO. This is intended as a way to insure that other conditional agricultural uses do not interfere with or preclude use of the productive soils, as mandated by the California Coastal Act.

County staff believes that this language is inappropriate because it-limits the range of agricultural activities on a parcel. We share the concern of Coastal staff that as little productive soil as possible should be removed or interfered with, but believe that this standard should be and is already applied to all agricultural uses. LCP Policy 5.13.27 states, "Structures shall be sited to minimize possible conflicts with agricultural in the area. Where structures are located on agricultural land, the structures shall be sited in such a manner to remove as little land as possible from production." This policy must be met for all conditional agricultural uses. There is no need to single out the BLO use by restricting that property's ability to support other uses.'

Furthermore. this inflexible approach to agricultural uses is contrary to Objective 5.13 of the LCP. which states:

> To maintain for exclusive agricultural use those lands identified on the County Agricultural Resource 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. 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.

A flexible and favorable regulatory framework is required in order for farmers to be able to react to the changes in the agricultural economy. That is one reason why grading permits are not required for field work. Restricting a farmer to one conditional use because a portion of his land is supporting a BLO ignores the realities of agriculture.

The second part would add some of the site standards from the proposed ordinance to the LCP language. Staff does not have any concern with adding this language.

Recommendation: LCP policy 5.13.6.1 should be amended to read as follows (underlining indicates Coastal staff language to remain):

5.13.6.1 Biomedical Livestock Operations
Allow Biomedical Livestock Operations as a Level V Conditional Use on agriculturally zoned land. pursuant to a site master plan that: limits impervious surface coverage to 1% (or 5% if the site is under 20 acres); removes as little otherwise productive land as possible; and maximizes and preserves soil productivity on the remainder of the site, subject to all other provisions of the General Plan/Local Costa1 Program, to the provisions of the Zoning Ordinance applicable to the agriculturally zoned land, and to standards which assure protection of the public health, safety, and welfare, while prohibiting Biomedical Laboratories on agriculturally zoned land.

2. Coastal staff is recommending a modification to County Code Section 13.10.647(d)(3), as follows:

The Biomedical Livestock Operation complies with all provisions of the General Plan and Local Coastal Program Land Use Plan and the County Code regarding uses on agricultural land. The land area devoted to the Biomedical Livestock Operation shown on the required site plan complies with all Plan and Code siting requirements, is commensurate with the needs of the Biomedical Livestock Operation, and is configured in a manner to avoid conflicts, and to be compatible with any other existing or potential agricultural uses on the parcel. For the purposes of applying these provisions, non-soil dependent operations shall not be considered as the principal agricultural use of the parcel. No conditional uses, defined as uses shown to require Level V or higher review on the Section 13.10.312 Agriculture Use Chart, shall be allowed on a parcel with a Biomedical Livestock Operation, except for one dwelling unit and its appurtenant structures. and only one Biomedical Livestock Operation shall be permitted per parcel.

Staff has reviewed these proposed modifications to the findings and believes that they are either redundant (compliance with the LCP and County Code includes compliance with ALL General Plan/LCP policies and County ordinances) or inappropriate (see discussion above

regarding conditional uses). In addition, certain modifications proposed by Coastal staff in other sections of the County ordinance appear to address the issue of soil dependency. The addition of an express reference to Section 13.10.647 in this finding would include all of the issues addressed in the Coastal Commission recommended modification.

Recommendation: Modifications to County Code Section 13.10.647(d) (3) should be rejected, except to add a reference to Section 13.10.647 as shown in the following revised Section 13.10.647(d)(3):

> The Biomedical Livestock Operation complies with all provisions of the General Plan and Local Coastal Program Land Use Plan and the County Code regarding uses on agricultural land, including the requirements of Section 13.10.647.

Exclusion Inapplicable

1. Coastal staff is recommending that section 13.10.647(c) be amended as follows:.

> Approval of all Biomedical Livestock Operations shall be processed in accordance with the provisions of Chapter 18.10, and shall require a public hearing and action by the Zoning Administrator (Level V).. Barns, storage, equipment, and other buildings, associated paving, fences. and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit requirements provided in Section 13.20.073. The applicant for a Biomedical Livestock Operation shall submit to the County Planning Department a master plan of the proposed facility. The master plan shall be considered part of the permit for the use and shall include the following documentation.. . .

This modification tnakes it'clear that no part of a BLO is excluded from the requirements for a coastal permit. This was the intent of County staff from the beginning and the clarifying language is acceptable.

Recommendation: Accept the modification to Section 13.10.647(c).

2. In order to fully implement the above modification, Coastal staff is recommending that the underlined language shown above be added to Section 13.20.073 of the County Code. This section describes Coastal Exclusions. Staff can support this modification as well.

Recommendation: Accept the revision of Section 13.20.073 as presented.

Ancillary Limitations

1. Coastal staff is recommending several modifications to Section 13.10.647(c)(2), as follows:

> A site plan for all property and parcels on which the Biomedical Livestock Operation is

proposed to be located, which includes: the location and a description of the historic, current and proposed structures and their uses, including any structures to be demolished; delineation of property lines, adjacent streets, and existing and proposed on-site access roads; a description of the parcel(s) and contiguous parcels' 'land uses, including areas used for manure management; delineation of sensitive habitats as defined in Section 16.32.040; and information regarding potential environmental impacts. Proposed structures shall meet the following requirements.. .

(ii) On agriculturally designated land, t~~T~~he maximum land coverage by all structures and impervious surfaces that are part of the Biomedical Livestock Operation shall not exceed 1% of the total gross parcel size(s). This limit may be extended to 5% on parcels less than 20 acres, with a Level VI approval. One r~~R~~esidential structures pursuant to Section 13.10.314(b), ~~driveways and accessory uses~~; structures associated with other allowed ~~or conditional~~ agricultural uses; access roads utilized for other parcels and/or uses; driveways not covered with impervious surfacing (as defined in County Code Chapter 16.32) shall not count towards the 1% coverage maximum.

Staff questions the added word "historic" in the first part of this modification. Certainly, if the structures are historic in the context that they have been designated by the County as an historic resource, this information is germane to the processing of the BLO permit. Otherwise, staff fails to understand why the historic use of structures on the property is a necessary piece of information for the processing of a permit to authorize a BLO.

In subsection (ii), the exceptions to the 1% coverage are modified. Staff believes that this modification is inappropriate for the same reasons that staff recommended against the limitation on other conditional uses on a property with a BLO.

Recommendation: Staff recommends that portions of the modification be accepted and others rejected, and additional language inserted to address the issue of excessive impervious surfacing, as shown in the following revised Section 13.10.647(c)(2):

A site plan for all property and parcels on which the Biomedical Livestock Operation is proposed to be located. which includes: the location and a description of the-current and proposed structures and their uses, including any structures to be demolished; delineation of property lines, adjacent streets, and existing and proposed on-site access roads; a description of the parcel(s) and contiguous parcels' land uses. including areas used for manure management; delineation of sensitive habitats as defined in Section 16.32.040; and information regarding potential environmental impacts. Proposed structures shall meet the following requirements.. .

(ii) On agriculturally designated land, t~~T~~he maximum land coverage by all structures and impervious surfaces that are part of the Biomedical Livestock Operation shall not exceed 1% of the total gross parcel size(s). This limit may

be extended to 5% on parcels less than 20 acres, with a Level VI approval. Residential structures pursuant to Section 13.10.314(b), driveways and accessory uses; structures associated with other allowed ~~or conditional~~ agricultural uses; access roads utilized for other parcels and/or uses; driveways not covered with impervious surfacing (as defined in County Code Chapter 16.32) shall not count towards the 1% coverage maximum. Structures associated with other conditional agricultural uses shall either be counted towards the 1% coverage maximum, or the portion of the parcel devoted to the other conditional agricultural uses shall be deducted from the gross parcel size before applying the percentage limitation to determine the maximum coverage for structures and impervious surfaces.

Manure Management

1. Coastal staff has proposed additional language to Section 13.10.647(c)(4), as follows:

A manure management and erosion control plan prepared pursuant to Section 16.22.060 that:. .~~and~~

(iv) includes provision for the control of objectionable odors; and

(v) locates manure management operations either: within the project's allowable impervious surface area; or on other lands not suitable for cultivation or used for forage. unless for soil or plant enrichment purposes within the next growing season.

Staff has reviewed this modification and can support it. The intent is again to prevent the unnecessary use of productive soils for non-agricultural uses.

Recommendation: Accept the modification to Section 13.10.647(c)(4).

2. Coastal staff is proposing the following modification to Section 13.10.647(e)(2):

. ..With respect to the foregoing, APAC shall make its recommendation based on (a) determination of whether the proposed operation is soil-dependent (e.g. involves **grazing)** and (b) the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed from grazing on-site and which would not generate excessive manure that would adversely affect soil productivity or water quality.

The first modification in this section would more clearly implement the intent of the ordinance to allow Biomedical Livestock Operations that are based on grazing, thereby eliminating the possibility that these uses would be industrial facilities. Staff feels that this modification should be included to strengthen the review by the Agricultural Policy Advisory Commission

(APAC).

However. the second part of the modification dealing with a determination by APAC that the project will not generate excessive manure or adversely affect soil productivity and/or water quality is not necessary and it is not appropriate. This language is already included in Section 13.10.647(c)(4) and it requires that a manure management plan be prepared that "precludes any impairment of long-term soil capabilities for growing plants or forage" and "precludes impairment of surface and groundwater quality and quantity". Thus, the modification proposed above is redundant. Furthermore, the modification is not appropriate because it places a determination regarding effects of manure before APAC, a body eminently qualified to determine if a use is agricultural or not, but not qualitled to assess the impacts of a manure management plan. As specified in Section 13.20.647(c)(4), and by reference to Section 16.22.060. the review will be conducted by Environmental Health Services and the Planning Department, and any impacts assessed as a part of the CEQA review.'

Recommendation: Accept the first part and reject the second part of the modification to Section 13.10.647(e)(2), as follows:

> . . . With respect to the foregoing, APAC shall make its recommendation based on (a) determination of whether the proposed operation is soil-dependent (e.g. involves grazing) and (b) the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed from grazing on-site.

Findings

1. Coastal staff is recommending that the following finding be added to Section 13.10.647(d):

> (6) The Biomedical Livestock Operation complies with or is conditioned to comply with all of the recommendations generated by the reviews required by 13.10.647(e).

This modification has been proposed in an attempt to make the recommendations of APAC and the County Public Health Officer absolutely binding on the proposed Biomedical Livestock Operations. This, however, takes the ultimate authority out of the hands of the Approving Body (Zoning Administrator. or Planning Commission/Board of Supervisors on appeal). There may be instances where the Approving Body decides, based on testimony at the public hearing. to alter a recommendation of one of the reviewers that would address a specific issue. With the finding as proposed. there is no flexibility in the application of the information gathered during the review of the master plan. Also, one of the reviews listed in this section is CEQA. As required by CEQA, all requirements of the environmental review process must be incorporated into the final project conditions. The proposed finding could also mandate that inconsistent recommendations from two reviewers br incorporated into a permit approval.

Recommendation: Reject the proposed modification to add finding (6) to Section 13.10.647(d).

Habitat Protection

1. Coastal staff is proposing to modify Section 13.10.647(d)(4) as follows:

> . . .The use minimizes fencing or other structures, equipment or devices which restrict the natural movement of wildlife in their existing habitat and corridors, based on the latest habitat and biodiversity information available. All fencing complies with County Code Section 13.10.525.. .

The intent here is to insure that the most up-to-date information is used in the assessment of habitat impact. Staff believes that this is important for the review of any proposed development.

Recommendation: Accept modification to Section 13.10.647(d) (4).

2. Coastal staff is proposing to modify Section 13.10.647(e)(1) as follows:

> The adoption or amendment of a master plan for a Biomedical Livestock Operation is a "project" within the meaning of CEQA and the County Environmental Review Guidelines. and is subject to environmental review. Thus, any Biomedical Livestock Operation project must comply with the provisions of Chapter 16.30, Riparian Corridor and Wetland Protection and Chapter 16.32, Sensitive Habitat protection, as well as other applicable provisions.

The intent of this modification is to require that Biomedical Livestock Operations undergo review for compliance with the cited County Code chapters in order to protect riparian corridors and sensitive habitats. Staff agrees that Biomedical Livestock Operations should be subject to the requirements of these ordinances but disagree that this is the location in the ordinance to place that requirement (see proposed modification to County Code Sections 16.30.050(b) and 16.32.105, below). In addition, the wording chosen by Coastal staff does not make sense. CEQA review does not automatically mean that these chapters apply to the project. If the project site contains a riparian corridor or a designated sensitive habitat, the ordinances require specific reviews which will then be considered as a part of the CEQA process.

Recommendation: The proposed modification to Section 13.10.647(e)(1) should be rejected.

3. Coastal staff is proposing to modify County Code Section 16.30.050(b) as follows:

> The continuance of any pre-existing agricultural use, but not establishment or expansion of any Biomedical Livestock Operation, provided such use has been exercised within the last tive years.

This modification would amend the exemptions section'of the County's Riparian Corridor and Wetland Protection Ordinance. Currently, all pre-existing agricultural uses are exempt from the provisions of the Ordinance. The modification would exclude Biomedical Livestock Operations from this exemption. As a result. any Biomedical Livestock Operation proposed on a site that contains a riparian corridor or wetland would be subject to the requirements and standards of the Ordinance. Staff believes that this is acceptable. Protection of riparian corridors and wetlands is the responsibility of all property owners, regardless of land use history.

Recommendation: Accept proposed revision to County Code Section 16.30.050(b).

4. Coastal staff has proposed a similar revision to County Code Section 16.32.105 as follows:

> Existing commercial agricultural operations and related activities, but not establishment or expansion of any Biomedical Livestock Operation, shall be exempt from the provisions of Section 16.32.060.. . .

Like the proposed ordinance revision discussed above, this amendment to the Sensitive Habitat Protection Ordinance would exclude Biomedical Livestock Operations from the agricultural uses exemption. If approved as proposed, a biotic review would be required if a Biomedical Livestock Operation is proposed to be located within or adjacent to a designated habitat. The intent of this ordinance amendment is to provide the highest level of protection for sensitive habitats. especially within the coastal zone.

Staff agrees and believes that this ordinance amendment is appropriate and acceptable, if an additional amendment is included in Chapter 16.32. Staff recommends that the phrase "Soil-dependent Biomedical Livestock Operations" be added as a Permitted or Discretionary Use under the categories of Intermittent Wetlands and Grassland in the Coastal Zone in Section 16.32.090(c). This section outlines the allowed uses and conditions of approval for the specific habitats. Adding Biomedical Livestock Operations to the two categories noted above would subject these uses to the level of biotic review recommended by Coastal staff and permit these uses, subject to meeting the requirements of the biotic and CEQA review, in the two areas where grazing is currently listed as an allowed use.

Recommendation: Accept the proposed revision to County Code Section 16.32.105, if the phrase "Soil-dependent Biomedical Livestock Operation" is added to Section 16.32.090(c) as Permitted or Discretionary Uses in Intermittent Wetlands and on Coastal Grassland in the Coastal Zone, as shown in Attachment 2.

Public Health Officer

Coastal staff proposes to modify Section 13.10.647(e) by adding a new subsection, as follows:

> (5) If the Planning Commission or Board of Supervisors acts on the application

> on appeal, that body shall also incorporate the recommendations of the Public Health Officer into its decision. If the Planning Commission **or** Board of Supervisors acts to approve the proposed Biomedical Livestock Operation despite an unfavorable recommendation by the Public Health Officer to the Zoning Administrator, the Officer shall be further consulted as to appropriate conditions to place on the Operation.

The intent of this language is to give the Public Health Officer the ability to prepare and recommend conditions for a Biomedical Livestock Operation, in a case where the Public Health Officer recommends against approval of a master plan, but on appeal, the Commission or Board may approve the permit. Staff agrees with the intent of the proposed modification, but believes that only the second sentence of the modification is necessary. The first sentence would make the recommendations of the Public Health Officer absolutely binding on the approving body and should be deleted for the same reasons as discussed above with regard to the proposed addition of finding (6) to Section 13.10.647(d). The second sentence requires the Commission and/or Board to obtain recommended conditions from the Public Health Officer before approving a master plan.

Recommendation: Staff recommends that the revision to Section 13.10.647(e) be accepted, but without the first sentence. The revised wording is as follows:

> (5) If the Planning Commission or Board of Supervisors acts to approve the proposed Biomedical Livestock Operation despite an unfavorable recommendation by the Public Health Officer to the Zoning Administrator, the Officer shall be further consulted as to appropriate conditions to place on the Operation.

Closure Plan

Coastal staff is proposing the following modification to Section 13.10.647(g)(1):

> Any development permit approved for a Biomedical Livestock Use shall be valid for five years or a lesser time as established by the Zoning Administrator. The permit holder shall be required to submit an application for renewal prior to the expiration of the development permit. The permit shall also be conditioned to require the permit holder to submit a closure plan prior to terminating a biomedical livestock operation or prior to permit expiration if a renewal application is not sought or is denied. The closure plan shall provide for the removal of any facilities inappropriate for future non-biomedical agricultural use of the site. Continued operation of the Biomedical Livestock use shall be subject to permit renewal processed at Level IV, or Level V, if a coastal permit is involved, according to procedures set forth in County Code Chapter 18.10...

The modification to this section involves two different issues: closure plans and permit renewal review. The first, closure plans, is an issue that was raised during the public hearings at the Planning Commission and the Board. The intent is to require some formal plan for the

removal of the unnecessary facilities and structures associated with a Biomedical Livestock Operation should the permit expire or not be renewed. Staff believes that this is a acceptable, as it implements LCP policies which focus on long-term agricultural soil protection.

The second modification addresses the issue of the level of review for renewals in the coastal zone. Instead of an administrative review with public noticing, a public hearing would be conducted to review the proposed renewal. Staff can support this modification.

Recommendation: Accept the proposed modification to section 13.10.647(g) (1).

Allowed in Other Districts

1. - 3. Coastal staff is proposing to add Biomedical Livestock Operations as a conditional use in other zone districts, as follows:

Add to Section 13.10.342 Industrial Use Chart

	M-l	M-2	M-3
Biomedical Livestock Operation(Subject to 13.10.647)	5	5	-

Add to Section 13.10.362 Public Facilities Use Chart

	PF
Biomedical Livestock Operation(Subject to 13.10.647)	5

Add to Section 13.10.322 Residential Use Chart

	RA	RR	R-l	RB	RM
Biomedical Livestock Operation(Subject to 13.10.647)	5	-	-	-	-

The intent of the three amendments proposed above is to provide alternative zone districts for locating Biomedical Livestock Operations other than the agricultural zones. According to the analysis in the Coastal Commission staff report, this will provide an additional measure of protection for agriculturally designated land by facilitating an analysis of alternative sites.

Staff does not believe that this amendment is acceptable, for a number of reasons. The first and most important is that Biomedical Livestock Operations, as defined and regulated by the proposed ordinance. are agricultural uses and, as such, need to be located on agriculturally designated rural properties. The impacts associated with this use and all agricultural uses are mitigated by their location on rural lands. Odors, noise, dust, etc. are the staples of agricultural uses. Designating any agricultural use on properties zoned Industrial, Residential or Public Facility generally means placing these uses within the Urban Services Line, an area with higher residential densities and a greater likelihood of adverse impacts.

Secondly. as discussed in the Coastal Commission staff report, there are various types of biomedical livestock uses, ranging from the soil-dependent grazing variety envisioned by the County's LCP and ordinance amendment to a biomedical laboratory where animals are kept in

cages. The latter types are already allowed uses in the Commercial Service (C-4), Light Industrial (M-l) and Heavy Industrial (M-2) zone districts. Thus, alternatives do exist for those types of biomedical uses which do not meet the standards for the agricultural zone districts.

The purpose of the Residential Agriculture (RA) zone district is "to provide areas of residential use where development is limited to a range of non-urban densities of single-family dwellings.. . " Although some agriculture is allowed in the RA district, it is governed by "where small-scale commercial agriculture, such as animal-keeping. truck farming and specialty crops, can take place in conjunction with the primary use of the property as residential. " The uses currently listed under Agriculture in the RA use chart include wineries. nurseries, and animal-keeping. This is clearly different than the purpose of the Commercial Agriculture and Agriculture zone districts. where agricultural uses are the primary uses.

Recommendation: Reject the proposed modification to add Biomedical Livestock Operations as allowed uses in the M-1, M-2, PF and RA zone districts.

4. Coastal staff proposes to modify Section 13.10.647(d)(1) as follows:

> On agriculturally-designated land, n~~N~~o Biomedical Laboratory, as defined in Section 13.10.700-L. shall be located on the site.

This modification is proposed for clarity. Staff has no problem with it.

Recommendation: Accept the modification to Section 13.10.647(d)(1).

Conclusion

Staff has provided your Board with an analysis of the Coastal Commission staff report on the County's LCP and ordinance amendments regarding Biomedical Livestock Operations. The Coastal Commission staff is recommending approval of the amendments subject to certain modifications. Staff has presented your Board with recommendations regarding each of the proposed modifications for your consideration. The revised LCP policy and ordinance, with the modifications as recommended by staff, is included as Attachment 2.

County Counsel and Planning staff will attend the Coastal Commission hearing on March 11 th to present the County's position.

It is. therefore. RECOMMENDED that your Board:

1. Accept and file this report. and

2. Approve the recommended revisions to the LCP policy and ordinance amendments in concept. and

3. Direct County Counsel and Planning staff to present the revised LCP policy and ordinance recommendations, as set forth in Attachment 2, to the California Coastal Commission on March 11, 1998, and

4. Direct the Planning Department to return to the Board with the results of the review by the California Coastal Commission of the County's LCP land Use Plan and implementing ordinance amendments regarding Biomedical Livestock Operations.

Sincerely,

Alvin D. James
Planning Director

RECOMMENDED:

Susan A. Mauriello
County Administrative Officer

Attachments: 1. Coastal Commission Staff Report
2. Revised/Recommended LCP Policy and Ordinance Amendments

cc: County Counsel
County Administrative Office
Agricultural Commissioner
Environmental Health Services
Public Health Officer
Agricultural Policy Advisory Commission
UC Agricultural Extension
Natural Resource Conservation Service
Save Our Agricultural Land
Paul Bruno, Esq.
Santa Cruz County Farm Bureau
Santa Cruz Biotechnology, Inc.
California Coastal Commission

PROPOSED AMENDMENTS TO THE COUNTY OF SANTA CRUZ GENERAL PLAN AND LOCAL COASTAL PROGRAM

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1. Amend the County General Plan and Local Coastal Program by adding Section 5.13.6.1 to read as follows:

"**5.13.6.1 Biomedical Livestock Operations**
Allow Biomedical Livestock Operations as a Level V Conditional Use on agriculturally zoned land, pursuant to a site master plan that: limits impervious surface coverage to 1% (or 5% if the site is under 20 acres); removes as little otherwise productive land as possible; and maximizes and preserves soil productivity on the remainder of the site, subject to all other provisions of the General Plan-Local Coastal Program, 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."

2. Add the following definition of "Livestock" to the General Plan and Local Coastal Program Glossary:

"Any grazing, browsing or similar equine, porcine, bovine, ovine, or other ruminant, including but not limited to any horse, pony, mule, donkey, pig, hog, cow, ox, sheep, goat, or llama, excepting those prohibited by County Code Chapter 6.12."

3. Add the following definition of "Biomedical Livestock Operation" to the General Plan and Local Coastal Program Glossary:

"An agricultural livestock management operation that 'uses livestock for ~~research, experimentation, or testing,~~ or for the production of any biomedical or pharmaceutical product or by-product. A Biomedical Research Facility, as defined by federal or state law, and when physically separated from any biomedical laboratory, may be considered a Biomedical Livestock Operation under this definition."

4. Add the following definition of "Laboratory, Biomedical" to the General Plan and Local Coastal Program Glossary:

"Any facility that is specially equipped for medical or pharmaceutical experimentation, testing, procedures, research, development, or production, excluding any equipment that is used exclusively for the injection of biological agents, the drawing of blood from animals, or the separation of animal blood into serum and plasma."

ORDINANCE _____

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.3 12 RELATING TO AGRICULTURAL USES, SECTION 13.10.700-L, RELATING TO DEFINITIONS, AND ADDING SECTION 13.10.647 RELATING TO BIOMEDICAL LIVESTOCK OPERATIONS

SECTION I

Section 13. IO.3 12 of the County Code is hereby amended to add the following agricultural use to read as follows:

USE	CA	A	AP
Agricultural activities: crops and livestock			
Biomedical Livestock Operations (subject to Section 13.10.647)	5	5	---

SECTION II

Section 13.10.700-L of the County Code is hereby amended to add the following definitions to read as follows:

Laboratory. Biomedical. Any facility that is specially equipped for medical or pharmaceutical experimentation, testing, procedures, research, development, or production, excluding any equipment that is used exclusively for the injection of biological agents, the drawing of blood from animals, or the separation of animal blood into serum and plasma.

Livestock. Any grazing, browsing or similar equine, porcine, bovine, ovine, or other ruminant, including but not limited to any horse, pony, mule, donkey, pig, hog, cow, ox, sheep, goat, or llama, excepting those prohibited by County Code Chapter 6.12.

Livestock Operation, Agricultural Biomedical. A livestock management operation that uses livestock for ~~research, experimentation, or testing,~~ or for the production of any biomedical or pharmaceutical product or by-product. A Biomedical Research Facility, as defined by federal **or** state law, and when physically separated from any biomedical laboratory, may be considered a Biomedical Livestock Operation under this definition.

SECTION III

Chapter 13.10 of the County Code is hereby amended to add Section 13.10.647 to read as follows:

13.10.647 Biomedical Livestock Operations

(a) Purpose. It is the purpose of this section to provide for and regulate Biomedical Livestock Operations, as defined in Section 13.10.700-L, which may be established in zone districts where it is an allowed use on the relevant uses chart. It is a further purpose of this Section to define and regulate a new and evolving land use type while protecting the public health, safety and welfare; to provide notice to adjacent land owners; to implement the policies of the Santa Cruz County General Plan and Local Coastal Program; and to preserve and protect agricultural land in the County.

(b) Only Livestock Permitted on Agricultural Land. On agriculturally zoned land, the animals used in the Biomedical Livestock Operation shall be limited to Livestock as defined in Section 13.10.700-L

(c) Application Requirements. Approval of all Biomedical Livestock Operations shall be processed in accordance with the provisions in Chapter 18.10, and shall require a public hearing and action by the Zoning Administrator (Level V). Barns, storage, equipment, and other buildings, associated paving, fences, and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit requirements provided in Section 13.20.073. The applicant for a Biomedical Livestock Operation shall submit to the County Planning Department a master plan of the proposed facility. The master plan shall be considered part of the permit for the use and shall include the following documentation.

(1) The documentation prescribed in Section 18.10.21 O(b) of this Code. The Planning Director may, however, waive some of the prescribed requirements of Subsections 18.10.210(a)(8), (9) and (11), upon a determination that specific items are not relevant due to project characteristics.

(2) A site plan for all property and parcels on which the Biomedical Livestock Operation is proposed to be located, which includes: the location and a description of the current and proposed structures and their uses, including any structures to be demolished; delineation of property lines, adjacent streets. and existing and proposed on-site access roads; a description of the parcel(s) and contiguous parcels' land uses, including areas used for manure management; delineation of sensitive habitats as defined in Section 16.32.040; and information regarding potential environmental impacts. Proposed structures shall meet the following requirements:

(i) Structures shall be clustered in groups and sited so as to remove no land from

agricultural production or potential agricultural production, or, if this is not feasible, to remove as little land as possible from agricultural production to the extent there is a demonstrated need consistent with all other constraints contained in this Ordinance. Structures for housing livestock shall be open to permit free air flow through the structure.

(ii) On agriculturally designated land, t~~T~~he maximum land coverage by all structures and impervious surfaces that are part of the Biomedical Livestock Operation shall not exceed 1% of the total gross parcel size(s). This limit may be extended to 5% on parcels less than 20 acres, with a Level VI approval . Residential structures pursuant to Section 13.10.314(b), driveways and accessory uses; structures associated with other allowed ~~or~~ ~~conditional~~ agricultural uses; access roads utilized for other parcels and/or uses; driveways not covered with impervious surfacing (as defined in County Code Chapter 16.32) shall not count towards the 1% coverage maximum. Structures associated with other conditional agricultural uses shall either be counted towards the 1% coverage maximum, or the portion of the parcel devoted to the other conditional agricultural uses shall be deducted from the gross parcel size before applying the percentage limitation to determine the maximum coverage for structures and impervious surfaces..

(iii) Flooring and impervious surfaces, within or surrounding barns or other structures to house livestock, which would impair long-term soil capabilities, shall be limited to the minimum area needed for pens, roadways, loading and storage.

(3) A description of the species and the maximum number of animals of each species proposed for the Biomedical Livestock Operation, the amount of land to be occupied by animals, and the location of all existing and proposed fencing, including but not limited to perimeter, pasture and pens. This description shall be supported by a report from a Certified Range Manager as to a recommended number of anitnals that the site can support, consistent with the requirements of Section 13.10.647(e)(2).

(4) A tnanure management and erosion control plan prepared pursuant to Section 16.22.060, that:

(i) precludes any impairment of long-term soil capabilities for growing plants or forage;

(ii) precludes any impairment of surface and groundwater quality or quantity;

(iii) includes provisions for fly control, as required by Chapter 7.36; and

(iv) includes provisions for the control of objectionable odors; and

(v) locates manure management operations either: within the project's allowable impervious surface area; or on other lands not suitable for cultivation or used for forage. unless for soil or plant enrichment purposes within the next growing season.

(5) A plan for disposal of laboratory animals which are euthanized or otherwise culled from the animals continuing to be used for the Biomedical Livestock Operation's program. Any incineration or disposal shall comply with all requirements of state and federal law.

(6) Documentary proof that all required permits, licenses, registrations, approvals, and similar requirements of local, state and federal regulatory agencies have been obtained including, without limitation, those of the Regional Water Quality Control Board, Monterey Bay Air Pollution Control District. US Department of Agriculture, California Department of Food and Agriculture, US Food and Drug Administration, and Centers for Disease Control and the National Institutes of Health. The County Planning Department shall be notified within 60 days of any change in the status of such permits, licenses, approvals and registrations.

(7) A written description of the proposed research, testing, experimentation and/or biomedical (or pharmaceutical) product manufacturing program that will utilize the livestock. If the proposed use includes injections or introduction into and/or extractions from livestock (collectively, "Injections"), the description shall include identification of the substances involved in the Injections.

(d) Required Findings. Prior to issuance of a development permit for a Biomedical Livestock Operation, the general findings for development permits set forth in Subsection 18.10.230(a) and Coastal Permit findings of Section 13.20.110, if applicable, shall be made. The following additional findings shall also be made:

(1) On agriculturally-designated land, nNo Biomedical Laboratory, as defined in Section 13.10.700-L, will be located on the site.

(2) **The** Biomedical Livestock Operation complies with the requirements of Chapters 7.22, 7.30 and 7.100 of the County Code, and any other applicable federal, state and/or local law, regulation or standard, including the County Animal Control Ordinance, regarding medical or biohazardous waste, recombinant DNA technology, hazardous substances, and care and treatment of animals

(3) The Biomedical Livestock Operation complies with all provisions of the General Plan and Local Coastal Program Land Use Plan and the County Code regarding uses on agricultural land, including the requirements of Section 13.10.647.

(4) Livestock will be securely confned to the site. The use minimizes fencing or other structures, equipment or devices which restrict the natural movement of wildlife in their existing habitat and corridors, based on the latest habitat and biodiversity information available, applies with County Code Section 13.10.525 unless an approval is granted to exceed the six foot maximum height limit pursuant to County Code Section 13.10.525(c)(2).

(5) On agriculturally zoned land, any research, testing, experimentation or product manufacturing at the Biomedical Livestock Operation shall be limited to the injection, or introduction, of those reagents which are inert, non-viable, non-infectious and non-hazardous and shall specifically exclude any live microorganisms, live viruses (whether wild-type or attenuated). live bacteria, live fungus, live mycoplasma, or live parasites; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); or radioactive compounds or isotopes. This requirement shall not be construed to prohibit any standard and well-established practice of veterinary medicine.

(6) The proposed operation is soil-dependent (e.g. involves grazing, based on the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed will be from grazing on-site) and will not generate excessive manure that would adversely affect soil productivity or water quality.

(e) Additional Review. Prior to any action by the Zoning Administrator, the following additional review shall take place:

(1) The adoption or amendment of a master plan for a Biomedical Livestock Operation is a "project" within the meaning of CEQA and the County Environmental Review Guidelines, and is subject to environmental review.

(2) The master plan shall be reviewed by the Agricultural Policy Advisory Commission (APAC), including consultation with the Agricultural Commissioner, the United States Department of Agriculture Natural Resources Conservation Service, and the University of California Extension Service, as applicable, for a recommendation to the Zoning Administrator on the following:

(i) the size (including square footage) and location of support structures, and

(ii) appropriate animal density for the site in question.

With respect to the foregoing. APAC shall make its recommendation based on (a) determination of whether the proposed operation is soil-dependent (e.g. involves grazing) and (b) the number of animals which could be feasibly and economically grazed on the site assuming a minimum 40% of feed from grazing on-site.

(3) The application shall be referred to the County Public Health Officer who shall review the application and the written description of the proposed research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program. Review by the County Public Health Officer shall include the following:

(i) A written 'summary report of the proposed program, which shall be made available to the public and to the Zoning Administrator prior to any public hearing, including recommendations to the Zoning Administrator as to whether to approve, conditionally approve or deny the application. The Public Health Officer shall base the summary report and recommendations on all information available to him/her. In investigating and preparing his/her report and recommendation, the Public Health Officer may consult with and obtain information from experts in the biomedical research field, with fees and costs for such consultations and information to be paid for by the Applicant. Any interested person may also submit written comments on the proposed program to the Zoning Administrator at or prior to the Level V Hearing.

(ii) A recommendation as to permit conditions for the Biotechnology Livestock Operation that are necessary to ensure that the public health, safety, and welfare are protected at all times.

(4) If the Public Health Officer determines that the proposed Biomedical Livestock Operation presents a human health hazard, the Zoning Administrator shall not approve or conditionally approve the Biotechnology Livestock Operation. If the recommendation is to approve or conditionally approve the Biomedical Livestock Operation, the Zoning Administrator shall proceed to make a final decision on the application in accordance with all applicable criteria. In any case, the recommendations of the Public Health Officer shall be incorporated into the conditions, findings and decision of the Zoning Administrator.

(5) If the Planning Commission or Board of Supervisors acts to approve the proposed Biomedical Livestock Operation despite an unfavorable recommendation by the Public Health Officer to the Zoning Administrator, the Officer shall be further consulted as to appropriate conditions to place on the Operation.

(f) Amendments to Approved Master Plan. Any changes to the approved master plan, including any material changes to the approved research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program that will utilize the livestock, shall require an amendment to the Master Plan or Development Permit in accordance with the procedures for obtaining a Major Amendment set forth in County Code Section 18.10.134. A material change to the approved research, testing, experimentation or product manufacturing program shall include any change that could have an effect on public health, safety, welfare or the environment. Any request for an amendment to the Master Plan or Development Permit shall

be summarized and reviewed by the County Public Health Officer, using the same procedure as required for an-initial application. No material change in the program shall occur until after the proposed change receives final approval following a Level V review. A change from injections involving non-hazardous substances such as reagents which are inert, non-viable, and non-infectious to injections involving any potentially hazardous agents such as live microorganisms, live viruses (whether wild-type or attenuated), live fungi, live parasites, live mycoplasma, live bacteria; or recombinant polynucleotides (such as DNA or RNA, expression vectors, knock-out vectors or gene therapy vectors); and/or radioactive compounds or isotopes shall be prohibited.

(g) Permit Expiration and Renewal. A Biomedical Livestock Operation shall be subject to the following review following approval of a development permit

(1) Any development permit approved for a Biomedical Livestock Use shall be valid for five years or a lesser time as established by the Zoning Administrator. The permit holder shall be required to submit an application for renewal prior to the expiration of the development permit. The permit shall also be conditioned to require the permit holder to submit a closure plan prior to terminating-a biomedical livestock operation or prior to permit expiration if a renewal application is not sought or is denied. The closure plan shall provide for the removal of any facilities inappropriate for future non-biomedical agricultural use of the site. Continued operation of the Biomedical Livestock use shall be subject to permit renewal processed at Level IV, or Level V, if a coastal permit is involved, according to procedures set forth in County Code Chapter 18.10, Under no circumstances, whether through conditions beyond the control of the permittee, lack of actual notice of expiration, reliance on an error of public officials, or for any other reason shall the expiration date of a permit be automatically extended, except as may be provided by relevant provisions of State law, or give rise to an estoppel against the County. Requests for renewal of a development permit for a Biomedical Livestock Use shall be evaluated based on compliance with original permit conditions and inspection by the County Planning Department; inspection of the site by the County Health Officer for compliance with Chapters 7.22, 7.30, and 7.100 and the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program; review by the County Planning Department of all applicable federal, state and/or local laws and the applicant's compliance with them as documented by the respective agencies; and a review of all applicable County ordinances and policies.

(2) The Public Health Officer, the Director of Animal Control and/or Planning staff shall have the right to make random, unannounced inspections and/or investigations of any Biomedical Livestock Operation, including access to all databases containing information on the livestock which is part of the biomedical livestock operation, as necessary to determine compliance with the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program and/or Chapters 7.22, 7.30, and 7.100.

(h) Violations of Conditions of Development Permit. It shall be unlawful for any person to exercise any Development Permit which authorizes a Biomedical Livestock Operation without complying with all of the conditions of such permit. Any violation of permit requirements shall be subject to enforcement action as set forth in County Code Chapter 19.01,

(i) Review of Ordinance. Upon the earlier of the filing with the County of (1) a total of five (5) applications (including applications to amend Master Plans and/or Development Permits to encompass additional land under an existing Master Plan and/or Development permit; but, excluding applications solely for renewal under subsection (h) above), or (2) applications totaling five (5) parcels of land, this Ordinance shall be reviewed by the Planning Commission, and public hearing(s) conducted before it, regarding the impact (including potential impact) of biomedical livestock operations on agriculturally zoned land. The Planning Commission, following public hearing(s), shall make recommendations to the Board of Supervisors regarding any amendments to this Ordinance, the County Code and the General Plan that the Planning Commission believes is in the best interest of the County in order to maintain and protect prime agricultural crop land and range land in the County. The Board of Supervisors shall hold public hearing(s) and act on the Planning Commission's recommendations.

SECTION IV

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

SECTION V

This Ordinance shall take effect on the 3 1 st day after final passage, or upon certification by the California Coastal Commission, whichever is later.

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

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

_____
CHAIRPERSON, BOARD OF SUPERVISORS

Recommended Revisions in Response to the Coastal Commission Staff Report

ATTACHMENT 2

ADDITIONAL RECOMMENDED ORDINANCE AMENDMENTS

Amend County Code Section 13.20.073 to add the following:

> Barns, storage, equipment, and other buildings, associated paving, fences, and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit requirements.

Amend County Code Section 16.30.050(b) as follows:

> The continuance of any pre-existing agricultural use, but not establishment or expansion of any Biomedical Livestock Operation, provided such use has been exercised within the last five years.

Amend County Code Section 16.32.105 as follows:

> Existing commercial agricultural operations and related activities, but not establishment or expansion of any Biomedical Livestock Operation, shall be exempt from the provisions of Section 16.32.060....

Amend County Code Section 16.32.090(c) as follows:

Type of Sensitive Area	Permitted or Conditional Uses	Conditions
13. Intermittent Wetlands	limited grazing, including limited grazing associated with soil-dependent biomedical livestock operations, uses within wetlands(above), existing agriculture	
2. Grassland in the Coastal Zone	nature observation, educational instruction, grazing, soil-dependent biomedical livestock operations, viticulture, consistent with Local Coastal Program policies; residential uses meeting performance criteria	Structures shall be clustered and located outside the grassland where feasible

ATTACHMENT 5

730

PLANNING DEPARTMENT

INTER-OFFICE CORRESPONDENCE

DATE: April 17, 1998

TO: Mark M. Deming, AICP, Planning

FROM: Ken Hart, Environmental Coordinator KH

SUBJECT: Coastal Commission Revisions to the Biomedical Livestock Operations Policy and Ordinance Amendments

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You have requested that I review the modifications to the General Plan/Local Coastal Program Land Use Plan and implementing ordinances adopted by the California Coastal Commission on March 11, 1998, and to determine if further environmental review is required by CEQA. These modifications would revise the policies and ordinances adopted by the Board on September 23, 1997. I have reviewed the modifications adopted by the Coastal Commission and find that they are more protective of the environment than the regulations which were the subject of the Negative Declaration. Therefore, pursuant to Section 1604 of the County's Environmental Review Guidelines, no additional review is necessary.