



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ
FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 10/23/01

October 19, 2001

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: CONSIDERATION OF AN INTERIM ORDINANCE AMENDING
CHAPTER 13.10 OF THE COUNTY CODE REGARDING
RESIDENTIAL NON-HABITABLE ACCESSORY STRUCTURES

Dear Members of the Board:

Due to a building permit that was recently obtained in Live Oak, it has become apparent that there is a serious omission in our current ordinances that I believe requires immediate attention.

There is a height limit in our Code that requires discretionary review for a habitable accessory structure that is over 17 feet in height or above more than one story. This is important in the urban areas where accessory units can create issues of privacy and aesthetics for adjoining neighbors. However, there is no similar height limitation for non-habitable accessory dwelling units even though they can be used for such things as studios and workshops.

Although our building code requires that General Plan policies such as neighborhood compatibility be considered, the lack of these specific height limitations is problematic. Attached are pictures which are illustrative of what can result if this is not clear.

I have asked the Planning staff to revise our ordinance to standardize these height limitations to make them consistent with the Habitable Accessory Building Standards. Attached is a draft ordinance.

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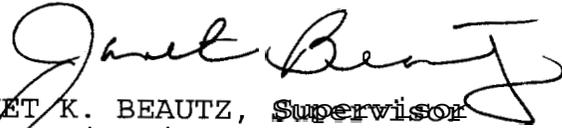
BOARD OF SUPERVISORS
October 19, 2001
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Planning staff has also made needed changes to another portion of the ordinance concerning accessory structures that are allowed within reduced setbacks. The revised ordinance would limit these structures to ten feet in height and 120 square feet. These buildings are for such uses as dog houses, mechanical equipment for swimming pools, etc.

I would appreciate this ordinance going forward as an interim ordinance so that these issues would be addressed immediately. These limitations would apply only within the Urban Services Line and Rural Services Line. I would, therefore, recommend that our Board take the following actions:

1. Adopt the attached ordinance establishing interim zoning regulations relating to non-habitable residential accessory structures.
2. Direct the Clerk of the Board to schedule a public hearing on the morning agenda of December 4, 2001, to consider adoption of an extension of the Interim Zoning Ordinance.

Sincerely,

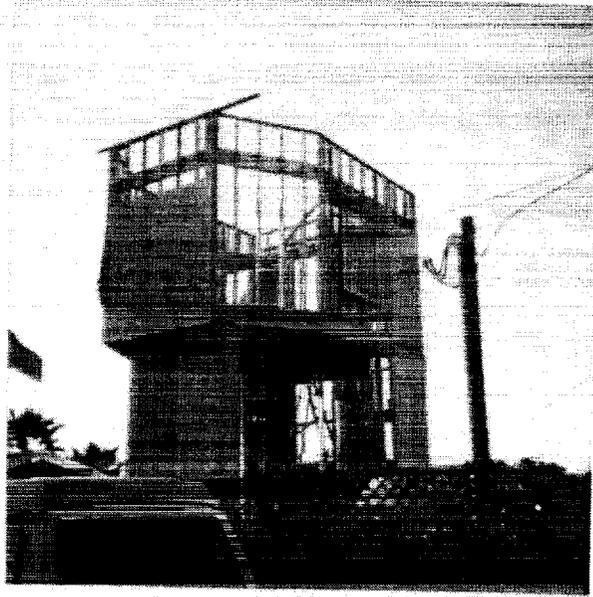

JANET K. BEAUTZ, Supervisor
First District

JKB:ted
Attachments

cc: Planning Department
County Counsel

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ORDINANCE NO, _____

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ
ESTABLISHING INTERIM ZONING REGULATIONS RELATING TO NON-
HABITABLE ACCESSORY STRUCTURES

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

SECTION I

The Board of Supervisors of the County of Santa Cruz makes the following findings:

1. Policy **8.1.3** of the General Plan/Local Coastal Program Land Use Plan and the Purposes of the Residential Districts contained in the Zoning Ordinance recognizes the necessity of providing for the protection of light, air, privacy, solar opportunities and open space for private and public properties.
2. Objective **8.4** of the General Plan/Local Coastal Program Land Use Plan seeks to preserve the character of existing urban neighborhoods.
3. Policy **8.4.2** of the General Plan/Local Coastal Program Land Use Plan encourages the maintenance and repair of existing residential structures where it can be accomplished without detrimental impacts on the health, safety and welfare of the surrounding neighborhood.
4. The construction of non-habitable structures inside the Urban Services Line or the Rural Services Line greater than 1 story or 17 feet in height without input from the neighborhood through a public hearing process can result in structures which are not in character with the neighborhood and which pose threats to the public health, safety and welfare by impairing privacy and obstructing light, air and solar opportunities.

SECTION II

County Code Section 13.10.322(b) - Residential Uses is hereby amended to read:

(b) Allowed Uses.

(1) The uses allowed in the residential districts shall

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be as provided in the following Residential Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level," required for each use in each of the residential zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 Permit and Approval Procedures. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

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

RESIDENTIAL USES CHART

KEY:

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

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

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

2 = Approval Level II (administrative, plans required)

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

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

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

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

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

-- = Use not allowed in this zone district

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

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

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

** = Second Units located within the Coastal Zone and not excludable under Section 13.20.071 requires a Coastal

Permit which is processed at Level 5

BP = Building Permit Only

USE	RA	RR	R-1	RB	RM
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Accessory structures and uses, including:

One Accessory structure, habitable (subject to Sections 13.10.611 and .323 installation of certain plumbing fixtures may require Level 4 approval)

Total area of 640 square feet or less and not to exceed 1-story and 17 feet in height	BP only				
Total area of more than 640 square feet or exceeding 1-story or 17 feet in height	5	5	5	5	5

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

Animal enclosures: barns, stables, paddocks, hutches and coops (subject to the provisions of Sections 13.10.644 Family Animal Raising; .643 Animal Keeping in the RA Zone; .645 bird and small animal raising; .641 Stables and Paddocks; .646 Turkey Raising: these provisions require Level 5 in some cases).

When total area of the structure is:

1,000 square feet or less	BP only	3	3	--	--
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USE	RA	RR	R-1	RB	RM
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more than 1,000 square feet	3	5	5	--	--
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Carports, detached; garages, detached; garden structures; storage sheds (subject for Sections 13.10.611 and .323, installation of certain plumbing fixtures may require Level 4 approval) when total area of structure is:

1,000 square feet or less	BP only	BP only	BP only	BP only	BP only
more than 1,000 square feet	3	3 5	3 5	3 5	3 5

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

Animal enclosures: barns, stables, paddocks, hutches and coops (subject to the provisions of Sections 13.10.644 Family Animal Raising; .643 Animal Keeping in the RA Zone; .645 bird and small animal raising; .641 Stables and Paddocks; .646 Turkey Raising: these provisions require Level 5 in some cases).

When total area of the structure is:

1,000 640 square feet or less, limited to 1-story or 17-feet in height, and not taller than the primary residence	BP only	3	3	--	--
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USE	RA	RR	R-1	RB	RM
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more than 1,000 640 square feet, or more than 1-story, or greater than 17-feet in height, or taller than the primary residence	3 5	5	5	--	--
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Carports, detached; garages, detached; garden structures; storage sheds (subject for Sections 13.10.611 and .323, installation of certain plumbing fixtures may require Level 4 approval) when total area of structure is:

1,000 640 square feet or less, limited to 1-story or 17-feet in height, and not taller than the primary residence	BP only				
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more than 1,000 640 square feet, or more than 1-story, or greater than 17-feet in height, or taller than the primary residence	3 5	3 5	3 5	3 5	3 5
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Dwelling unit, accessory subject to Section 13.10.681**

Inside the Urban Services Line	4	4	4	4	4
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Outside the Urban Services Line	4	4	4	4	4
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Air strips (see Section 13.10.700-A definition) including: (continued)	5	5	--	--	--
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Parking, including:

Parking, on-site, for principal permitted uses (subject to Sections 13.10.550 et seq.)	2	2	2	2	2
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Parking, on-site, for non-principal permitted uses (subject to Sections 13.10.580 et seq.)	4	4	4	4	4
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USE	RA	RR	R-1	RB	RM
Recycling collection facilities in association with a permitted community or public facility, subject to Section 13.10.658, including:					
reverse vending machines	1	1	1	1	1
small collection facilities	3	3	3	3	3
Signs, including:					
Signs for non-principal permitted uses (subject to Sections 13.10.580, et seq.)	4	4	4	4	4
Signs for principal permitted uses (subject to Sections 13.10.580, et seq.)	P	P	P	P	P
Storage tanks, water or gas, for use of persons residing on site					
less than 5,000 gallons	2	2	2	--	--
more than 5,000 gallons	3	3	3	--	--
Swimming pools, private and accessory equipment	3	3	3	--	3
Agricultural uses, including:					
Agriculture, small-scale commercial, such as the raising of specialty crops (see also Animal-Keeping)	P	--	--	--	--
Agriculture, with on-site retail sales, such as Christmas tree farms	5	--	--	--	--
Bee-keeping, commercial (see Section 13.10.700-B definition)	5	--	--	--	--
Gardening, family (see Section 13.10.700-G definition)	P	P	P	P	P

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USE	RA	RR	R-1	RB	R M
Greenhouse, one private of 500 square feet or smaller	2	2	2	2	2
Greenhouses, private, larger than 500 square feet	5	5	5	--	--
Greenhouse replacement, reconstruction, or structural alteration	2	2	2	--	--
(see Section 13.10.636(b) and (c))					
Nurseries, commercial	5	--	--	--	--

Animal-related uses, including:

Animal-keeping (subject to Section 13.10.643) (see also "Animal enclosures" above)	P	--	--	--	--
Animal-raising, family (subject to Section 13.10.644) (see also "Animal enclosures" above)	P	P	P	--	--
Cats and dogs	P:4 cats or dogs or combo	P:4 cats or dogs or combo	P:2 cats and 2 dogs per unit	P:2 cats and 1 dog per unit	P:2 cats and 1 dog per unit
Kennels for five or more dogs or cats over the age of four months (subject to Section 13.10.642)	5	--	--	--	--
Stables, private, and paddocks (subject to Section 13.10.641)(see also "animal enclosures" above)	P	5	P : A B O VE R- 1-325: up to R-1-32	--	--

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USE	RA	RR	R-1	RB	RM
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Commercial uses, including:

In conjunction with residential uses on a site containing ten acres or more, any use which is allowed in the C-1 District, which meets the regulations of Section 13.10.335(a) Paragraphs 2 and 3, and which is consistent with the General Plan	7	7	7	7	7
Electrical connection to existing non-habitable storage shed not larger than 600 sq. A. and legally existing prior to 10/27/87 where non-accessory because land use regulations prohibited main structure or use upon the owner's recordation of declarant of restriction that the structure shall remain non-habitable and shall not be rented, let, or leased	3	3	3	3	3
Nursing homes; convalescent care hospitals (see Section 13.10.700-N definition)	5	5	5	--	5
Radio and TV transmission tower (subject to Section 13.10.655)	5	5	5	5	5
Tract offices	5	5	5	5	5

Community facilities, including

Churches and other religious centers	5	5	5	--	5
Community centers	5	5	5	--	5
Day-care centers (see Section 13.10.700-Ddefinition)	5	5	5	--	5

USE	RA	RR	R-1	RB	RM
Schools: pre-schools and K-12 including church schools, and incidental art, craft, music or dancing schools but not including business, professional or trade schools or colleges	5	5	5	--	5
Energy systems, community (see Section 13.10.700-E definition and subject to Section 13.10.661)	5	5	5	5	5
Facilities, public structures and facilities	5	5	5	5	5

Open space and recreation uses, including:

Clubs, private, such as garden clubs, fraternal lodges, community service organizations	5	5	5	--	5
Conference centers (subject to the provisions of the PR District Section 13.10.350et seq.)	5	5	5	--	5
Country clubs, private, associated with residential development; including such facilities as club houses, golf courses, tennis courts, swimming pools.	5	5	5	--	5
Fish hatcheries	5	5	5	--	--
Organized camps (subject to the provisions of the PR District Section 13.10.350et seq.)	5	5	5	--	5
Open space uses, private, non-commercial, not involving structures, such as:	P	P	P	P	P
Beach uses					
Ecological preserves; wildlife and biotic habitat reserves					

USE	RA	RR	R-1	RB	RM
Hiking and horseback riding trails					
Open space					
Picnicking facilities					
Playgrounds, non-paved					
Sports fields, non-paved					
Watershed management					
Parks, local, public, and associated facilities	5	5	5	5	5
Stables, boarding and public riding (subject to Section 13.10.641)	5	--	--	--	--
Residential uses:					
Congregate					
Senior Housing					
2--19 units	--	--	--	--	6
20+ units	--	--	--	--	7
Day-care homes, family (See Section 13.10.700-Ddefinition)	P	P	P	P	P

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USE	RA	RR	R-1	RB	RM
Dwelling unit, one detached single-family per parcel, 7,000 square feet or larger, exclusive of accessory structures, but specifically excluding barns or similar accessory structures subject to the provisions of Section 13.10.325	5	5	5	5	--
Dwelling unit, accessory, subject to Section 13.10.681	5	5	5	5	5
Dwelling unit, one detached single-family per parcel	3	3	3	3	3
Dwelling unit, one semi-detached (in RB and RM in groups of 6 units or less; in R-1 only in R-1-4 or R-1-3.5 with maximum of 2 units per group)					
2--4 units	--	--	5	5P	5P
5--19 units	--	--	6	6P	6P
20+ units	--	--	7	7P	7P
Dwelling units, dwelling groups (subject to Rural Residential Density Determinations Chapter 13.14; in R-1: detached units only)					
2--4 units	5	5	5	--	5P
5-19 units	6	6	6	--	6P
20+ units	7	7	7	--	7P
Dwelling units, multi-family					
2--4 units	--	--	--	--	5P

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USE	RA	RR	R-1	RB	RM
5--9 units	--	--	--	--	6P
20+ units	--	--	--	--	7P
Foster homes for 6 or fewer children, not including those of the proprietary family (see Section 13.10.700-F definition)	P	P	P	P	P
Foster homes for 7 or more children, not including those of the proprietary family (see Section 13.10.700-F definition)	5	5	5	5	5
Home occupations (subject to Section 13.10.613:Level 5 Approval required in certain cases)	P	P	P	P	P
Lodging houses; boarding houses (see Section 13.10.700-L definition)	--	--	--	--	5
Manufactured home as a single-family dwelling on the property (subject to Section 13.10.682)	3	3	3	5	3
Mobilehome parks (subject to section 13.10.684)					
2--4 units	--	--	--	--	5
5--19 units	--	--	--	--	6
20+ units	--	--	--	--	7
Residential care homes for 6 or fewer persons (see Section 13.10.700-R definition)	P	P	P	P	P
Residential care homes for 7 or more persons (see Section 13.10.700-R definition)	5	5	5	5	5

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USE	RA	RR	R-1	RB	RM
Second unit, subject to Section 13.10.681	4	4	4	4	4

Visitor Accommodations, such as

Bed and breakfast inns (subject to Section 13.10.691)	4	4	4	--	4
Visitor accommodations, small-scale, in Special Communities in the Coastal Zone (subject to Chapter 13.20 and VA District Regulations Section 13.10.330, et seq.)	--	--	5	--	5
Visitor accommodations small scale in the Coastal Zone, upon conversion of existing structure (subject to Chapter 13.20 and VA District Regulations Section 13.10.300, et seq.)	5	5	--	--	--
Wineries, under 1,000 gallons annual production as a home occupation, subject to the provisions of Section 13.10.613	P	P	P	P	P
Wineries, subject to the provisions of Section 13.10.637:					
Under 1,000 gallons and not a home occupation	3	3	--	--	--
Over 1,000 gallons and under 20,000 gallons annual production:					
On parcels under 2.5 acres in size	5	5	--	--	--
On parcels 2.5 acres or larger	3	5	--	--	--
Over 20,000 gallons and under 50,000 gallons annual production on any size parcel	5	5	--	--	--

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USE	RA	RR	R-1	RB	RM
Over 50,000 gallons annual production on any size parcel	6	6	--	--	--

SECTION III

County Code Section 13.10.323(e) is hereby amended to read:

(e) Site and Structural Dimension Exceptions Relating to Structures.

1. Structural Encroachments. Eaves, chimneys, uncovered, unenclosed porches, decks, stairways and landings may extend into required front and rear yard 6 feet, provided, that balconies, porches, or decks must be cantilevered in order to encroach. Eaves, chimneys and uncovered, unenclosed stairways and landings may extend into required side yards 3 feet. Decks less than 18 inches high may be constructed to property lines. Second story rooftop decks and landings are not permitted.

2. Structures Designed for Solar Access.

(i) Criteria for New Construction. In cases where it is not possible to orient a new building southward within the applicable yard requirements for the purpose of incorporating an active or passive solar energy system, a reduction in such yard requirements may be authorized as a Level III Approval pursuant to Chapter 18.10, provided that:

- a. The purpose of the reduction is to incorporate an active or passive solar energy system into the new building; and
- b. The building envelope would comply with all zoning provisions if oriented parallel to the lot lines; and
- c. The reduced yard requirement will not restrict emergency access or present a fire hazard; and
- d. The reduced yard requirement will not be detrimental or injurious to property or improvements in the neighborhood, and will not limit solar energy access on neighboring property to a greater extent than if the building envelope complied with the required setbacks.

(i) Criteria for Structural Additions. In cases where it is not possible to make additions to an existing structure within the applicable yard requirements for the purpose of attaching an active or passive solar energy system, reduction in such yard requirements may be authorized as a Level III Approval pursuant to Chapter 18.10 provided that:

- a. The reduced yard requirement will not restrict emergency access, or present a fire hazard; and
- b. The reduced yard requirement will not be detrimental or injurious to property or improvements in the neighborhood, and will not limit solar energy access on neighboring property to a greater extent

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than if the building envelope complied with the required setbacks; and

c. The portion of the addition within the required setback is designed for the primary purpose of collecting solar energy.

3. Structures Larger Than 7,000 Square Feet. No residential structure shall be constructed which will result in 7,000 square feet of floor area or larger, exclusive of accessory structures, unless a Level V approval is obtained pursuant to the provisions of Section **13.10.325**.(Ord. **4194, 5/12/92; 4286, 12/14/93**)

4. Structures Exceeding Two Stories. Outside the Urban Services Line, the number of stories in a residential structure shall not be limited by the provisions of Section **13.10.323(b)** above. (Ord. **4371, 5/23/95**)

5. Structures Exceeding 28 Feet.

(i) With Increased Yards. Building heights which exceed those specified in Subsection (b) above are allowable **if all** required yards are increased five feet for each foot over the permitted building height and planning approvals are obtained according to the following table:

PARCEL SIZE	M A X I " " HEIGHT ABOVE EXISTING GRADE	PLANNING APPROVALS REQUIRED
Less than 2- 1/2 acres	Over 28 ft.	Level IV Approval
2-1/2 acres or larger	Over 28 ft. up to 35 ft.	Level III Approval
	Over 35 feet	Level IV Approval

(Ord. **3593, 11/6/84;4194, 5/12/92; 4496-C, 8/4/98**)

(ii) With Design Review. Building heights up to a maximum of **33** feet may be allowed without increased yards or variance approval, subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10. (Ord. **4194, 5/12/92**)

6. Accessory Structures.

(i) Water Tanks and Propane Tanks. Water tanks which are required for fire protection and/or

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domestic use may be erected to within 3 feet of any property line provided that the proposed location is a written requirement from the County Fire Marshal, appropriate fire agency or Environmental Health Service. Propane/LP gas tanks may be erected to within 5 feet of any property line provided that the proposed location is a written requirement from the County Fire Marshal or appropriate fire agency. **A** landscaped screen shall be provided for any tank located within the required front yard.

(ii) Side and Rear Yards. **An** accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure. **A** detached accessory structure which is located entirely within the required rear yard and which is smaller than 120 square feet in size and 10-feet or less in height may be constructed to within 3 feet of the side and rear property lines. **A** detached second unit subject to the provisions of Section 13.10.681, may be located within five feet of the side and ten feet of rear property lines, provided the design guidelines of Section **13.10.681** are satisfied and the approval of the Zoning Administrator is obtained. (Ord. 4324A, 8/9/94; 4495, 3/24/98)

(iii) Separation. The minimum distance between any two detached structures shall be 10 feet with the following exceptions: eaves, chimneys, cantilevered, uncovered, unenclosed balconies, porches, decks; and uncovered, unenclosed stairways and landings may encroach 3 feet into the required 10 foot separation.

(iv) On Reversed-Corner Lots. On a reversed-corner lot, accessory structures shall be located not closer to the rear property line than the required side yard on the adjoining key lot, and not closer to the side property line adjoining the street than the required front yard of the adjoining key lot.

(v) Distance from Alleys. Detached accessory structures shall not be located within 6 feet of any alley.

SECTION IV

Severability. If any provision of this section or its application to any person or circumstance is declared invalid or unenforceable by a court of competent jurisdiction, this section, to the extent it can be given effect, or the application of this section to persons other than the person whom it is held invalid, shall not be affected thereby, and to this end, the provisions of this section are severable.

SECTION V

This ordinance shall take effect immediately based on the findings by the Board of Supervisors that this ordinance is adopted pursuant to Government Code Section **65858**, and is necessary for the protection of the public health, safety and welfare. The facts constituting the need for this ordinance are set forth in the findings contained in section I of this ordinance. Pursuant to Government Code Section **65858**, this ordinance shall be

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full force and effect for **45** days from the date of adoption by the Board of Supervisors, unless, following a public hearing noticed pursuant to Government Code section 65090 and four-fifths vote of its members, the Board of Supervisors extends the interim ordinance in accordance with the provisions of Government Code Section **65858**.

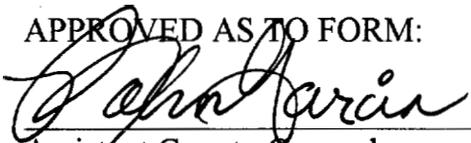
PASSED AND ADOPTED this _____ day of _____ 2001 by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairman of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

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