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**PLANNING DEPARTMENT**


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GOVERNMENTAL CENTER

Alvin D James  
Planning Director


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**COUNTY OF SANTA CRUZ**


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701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060  
FAX (831) 454-2131 TDD (831) 454-2123 PHONE (831) 454-2580

August 6, 1998

Agenda: August 18, 1998

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

**RE: PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATIONS REGARDING AN AMENDMENT TO THE SANTA CRUZ COUNTY GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN REGARDING EXISTING URBAN-LIKE DEVELOPMENT IN THE RURAL AREAS**

Members of the Board:

On December 16, 1997, your Board considered and approved, in concept, a policy amendment that would recognize as conforming to the General Plan/Local Coastal Program (GP/LCP), those existing, legally-created urban-density parcels located in the rural area of the County. This policy would complement the ordinance amendments adopted by the County last year which added the various R- 1 zone districts as implementing zone districts for existing sub-1 acre parcels in the rural residential (Suburban Residential, Rural Residential and Mountain Residential) land use designations.

Background

As a part of the 1996-97 Advanced Planning work program, the Planning Department began the rural rezoning project, a project to rezone parcels for consistency with the 1994 General Plan/Local Coastal Program. In certain areas of the County, staff encountered a large number of parcels which were outside the Urban Services Line and which were less than 1-acre in size. In most cases, the zoning of these parcels matched the parcels sizes, but these zone districts were not consistent with the GP/LCP. Initially, staff proposed to create a new zone district (R- 1) and to rezone all of the sub-1 acre parcels to that new district, However, because all of the existing sub-1 acre parcels would have been non-conforming under the new zone district and significant concern was expressed by property owners about the long term effects of this proposal, staff developed a different approach. In this approach, staff proposed an amendment to the County Code that recognized the zoning of these existing legal parcels as consistent with the GP/LCP designations. This amendment was approved by the Board of Supervisors on June 3, 1997 and certified by the California Coastal Commission on August 13, 1997.

At the Board hearing on the amendment, a concern was expressed that the GP/LCP did not recognize nor even mention the existence of these smaller parcels. As a part of the Board's action to approve the ordinance amendment, your Board directed staff to include an item in the 1997-98 Advanced Planning work program to prepare a report outlining the options available to the County in addressing the existing legal sub- I acre parcels in the rural area. Staff prepared a report and recommended that the addition of a policy to the General Plan would adequately address the issue. Your Board accepted the report on December 16, 1997, and directed staff to prepare the GP/LCP policy amendment for review by the Planning Commission.

#### General Plan/Local Coastal Program Policy

The proposed amendment to the GP/LCP would add language to specifically recognize as consistent with the GP/LCP those parcels which are less than 1 acre in size and which were legally created (see Exhibit A of Attachment 1). The proposed language is as follows:

**2.3.7 Recognize existing legal residential parcels outside the Urban Services Line that are less than 1 acre in size as conforming with the General Plan/Local Coastal Program Land Use Plan. Maintain these parcels in the R-1-5 to R-1-40 zone district and apply the site standards of the zone district to all development.**

The effect of the adoption of this policy, in conjunction with the proposed changes to the non-conforming use regulations, would complete the actions necessary to recognize the small parcels existing in the rural areas of the unincorporated area of the County. Parcels subject to this policy and the implementing ordinances which have preceded this policy will be considered as conforming properties with respect to zoning and the General Plan.

#### CEOA Review

The proposed amendment was reviewed by the Environmental Coordinator and an unconditional Negative Declaration was issued on March 26, 1998.

#### Planning Commission Review

On May 27, 1998, the Planning Commission conducted a public hearing to consider the proposed amendment to the GP/LCP (see Planning Commission Staff Report - Attachment 4 and Planning Commission Minutes - Attachment 3). Following the testimony and deliberation, the Commission adopted a Resolution recommending adoption of the proposed policy amendment as proposed by staff (Planning Commission Resolution - Attachment 2).

#### Discussion and Recommendation

During the preparation of the 1980 and 1994 General Plans, the existing legal sub-1 acre parcels were considered as a part of the "existing conditions" of the County when the land use element was

formulated. There have not been any more of these parcels created since the 1980 General Plan and none could be created under the current General Plan. The 1980 and 1994 General Plan, however, do not mention these existing parcels and, given the number of parcels that fall into this category (12,000+), it is appropriate to recognize them in the General Plan as a conforming land use.

It is, therefore, RECOMMENDED that your Board:

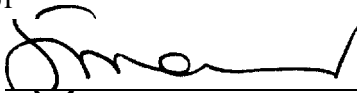
1. Adopt the Resolution to Adopt an Amendment to the Santa Cruz County General Plan/Local Coastal Program Land Use Plan to add a policy recognizing the existing legal sub-1 acre parcels located outside the Urban Services Line as conforming to the General Plan (Attachment 1);
2. Certify the Environmental Determination (Attachment 5); and
3. Direct Planning staff to submit this policy amendment to the California Coastal Commission for review in the next round of Local Coastal Program Land Use Plan amendments.

Sincerely,



Alvin D. James  
Planning Director

RECOMMENDED:



Susan A. Mauriello  
County Administrative Officer

- Attachments:
1. Resolution Adopting Amendments to the County General Plan/local Coastal Program Land Use Plan
  2. Planning Commission Resolution
  3. Planning Commission Minutes, May 27, 1998.
  4. Planning Commission Staff Report, dated May 2, 1998.
  5. Environmental Determination/Negative Declaration

cc: Jim Samuels  
San Lorenzo Valley Property Owners Association  
County Counsel

r1xbsltr.wpd/mmd

ATTACHMENT 1

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 AN AMENDMENT TO THE COUNTY GENERAL  
PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN ADDING A POLICY  
RECOGNIZING THE EXISTING LEGAL SUB-1 ACRE PARCELS LOCATED OUTSIDE  
THE URBAN SERVICES LINE AS CONFORMING TO THE GENERAL PLAN

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WHEREAS, the Board of Supervisors, on December 16, 1997, directed the Planning Department to develop an amendment to the County General Plan/Local Coastal Program Land Use Plan to add a policy recognizing the existing legal sub-1 acre parcels located outside the Urban Services Line as conforming to the General Plan/Local Coastal Program; and

WHEREAS, the Planning Department has developed a proposed amendment to the County General Plan/Local Coastal Program that would recognize the existing, legal parcels of less than one acre located in the rural areas of the County as conforming with the General Plan/Local Coastal Program Land Use Plan; and

WHEREAS, the Planning Commission adopted Resolution No. 9-98 recommending approval of the proposed amendment to the County General Plan/Local Coastal Program; and

WHEREAS, a Negative Declaration for the amendment to the County General Plan/Local Coastal Program has been issued by the County 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 August 18, 1998, to consider the amendment to the General Plan and Local Coastal Program Land Use Plan, the staff report and all testimony and evidence received at the public hearing; and

WHEREAS, the proposed amendment to the County General Plan/Local Coastal Program is consistent with the County General Plan/Local Coastal Program Land Use Plan and all other

ATTACHMENT 1

provisions of the implementing ordinances.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of Santa Cruz adopts the amendment to the County General Plan/Local Coastal Program Land Use Plan as set forth in Exhibit A.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors hereby directs this General Plan/Local Coastal Program Land Use Plan Amendment to be submitted to the California Coastal Commission as a part of the next 1998 "rounds" package and that the amendment shall become effective upon certification by the California Coastal Commission.

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: SUPERVTSORS

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM: Dee S  
County Counsel

DISTRIBUTION: County Counsel  
Planning

**AMEND THE SANTA CRUZ COUNTY GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN BY ADDING SECTION 2.3.7 TO READ AS FOLLOWS:**

2.3.7 Recognize existing legal residential parcels outside the Urban Services Line that are less than one acre in size as conforming with the General Plan/Local Coastal Program Land Use Plan. Maintain these parcels in the R-1-5 to R-1-40 zone district and apply the site standards of the zone district to all development.

BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 9-98

On the motion of Commissioner **HOLBERT**  
duly seconded by Commissioner **SHEPHERD**  
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING  
AMENDMENT TO THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND  
USE PLAN RELATING TO EXISTING PARCELS LESS THAN ONE ACRE IN THE  
RURAL AREA OF THE COUNTY

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WHEREAS, the Board of Supervisors, in June 1997, adopted an ordinance to include the R-1-5 to R-1-40 zone districts as implementing zone districts in the Mountain, Rural and Suburban Residential land use designations to recognize the existing rural parcels with that zoning and directed that staff prepare a report on possible General Plan/Local Coastal Program Land Use Plan amendments to recognize these existing residential uses; and

WHEREAS, the Board of Supervisors on December 16, 1997, reviewed and accepted conceptual language to add a policy to the General Plan/Local Coastal Program Land Use Plan to recognize the existing residential development on parcels less than one acre in the rural areas of the County; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 19, 1998, to consider the amendment to the General Plan and Local Coastal Program Land Use Plan (Attachment I), the staff report, and all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission finds that the proposed General Plan and Local Coastal Program amendment will be consistent with the policies of the General Plan and Local Coastal Program, and will allow the types of uses which are consistent with the objectives and land-use designations of the adopted General Plan and Local Coastal Program; and

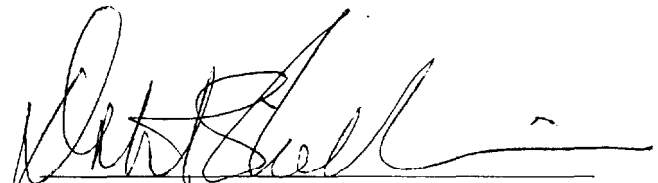
WHEREAS, the Environmental Coordinator issued a Negative Declaration associated with this project and the Planning Commission has reviewed the environmental document and finds that the proposed amendments have been processed consistent with applicable provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines; and

WHEREAS, the Planning Commission finds that the proposed amendments are consistent with the California Coastal Act.


NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the amendment to the General Plan and Local Coastal Program Land Use Plan as set forth in Attachment 1 and the Negative Declaration, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 27 day of MAY, 1998 by the following vote:

AYES: COMMISSIONERS BREMNER, RUTH, HOLBERT, SKILLICORN, SHEPHERD  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

  
Dale Skillicorn, Chairperson

ATTEST:

  
Martin Jacobson, Secretary

APPROVED AS TO FORM:

  
COUNTY COUNSEL



**AMEND THE SANTA CRUZ COUNTY GENERAL PLAN/LOCAL  
COASTAL PROGRAM LAND USE PLAN BY ADDING SECTION 2.3.7 TO  
READ AS FOLLOWS:**

2.3.7 Recognize existing legal residential parcels outside the Urban Services Line that are less than one acre in size as conforming with the General Plan/Local Coastal Program Land Use Plan. Maintain these parcels in the R-1-5 to R-1-40 zone district and apply the site standards of the zone district to all development.

**COMMISSIONER BREMNER:** We need to do this but has trouble with definition of “feasible.”

**414**

**COMMISSIONER HOLBERT:** Definition comes from government code.

**MOTION**

COMMISSIONER HOLBERT MOVED TO APPROVE STAFF RECOMMENDATIONS SECONDED BY COMMISSIONER BREMNER.

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 5-0.

**ITEM H-5**

PUBLIC HEARING TO CONSIDER AN **AMENDMENT** TO THE SANTA CRUZ COUNTY GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN TO ADD A POLICY RECOGNIZING AS CONSISTENT WITH THE GENERAL PLAN/LOCAL COASTAL PROGRAM THOSE EXISTING LEGAL PARCELS THAT ARE LESS THAN 1 ACRE IN SIZE.

PROJECT PLANNER: MARK **DEMING**, 454-3 183

**GLEND A HILL:** Gave staff presentation and history of proposed amendments. Reviewed impact of amendment and gave recommendation for action.

**COMMISSIONER HOLBERT:** Wanted to know if affected parcels are developed and what could be done **after** this amendment.

**GLEND A HILL:** Many parcels are developed; results in recognizing the lots as conforming.

**OPEN HEARING**

**JIM SAMUELS:** Take exception to the ordinance. Can’t rebuild his housing because it’s nonconforming. Need an ordinance to address nonconforming uses. Concerned that this is only a Band-aid.

**CLOSED HEARING**

**COMMISSIONER SKILLICORN:** Asked about creating a new land use category. Can house be rebuilt if its conforming?

**GLEND A HILL:** Can re-built housing of like size structure based on zoning ordinance. Now being added to General Plan.

**COMMISSIONER SKILLICORN:** Brochures should be created for the public.

**MOTION**

COMMISSIONER HOLBERT MOVED TO APPROVE STAFF RECOMMENDATIONS SECONDED BY COMMISSIONER SHEPHERD.

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 5.0

**ITEM H-6**

PUBLIC HEARING ON PROPOSED GENERAL PLAN/LCP AND ORDINANCE REVISIONS REGARDING RESIDENTIAL NONCONFORMING USE AND GENERAL NONCONFORMING USE PROVISIONS.

PROJECT PLANNER: GLENDA HILL, 454-3216

**GLENDA HILL:** Gave staff presentation, reviewed history and reasons for revisions, showed slides of examples of nonconforming uses, provided Boards direction to staff, **noted phasing of ordinance revisions**, described changes proposed, and gave recommendation for action. Reviewed and responded to correspondence received today.

**PUBLIC HEARING OPEN**

**COMMISSIONER BREMNER:** Asked about nonconforming parking.

**GLENDA HILL:** Reviewed current parking ordinance.

**COMMISSIONER BREMNER:** Not sure of the one-year termination of use. Should stay at six-months.

**BOB WELCH:** Wants ordinance set aside for their review. Don't want a strict set of guidelines in San Lorenzo Valley; we're not part of Santa Cruz County. People don't want to be so governed or regulated. Happy with things as they are. Opposed to limited foot print. Large percentage for housing costs go to the County. Object to the testing of working septic tanks. Old houses are never conforming. New codes take away rights. Should pay to take these rights way. Object to everything in the ordinance but the title. Wants to work in groups to resolve issues. Other things the County should be doing.

**CLOSED HEARING**