



# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

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KATHLEEN MOLLOY, PLANNING DIRECTOR

**AGENDA DATE: October 23, 2019**

October 15, 2019

Planning Commission  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**SUBJECT:** Public hearing to consider amendments to the Santa Cruz County General Plan/ Local Coastal Program (GP/LCP) and the Santa Cruz County Code (SCCC) to facilitate workforce rental housing and school employee housing on Public Facility (PF) zoned sites, update regulations for qualified agricultural employee (farmworker) housing consistent with state law, and establish a discretionary review process to allow a limited number of 100% affordable rental farmworker (agricultural employee) housing projects on qualified agricultural parcels outside the Coastal Zone. Proposed amendments to the LCP require certification by the Coastal Commission.

### **Recommended Actions:**

1. Open a public hearing to consider proposed amendments to the Santa Cruz County GP/ LCP and the SCCC related to Public Facility and School Employee Housing and to Agricultural Employee (Farmworker) Housing; and
2. Adopt the attached resolution (Exhibit A) recommending that the Board of Supervisors approve the Negative Declaration (Exhibit E); adopt the proposed amendments to the Santa Cruz County GP/ LCP (Exhibit B) and SCCC (Exhibits C and D); and transmit the proposed amendments to the California Coastal Commission for adoption.

### **Executive Summary**

In response to community concern regarding the affordable housing crisis in the County, in June of 2018 the Board of Supervisors directed Planning staff to work with the Housing Advisory Commission and hold a public discussion to develop proposals facilitating the development of workforce and affordable housing, including farmworker housing. The resulting amendments before your Commission establish affordable workforce rental housing and school employee rental housing as public/quasi-public uses in the PF Zone District. The proposal also clarifies that qualified agricultural employee housing projects are an agricultural use permitted on land zoned for agriculture consistent with state law, clarifies existing codes for small farmworker housing projects, and establishes a new discretionary review process and development reserve for development of a limited number of affordable farmworker housing projects by qualified non-profit housing developers on qualifying agricultural parcels outside the Coastal Zone. These amendments represent the completion of a package of proposals supporting the development of affordable housing in the County as directed by the Board of Supervisors.

As provided in the attached Negative Declaration (Exhibit E), the proposed amendments have been reviewed under the California Environmental Quality Act (CEQA) and found not to have the potential to cause a significant impact to the environment.

## **Background**

There is a documented need for affordable housing, including workforce housing that is affordable to school employees, and safe and affordable housing for farmworkers. These needs are recognized at the County level in the General Plan and in the 2019-2021 County Operational Plan, and are also recognized at the state level and addressed in state law. The Board of Supervisors has taken numerous actions over the past several years to support the development of affordable housing.

In June 2018 the Board of Supervisors directed Planning staff to update policies for farmworker housing and workforce housing more broadly, including housing in public facilities zones. In a related action, responding to direction in the Housing Element to update Farmworker Housing regulations pursuant to state law and to collaborate with stakeholders to develop strategies for producing farmworker housing, in 2018 the County participated in the 2018 Farmworker Housing Study and Action Plan for the Salinas Valley and Pajaro Valley (Exhibit I).

On June 11, 2019, the Board of Supervisors endorsed a farmworker housing strategy informed by the findings of the 2018 Farmworker Housing Study. Goals in the strategy include updating the General Plan and County Code to implement programs in the Housing Element, and facilitating the development of 200 units of affordable family farmworker housing and an additional target of 300 units of on-farm housing.

The Agricultural Policy Advisory Commission considered the proposed amendments related to agricultural employee (farmworker) housing on August 15, 2019, and recommended that the Board adopt the agricultural employee housing amendments in substantially the form provided (see Exhibit H, draft minutes).

## **Analysis**

### ***Existing State and County Policies and Regulations Related to Public Facility, School Employee and Farmworker Housing***

**State:** The State of California recognizes that housing affordable to school employees is in short supply, making it difficult for local communities to recruit and retain qualified teachers. New state legislation has been enacted recently to facilitate school employee housing, including AB 1157 which streamlines the process for school districts to develop rental housing for school employees. Proposed updates to County policies and regulations for school employee housing on school-owned PF sites support these state laws.

Various state laws also support the development of housing for farmworkers, while protecting the viability of agriculture and preserving agricultural lands. The California Employee Housing

Act (“EHA”), codified in California Health and Safety Code sections 17000-17062.5, recognizes that an adequate supply of decent, safe and sanitary housing for farmworkers is critical to the ongoing viability of commercial agriculture, and preempts any local regulations in conflict with its provisions. The EHA regulates farmworker housing that meets certain criteria (“EHA Projects”), requiring local jurisdictions to consider housing projects proposed on agricultural land to house at least 5 farmworkers, with no more than 12 dwelling units, or up to 36 beds in group quarters, as an agricultural land use. The EHA further requires local agencies to facilitate an adequate supply of farmworker housing (“employee housing”) to meet local needs. More detail on the EHA is provided in Exhibit J.

County: Existing goals, policies and programs in the County Housing Element support the development of affordable and workforce housing. Goal 2, to “encourage and assist in the development of housing”, directs Planning staff to refine zoning standards and develop new land use tools to increase housing production. Goal 3, to “remove unnecessary governmental constraints to housing,” includes implementing Program 3.1 directing Planning staff and the Board of Supervisors to streamline regulations to support affordable housing and housing that is affordable by design, including mixed-use projects. The amendments for workforce housing on Public Facility sites and farmworker housing support these goals and programs.

Existing County policies and regulations also support the development of farmworker housing, while continuing to protect local agriculture and agricultural lands pursuant to Measure J. Program 2.11 of the Housing Element directs planning staff to collaborate with stakeholders to develop strategies for producing farmworker housing. Program 5.9 further directs staff to finalize code updates to regulate agricultural farmworker housing as an agricultural use and provide a pathway for discretionary projects that exceed the size granted by-right processing in state law. Consistent with existing County policies and programs, the proposed amendments recognize farmworker housing as an agricultural land use on agricultural land that is essential to the local agricultural economy, while maintaining strong protections for agricultural land.

The proposed amendments support the County’s efforts to meet the affordable housing and local inventory goals of the County’s Strategic Plan. In addition, the amendments help to implement objectives in the County Operational Plan for 2019-2021 related to farmworker housing and workforce housing on PF sites. Objective #132, Workforce Housing, states “by June 2021, Planning will complete amendments of General Plan policies and County Land Use Regulations to enable employers to utilize land occupied by public facilities for workforce housing.” Objective #130, Farmworker Housing, states “by June 2021, Planning will identify at least two potential sites and initiate affordable year-round farmworker housing projects.”

### ***Summary of Proposed Amendments***

#### ***Workforce Housing on Public Facility Sites***

Proposed GP/ LCP amendments provided in Exhibit B to policies in the Land Use Element (Chapter 2) and Parks, Recreation and Public Facilities Element (Chapter 7); and SCCC amendments provided in Exhibit F (Strike-through amendments) to SCCC 13.10 (Zoning Regulations) and 17.02 (Urban Services Line and Rural Services Line), would facilitate the

development of affordable rental housing and school employee rental housing in the PF Zone District.

Public Facility sites within the USL and RSL, and school-owned PF sites in the unincorporated area, may include underutilized land that could be developed for housing. While housing is currently allowed on PF sites, the allowable densities do not support the development of workforce and affordable housing. Recognizing that affordable housing and housing for school employees is essential to the well-being of the community and the local economy, the updated GP/LCP and SCCC would identify affordable rental housing on PF sites in the USL and RSL, and school employee rental housing on PF sites in the unincorporated areas owned by a school, as discretionary public/quasi-public uses. Allowable densities for these housing types would be increased to up to the urban high density range of 17.4 units per acre, which is the density needed to support the construction of affordable and workforce housing. The GP/LCP and SCCC would also be amended such that policies and regulations limiting residential density to certain levels would not apply to affordable housing and school employee housing as public/quasi-public land uses, and to ensure that water service and appropriate sanitation or sewage treatment can be provided to these sites. SCCC 18.10 would also be amended to allow Planned Unit Developments on PF sites, to provide additional flexibility for affordable and workforce housing and other projects on PF sites.

The San Lorenzo Valley School District is exploring the possibility of developing school employee housing at the former Redwood Elementary School, located at 16300 Highway 9 in Boulder Creek. Analysis of this proposal is included in the Negative Declaration (Exhibit E).

#### *Agricultural Employee (Farmworker) Housing*

To facilitate the development of agricultural employee (farmworker) housing, as provided in Exhibit B the proposal would amend GP/LCP policies in Land Use Element (Chapter 2), Conservation Element (Chapter 5), and the Parks, Recreation and Public Facilities Element (Chapter 7). Proposed amendments to the SCCC as provided in Exhibit G (strike-through copy) include updates to the Agricultural Uses Chart (13.10.312), Farmworker Housing regulations (13.10.631), SCCC 13.14 (Rural Density Matrix), SCCC 17.02, and Agricultural Buffer Setbacks (16.50.095). These amendments would achieve three goals related to development of farmworker housing on land in the Agriculture (A), Commercial Agriculture (CA), and Agricultural Preserve (AP) zone districts:

**A. Consistency with EHA:** Improve consistency of current County policies and regulations with EHA provisions for development of EHA Projects on agricultural parcels. The amendments clarify that EHA Projects are considered an agricultural use, not a residential use, and provide a permitting path that does not exceed the level of review or discretion required for other agricultural uses in the same zone. To achieve this goal, the amendments designate EHA Projects as a principally permitted agricultural use in the CA, A and AP zoned districts which is not subject to residential density limitations, and require a Site Development Permit with site plan review, all applicable ministerial permits (building, fire, water, sanitation, and EHA Licensing), and applicable CEQA review. Amendments to the GP also allow for water and sewage treatment to be provided to these sites. The amendments regulate unit size and parking,

and require that the units be sited to minimize disturbance to agricultural land. The amendments also clarify that, as an agricultural use on agricultural properties, EHA Projects are not subject to the Agricultural Buffer Setback policies in SCCC 16.10.095. Regulations also include strong enforcement provisions to ensure that units are rented only to farmworker households, in order to prevent the conversion of agricultural land to non-agricultural land uses.

**B. Clarify Requirements for Small Farmworker Housing Projects:** Clarify and consolidate code language, mainly in the Agricultural Uses Chart, to reduce redundancy and clarify permitting requirements, particularly for small farmworker housing projects of 1 to 4 units, and for seasonal and temporary projects, consistent with the EHA. Improve code provisions for monitoring and enforcement of applicable occupancy and health and safety standards for permitted farmworker housing projects to prevent fraud and abuse and address safety concerns.

**C. Affordable Rental Farmworker Housing (ARFH) Projects:** The proposed amendments to the GP would establish a development reserve to allow up to 200 new affordable farmworker housing dwelling units within agricultural zones, outside of the Coastal Zone, in the unincorporated areas of southern Santa Cruz County (Pájaro Valley – see map in Exhibit D). Staff anticipates that no more than four to five ARFH projects would be permitted before the 200-unit cap is reached, as these projects usually range from 40 to 60 units per project.

Because these larger ARFH projects would have more than 12 units, they would not qualify as EHA Projects. The County has greater flexibility to establish discretionary review policies and standards for them, as they are not covered by the EHA. ARFH projects would require Level VII discretionary review with approval by the Board of Supervisors, and would be subject to CEQA review. ARFH projects would be developed by qualified non-profit affordable housing providers and would be subject to 55-year or longer affordability restrictions. Projects would not be allowed within environmentally sensitive habitats, or in fault zones, flood zones, or high wildfire risk areas. The proposed amendments would also allow the creation of a new parcel on CA and A land with a minimum size of one acre where necessary to obtain financing for the ARFH project. Other detailed siting criteria to protect agricultural land and ensure occupant safety is included in the proposed amendments to the SCCC (Exhibit D).

### ***Environmental Review***

An Initial Study has been prepared to evaluate the potential for significant environmental impacts pursuant to CEQA. The proposed amendments were found not to have the potential to significantly impact the environment, and a Negative Declaration has been prepared (Exhibit E). Under the proposed amendments, individual proposals for agricultural employee (farmworker) housing in agricultural zones, and for affordable housing and school employee housing on PF sites, would be subject to CEQA review, and existing regulations in SCCC Title 16 for protecting the environment and sensitive habitats would continue to apply.

### ***Consistency with the Local Coastal Program and the Coastal Act***

The proposed amendments to the SCCC and the GP/LCP are consistent with the Coastal Act and all other provisions of the Local Coastal Program. Regulations in SCCC Title 16 protecting environmental resources and environmentally sensitive habitats will continue to apply to

individual projects. The proposed amendments would not impede coastal access, and will not result in the conversion of existing uses to lower priority land uses in the Coastal Zone.

In addition, the proposed amendments are consistent with the criteria required for amendments to the Coastal Land Use Plan (LCP policies in the GP) provided in SCCC 13.03.110. Specifically, pursuant to SCCC 13.03.110(D), the proposed amendments to agricultural policies and regulations will not result in the conversion of agricultural land to non-agricultural uses. In accordance with state law, the amendments recognize agricultural employee (farmworker) housing as an agricultural land use necessary to agricultural operations. Therefore, the amendments will not result in the conversion of agricultural land to non-agricultural uses. Additionally, the proposed amendments regulate the siting of farmworker housing to minimize disturbance to agricultural land, allow the units to be occupied only by agricultural employee households, and include strict enforcement provisions for developments found to be in violation of state law or the SCCC to further protect agricultural land. In addition, the amended policies do not allow ARFH projects to be located within the Coastal Zone, as shown on the map provided in Exhibit D.

Submitted by: Suzanne Isé, Principal Planner, Housing  
Annie Murphy, Senior Planner, Sustainability and Special Projects

Approved by: Kathleen Molloy, Planning Director

Exhibits:

- A. Planning Commission Resolution
- B. Proposed General Plan Amendments
- C. Proposed Ordinance for Affordable and School Employee Housing in the PF Zone District
- D. Proposed Ordinance for Agricultural Employee (Farmworker) Housing
- E. CEQA Negative Declaration
- F. Strike-through Ordinance for Workforce Housing in the Public Facility Zone District
- G. Strike-through Ordinance for Agricultural Employee (Farmworker) Housing
- H. Draft Minutes of the August 15, 2019 Agricultural Policy Advisory Commission Meeting
- I. Link to the 2018 Farmworker Housing Study and Action Plan:  
[https://docs.wixstatic.com/ugd/8d7a46\\_7f3fe90582cb4c19bf9f90e86d0bbd8b.pdf](https://docs.wixstatic.com/ugd/8d7a46_7f3fe90582cb4c19bf9f90e86d0bbd8b.pdf)
- J. Link to HCD Employee Housing Facility Inspection Booklet (summary of Employee Housing Act provisions and implementation requirements)  
<http://www.hcd.ca.gov/building-standards/employee-housing/docs/EMPLOYEEHOUSINGOPERATORBOOKLET-1.pdf>

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

\* An exception to the limitations provided in SCCC 17.02.060 (A)-(D) on establishing or extending public water systems, public sanitary sewer facilities, or community sewage disposal systems to serve new development projects outside the urban services line or rural services line may be allowed for school employee housing as provided in SCCC 13.10.361 – 13.10.365 subject to the approval of the required discretionary permit and CEQA review. Provision by a district of water or sewage treatment service to a parcel outside the district boundary is subject to approval by the district and by LAFCO.

#### SECTION IV

Subsection (B) of SCCC 18.10.180, "Planned unit developments ("PUDs"), is hereby amended to read as follows:

(B) Where Allowed. A planned unit development may be located in the R-1, RA, RR, or RM residential zoning districts, the VA, PA, C-1 or C-2 commercial zoning districts, or the Public Facility (PF) Zone District, upon the granting of a planned unit development permit in accordance with the provisions of this chapter.

#### SECTION V

This ordinance shall take effect outside the Coastal Zone 30 days after adoption by the Board of Supervisors, and inside the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Board of Supervisors of the County of Santa Cruz 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:

GM Heats 10/16/19  
Office of the County Counsel

**AMENDMENTS TO CHAPTERS 2 (LAND USE), 5 (CONSERVATION AND OPEN SPACE) AND 7 (PARKS, RECREATION AND PUBLIC FACILITIES) OF THE SANTA CRUZ COUNTY GENERAL PLAN/LOCAL COASTAL PROGRAM PERTAINING TO AGRICULTURAL EMPLOYEE (FARMWORKER), PUBLIC FACILITY AND SCHOOL EMPLOYEE HOUSING**

**SECTION I**

**Chapter 2: Land Use**

- A.** Under “Authority and Purpose,” in the “General Land Use Policies Planning Framework” section, on page 2-3, after the first sentence of paragraph 7 of this section, insert an asterisk and add the following footnote to read as follows:

In areas outside of the Urban Services Line and Rural Services Line, the “Rural Density Matrix” provides for parcel-specific determination of allowable densities based on the availability of services, environmental and site specific constraints, and resource protection factors required by the Growth Management System and the General Plan and LCP Land Use Plan.\*

\* School employee housing as defined in the Santa Cruz County Code (SCCC) proposed in the Public Facility Zone district is considered a quasi-public use and is not subject to residential density determinations in the Rural Density Matrix. In addition, Agricultural Employee (Farmworker) Housing on a site in an agricultural zone district is considered an agricultural land use and is not subject to residential density determinations in the Rural Density Matrix.

- B.** Objective 2.21, “Public Facility/ Institutional Designation (P)” and related policies 2.21.1, 2.21.3 and 2.21.5 are hereby amended to read as follows:

**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, which may include school employee rental housing, 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/Institutional land use designation on the General Plan and LCP Land Use Maps to designate public and quasi-public facilityies-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 facility uses where consistent with infrastructure constraints, and scenic, natural and agricultural resource protection.

(eb) Recognizing that affordable housing serves a public purpose, essential to the local workforce and economy, and necessary to public health, safety and welfare, allow 100%



affordable rental housing projects as an ancillary or primary public/quasi-public discretionary use on land within the Urban and Rural Services Lines with a Public Facility/ Institutional Land Use Designation, at the urban high-density range. Within the RSL, affordable housing is exempt from Policy 2.3.5 (Areas within the Rural Services Line). The housing units shall be affordable to lower-income households as defined in Title 25 of the California Code of Regulations.

(d) Recognizing that housing that is affordable to teachers and other school employees is essential to support education, yet is often in short supply in the County, allow multi-family rental housing for school employee households as an ancillary or primary public/quasi-public discretionary use on sites within the Public Facility/ Institutional Land Use Designation that are owned by a private school or public school district, where consistent with the environmental carrying capacity of the parcel and where the adequate services and appropriate infrastructure are available or will be provided concurrent with development. The density range shall be up to urban high. As a quasi-public use, school employee housing on property owned by a private school or public school district with a Public Facility/ Institutional Land Use Designation is not subject to the residential density determinations in the Rural Density Matrix. Additionally, school employee housing proposed on school-owned property is not subject to provisions in the General Plan that limit residential density or require a minimum amount of land area per dwelling, including provisions in Figure 2-2, Policies 5.5.6 (Land Division and Density Requirements in Water Supply Watersheds), 5.8.2 (Land Division and Density Requirements in Primary Groundwater Recharge Areas), and 5.8.9 (Development Densities With Poor Groundwater Availability). If necessary in order to finance the development of school employee housing, as determined by the school, a new parcel boundary encompassing the development envelope of the proposed school employee housing may be created to create a new legal parcel separate from the larger school property. However, any condominium map or subdivision map proposed to create a separate condominium or single family parcel for each school employee housing unit shall be subject to the Rural Density Matrix, where applicable, and to minimum parcel size requirements in the above policies.

(b) Permit new development or increases in intensity of use for private-public facility residential uses that are not either 100% affordable housing or school employee rental housing on school-owned sites, only if determined to be ancillary to the existing Public Facility use, (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.

### **2.21.3 Allowed Uses in Public Facility/Institutional Designations**

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

### **2.21.5 Master Plans for Public Facility/Institutional Uses**

Require 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~~ consider 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.

## SECTION II

### Chapter 5: Conservation and Open Space

- A. Under Objective 5.13, “Commercial Agricultural Land,” Policies 5.13.5, 5.13.6, 5.13.14, 5.13.24, and 5.13.30 are hereby amended to read, and Policy 5.13.6.2 is added to read, as follows:

#### **5.13.5 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 for long-term commercial agricultural uses. 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; and farmworker housing projects proposed pursuant to the California Employee Housing Act, (Health and Safety Code Sections 17000-17062.5) or (“EHA”) which provide housing for at least five farmworkers but do not exceed 36 beds in group quarters, or do not exceed 12 dwelling units or mobile homes, or other housing accommodations designed for occupancy by a household (“EHA Projects”); and, outside the coastal zone only, Small Farmworker Housing Projects, as defined in County Code 13.10, proposed to provide housing for four or fewer farmworkers; and timber harvesting operations.

#### **5.13.6 Conditional Uses on Commercial Agricultural (CA) Zoned Lands**

(LCP) All conditional uses shall be subject to standards ~~which~~ that 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, including any Small Farmworker Housing Project, as defined in Santa Cruz County Code (SCCC) 13.10, proposed within the Coastal Zone to provide housing for four or fewer farmworkers; or
- (c) The use consists of an interim public use which does not impair long term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation, and that minimizes and offsets the loss of agricultural land resulting from facility construction (Amended by Res. 111-2006); or
- (d) The use consists of development of an Affordable Farmworker Rental Housing Project pursuant to the Development Reserve established in Policy 5.13.6.2 below and located outside of the Coastal Zone; and
- (~~d~~e) The use is sited to avoid conflicts with principal agricultural activities in the area; and

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

#### **5.13.6.1 Biomedical Livestock Operations**

**(LCP)** 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. *(Added by Res. 390-97)*

*[No change to this subsection. Included for reference only]*

#### **5.13.6.2 Development Reserve for Affordable Rental Farmworker Housing Projects**

For sites located outside of the Coastal Zone only, a Development Reserve is hereby established to allow development of no more than 200 total units of affordable, multi-family rental housing for farmworker households by qualified non-profit housing providers ("Affordable Rental Farmworker Housing Projects" or "ARFH Projects") within certain qualifying agricultural areas of unincorporated Pajaro Valley, as further set forth in SCCC 13.10. The ARFH Projects may be allowed by the County as a conditional use on qualifying agricultural lands in CA or A zoning districts with a Level VII discretionary approval, subject to CEQA review. The total number of dwelling units in all ARFH projects approved pursuant to this Development Reserve, combined, shall not exceed two hundred (200) units. Each ARFH project is estimated to consist of approximately 40 to 60 multi-family dwelling units, therefore the capacity of this Development Reserve is expected to be sufficient for four to five ARFH projects in total. ARFH projects are not EHA Projects, as defined in policy 5.13.5.

#### **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, including for the development of affordable rental farmworker housing (ARFH).
- (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 farming of the parcels. In no case shall 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, except as allowed for an AFRH project \*, and
- (d) Where no conflicts with adjacent agricultural operations result from the land division.

\* The creation of a new parcel no less than one acre in size for an ARFH project may be allowed when necessary to obtain financing for construction of the project. Such a parcel shall not include a condominium map.

#### **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 (habitable development includes~~ing~~ residential land uses or development ~~farm labor housing,~~ commercial or industrial establishments on commercial agricultural

land), unless 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 shall require a finding demonstrating that agricultural lands shall be afforded equal or greater protection with the amended language.

#### **5.13.30 ~~Farm Labor~~ Farmworker Housing**

Recognizing that farmworker housing is essential to the viability of local agriculture, and that there is a shortage of safe and affordable farmworker housing, Allow EHA Projects, as defined in Policy 5.13.5, ~~farm operations to locate farm labor housing within the Agriculture and eCommercial aAgricultural areas~~ zone districts as a principal permitted agricultural use, consistent with the EHA, subject to ~~on unfarmable portions of the property, if available, sited so as not to create health problems from pesticides, herbicides and other adjacent agricultural activities, and with adequate buffering based on recommendations of the Agricultural Policy Advisory Commission.~~ the permitting and enforcement provisions of the EHA, and administrative site plan review (Level III). Allow Small Farmworker Housing Projects as defined in SCCC 13.10 as a principally permitted use on CA and A parcels outside the Coastal Zone, and as a conditional use on parcels within the Coastal Zone. Allow ARFH Projects on CA and A zoned parcels outside the Coastal Zone only as a conditional use pursuant to policies 5.13.6, 5.13.6.2, and the farmworker housing project requirements in SCCC 13.10, but only up to a total of 200 units, within the Development Reserve established by Policy 5.13.6.2.

Farmworker housing projects, including EHA Projects, Small Farmworker Housing Projects, and ARFH Projects, all as defined in SCCC 13.10, proposed on property within an agricultural zone district (A, CA, or AP) are considered agricultural land uses and are not subject to residential density determinations in the Rural Density Matrix. As an agricultural land use, farmworker housing proposed within agricultural zones is also not subject to provisions in the General Plan that limit residential density or require a minimum amount of land area per dwelling, including provisions in Figure 2-2, Policies 5.5.6 (Land Division and Density Requirements in Water Supply Watersheds), 5.8.2 (Land Division and Density Requirements in Primary Groundwater Recharge Areas), and 5.8.9 (Development Densities With Poor Groundwater Availability). Except as indicated in Policy 5.13.14 and 5.14.12 for ARFH projects, which allow creation of a separate parcel for the project if needed to allow for ARFH project financing, any land division proposed in association with other types of farmworker housing (EHA or Small Projects), such as a parcel map, condominium or subdivision map, is subject to the minimum parcel size determinations in the Rural Density Matrix where applicable, to minimum parcel size requirements for the applicable zone district, and to minimum parcel size requirements in the above policies.

- B. Under Objective 5.14, “Non-Commercial Agricultural Land,” Policies 5.14.1 and 5.14.10 are amended and Figure 5-2 is added to read as follows:

## **Objective 5.14 Non-Commercial Agricultural Land**

### **5.14.1 Uses Allowed on Non-Commercial Agricultural (A) Zoned Lands (LCP) (Agricultural Land Use Designation with Agricultural Zone District)**

On land designated Agricultural on the General Plan and LCP Land Use Maps, but not Agricultural Resource on the Agricultural Resources Maps, allow the following range of uses based on parcel size.

- (a) On parcels 2.5 acres or smaller in size, allow one residence and accessory uses; agricultural uses including EHA Projects and Small Farmworker Housing Projects; open space uses; and recreational uses and community facilities where these uses can be shown to not conflict with any adjacent agricultural activity.
- (b) On parcels over 2.5 acres in size, allow a range of agricultural uses, including both commercial and non-commercial agricultural activities including EHA Projects and Small Farmworker Housing Projects; one residence; publicly owned and operated landfill as an interim use; or other uses where these uses are consistent with the Coastal Act, and where these uses can be shown to not conflict with any adjacent agricultural activity.
- (c) Agricultural service establishments according to siting criteria for the location of such businesses. Siting criteria shall include the following: the business shall be compatible with the agricultural area and support farming operations in the area; potential business sites will not conflict with agricultural practices or residential uses; and potential business sites will afford maximum protection of agricultural production and resource values.

### **5.14.10 Conditional Uses ~~Development~~ on Non-Commercial Agricultural Land**

Apply policies 5.13.9, 5.13.11 and 5.13.12 to discretionary development (conditional uses) proposed on non-commercial agricultural land. Allow ARFH Projects outside the Coastal Zone, and Small Farmworker Housing Projects proposed inside the Coastal Zone as conditional uses on non-commercial agricultural land (“A” zoning districts) in the same manner as they are allowed on commercial agricultural land (“CA” zoning districts), as set forth in Objective 5.13 above and in SCCC 13.10.

### **5.14.12 Non-Commercial Agricultural Land Division and Density Requirements**

(LCP) Encourage the conservation of productive and potentially productive agricultural lands through retention of large parcels and a minimum parcel size of 10-40 net developable acres, based on the Rural Density Matrix, for lands designated for Agriculture but which are not identified as commercial agricultural land. Utilize the following criteria for land divisions and residential development proposals on land designated Agriculture but not designated as commercial agricultural lands on the General Plan and LCP Resources and Constraints Maps:

- (a) Based on the Rural Density Matrix, the minimum parcel size shall be 10-40 net developable acres and the maximum residential density on an existing parcel of record shall not exceed one unit per 10-40 net developable acres.

(b) Division or development of parcels may be allowed at densities of 2½-20 net developable acres under the following conditions:\*

(1) The land has been determined to be non-viable for commercial agriculture, as determined by policies 5.13.20 and 5.13.21, and that continued or renewed agricultural use is not feasible;

(2) Adequate buffering can be provided between any proposed non-agricultural use and adjacent commercial agricultural uses, as specified in the County Code;

(3) All proposed building sites are within ½ mile of a through County-maintained road; and

(4) Less than 50 percent of the land area within ¼ mile of the subject property is designated as agricultural resource and/or Mountain Residential.

\* An exception to the minimum parcel size and conditions 1, 3 and 4 in subdivision (b) applies to the creation of a new parcel for an ARFH project where necessary to obtain financing for construction of the project. Such a parcel shall not be less than one acre in size, and shall not include a condominium map.

Figure 5-2: Summary of Farmworker Housing Project Types

<u><b>Project Type</b></u>	<u><b>In CA, A, and AP Zoning Districts *</b></u>	
	<u><b>Inside Coastal Zone</b></u>	<u><b>Outside Coastal Zone</b></u>
<u>Projects Housing Five or More Farmworkers (EHA Projects)</u>  <u>Includes any of these project types:</u> <ul style="list-style-type: none"> <li>• <u>Projects of 5 to 36 beds in group quarters</u></li> <li>• <u>Projects of 5 to 12 dwelling units, mobile homes, or other housing accommodations</u></li> <li>• <u>Small Projects of 1 to 4 dwelling units proposed to house at least 5 farmworkers</u></li> </ul> <u>EHA Projects may be seasonal, temporary, or permanent, as defined in the EHA</u>	<u>Principal Permitted Use pursuant to State Law (EHA), with:</u>  <u>Level V Site Development Permit and EHA License</u> <u>**</u>	<u>Level III ASD Permit and EHA License</u>
<u>Small Projects of 1 to 4 dwelling units proposed to house 4 or fewer farmworkers</u>	<u>Conditional Use</u>  <u>Level V Site Development Permit</u>	<u>Principal Permitted Use</u>  <u>Level III ASD Permit</u>
<u>ARFH Projects</u>	<u>Not Allowed</u>	<u>Conditional Use</u>  <u>Level VII Development Permit</u>

*\* Note that while some projects may not require a conditional use permit, all projects require at least an Administrative Site Development (ASD) Permit to ensure appropriate review of siting, buffering and other characteristics.*

*\*\* EHA License is the Permit to Operate an Employee Housing Facility issued by the Environmental Health Services Division of the County's Health Services Agency.*

## SECTION III

### Chapter 7: Parks, Recreation, and Public Facilities

- A. Under Objective 7.20 “Sanitation Facilities Within the Rural Services Line,” and Objective 7.21 “Sanitation Facilities in Rural Areas”, Policies 7.20.2, 7.21.5, and 7.21.6 are hereby amended to read as follows:

#### Objective 7.20 Sanitation Facilities Within the Rural Services Line

##### 7.20.2 Rural Services Line Areas Without Community Sewage Disposal Systems

(LCP) Require new development within the Rural Services Line to meet individual sewage disposal system standards set forth in the Sewage Disposal ordinance unless served by a community sewage disposal system as described in 7.20.1. Densities shall be calculated using suburban land use designation standards until a community sewage disposal system is provided, except that school employee housing and affordable rental housing in the Public Facility Zone District and farmworker housing projects (all project types defined in SCCC 13.10) in agricultural zones are quasi-public or agricultural land uses and are not subject to the suburban residential density limit. Such projects, if located on a site with an individual septic system, are subject to approval of the proposed septic system by the Environmental Health Division of the County’s Health Services Agency.

#### Objective 7.21 Sanitation Facilities in Rural Areas

##### 7.21.5 Community Sewage Disposal Systems Outside the Urban Service Line and (LCP) Rural Services Line

Prohibit the use of community sewage disposal systems (including package sewer plants) outside the Urban Services Line and Rural Services Line except as follows:

- (a) Allow the continued operation of existing systems; and
- (b) Allow new systems in developed areas to correct existing disposal problems where individual sewage disposal systems are not suitable; and
- (c) Allow new systems to serve 100% affordable rental housing projects, Employee Housing Act (EHA) projects and Affordable Rental Farmworker Housing (ARFH) Projects as defined in SCCC 13.10, ~~and~~ public facility/institutional uses such as schools, and to serve school employee housing as provided in General Plan Policy 2.21.1 on sites owned by a public or private school.

Allow systems under conditions (a), (b) and (c) only where approved by the Regional Water Quality Control Board, LAFCO, Public Works, Environmental Health Services; and where operated by a public agency or private contractor to a public agency or a school, or for EHA and ARFH projects where the property owner enters into a recorded agreement with the County to provide for ongoing maintenance of the community sewage disposal system.



#### **7.21.6 Sanitary Service Connections Outside Urban Services Line and Rural Services Line**

**(LCP)** Allow sewer service connections from community sewage disposal systems to areas outside the Urban Services Line or Rural Services Line and size line extensions only to serve the following:

- (a) ~~existing~~ public facilities/institutional uses such as schools, including school employee rental housing, or
- (b) EHA and ARFH projects permitted pursuant to SCCC 13.10, or
- (~~bc~~) existing development ~~which~~ that conforms to the General Plan land use designation, and which have failing septic systems not able to be repaired, or
- (~~e~~d) one existing dwelling unit per existing parcel of record which has a failing septic system not able to be repaired.

In no case shall such connections allow for additional residential density beyond that allowed by (a) through (d) above.

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING CHAPTERS 13.10, 17.02 AND 18.10 OF THE SANTA CRUZ COUNTY CODE RELATING TO AFFORDABLE HOUSING AND SCHOOL EMPLOYEE HOUSING IN THE PUBLIC FACILITY ZONE DISTRICT**

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

**SECTION I**

In the “PF Uses Chart”, as provided in SCCC 13.10.362(B)(2) the uses listed under “Residential Uses” beginning with “Child care homes, large family” and ending with “Temporary mobile home” are hereby amended to read as follows:

<b>PF USES CHART</b>	
<b>USE</b>	<b>APPROVAL LEVEL</b>
<b>Residential Uses</b>	
Affordable rental housing (see SCCC 13.10.365)	
2-4 units	5
5 or more units	6
Child care homes, large family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.686</a> and <a href="#">13.10.700</a> -C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.700</a> -C definition)	P
Residential uses pursuant to a master use permit	5/6/7A
School employee housing (see SCCC 13.10.365)	
2-4 units	5
5 or more units	6
Temporary mobile home or manufactured housing for caretaker, manager or staff, for a period of not more than 3 years	5A

## SECTION II

SCCC 13.10.365, “Special standards and conditions” is hereby amended by adding subsection B, “Special standards for school employee housing and affordable multi-family rental housing,” to read as follows:

(B) Special standards for school employee housing and affordable rental housing.

(1) Definitions. As used in this Article VI, Public and Community Facilities PF District, the following phrases are defined as follows:

(a) “Affordable rental housing” means a multi-family rental housing project in which all the units, except for a manager’s unit, are affordable to and restricted to occupancy by lower-income households as defined in Title 25 of the California Code of Regulations, § 6928. Affordable rental housing projects may be located on a site in the Public and Community Facilities “PF” zone district within the USL or RSL. The housing shall be developed and operated by a qualified 501(c)(3) non-profit organization and restricted for lower-income housing use for a term of at least 55 years, pursuant to a recorded rent regulatory agreement with the County. The project may not be subdivided into individual condominium units for sale.

(b) “School employee housing” means multi-family rental housing for employees of the school district or private school (“school entity”) that owns the housing project. The rental units may be designed for occupancy by an individual employee of the school entity, or by an employee and their family or household, or a combination of unit types. School employee housing shall be located on sites that are 1) owned by a school entity; and 2) located in the Public and Community Facilities (PF) Zone District, as provided in SCCC 13.10 Article V, “Public and Community Facilities PF District,” SCCC 13.10.361–13.10.365. The project may not be subdivided into individual condominium units for sale.

(2) Residential Density. The density range for school employee housing and affordable rental housing shall be up to Urban High Density. The appropriate number of units shall be determined for each project, based upon an analysis of the adequacy of services and infrastructure that exists or that will be provided concurrent with development to support the proposed number of residential units and protection of environmental resources pursuant to SCCC Title 16. As a public/quasi-public use, school employee housing proposed on PF-zoned sites located outside the URL and RSL is not subject to residential density determinations in SCCC 13.14, Rural Residential Density Determinations.

(3) Application Requirements.

Applications for school employee housing and affordable rental housing require discretionary approval as provided in SCCC 13.10.362(B)(2) (PF Uses Chart) and are subject to environmental

review under state law. As required pursuant to the General Plan, SCCC 7.38, 7.70, 7.71, 7.73, SCCC Title 16, and other applicable laws and regulations, applications shall include information to demonstrate that adequate services and infrastructure, such as water supply, sewage disposal, fire protection, and roads, are available or will be provided concurrently with development. The County or applicable special district may require additional supplemental material and reports such as traffic studies, environmental reports, evaluation of potential impacts to water systems, and certification by the Environmental Health Services Division of the County Health Services Agency and the fire protection agency as needed to demonstrate compliance with laws and regulations requiring protection of public health and safety and environmental resources including riparian areas and other sensitive habitats, water quality, and provision of appropriate drainage and erosion control.

### **SECTION III**

SCCC 17.02.060, “Provision of urban services” is hereby amended to read as follows:

#### **17.02.060 Provision of urban services.\***

(A) Public water systems, sanitary sewer facilities and urban level fire protection service shall be provided consistent with County or special district capital improvement programs to service areas within the urban services line and may be provided to serve other areas within the rural services line.

(B) Public sanitary sewer facilities shall not be established or extended to serve new development projects outside the urban services line or the rural services line.

(C) Inside the Coastal Zone, public water systems shall not be established or extended to serve new development projects outside the urban services line or rural services line unless such services are necessary for water resource protection and enhancement.

(D) Inside the Coastal Zone, community sewage disposal systems shall not be established or extended to serve new development projects outside the rural services line. Within the rural services line, only such community sewage disposal systems as are approved by the Regional Water Quality Control Board, the Environmental Health Services Division of the County Health Services Agency and the County Department of Public Works shall be permitted.

(E) Public water and sewer lines other than for agricultural use shall not be placed on Type 1A, 2A, 2B, 2D or 3 agricultural lands as designated in SCCC [16.50](#), except where adequate safeguards are incorporated to ensure that such facilities will not result in the conversion of such agricultural lands to nonagricultural uses. Within the Coastal Zone, this exception shall only be allowed for sewer transmission lines to and from the sewage treatment plant of Watsonville and the untreated water lines from the North Coast water sources of Santa Cruz. For the purposes of this chapter, safeguards shall include, but not be limited to:

- (1) Prohibiting hookups to trunk lines through prime agricultural lands; except to provide sewage treatment service to affordable rental farmworker housing on agricultural land outside the Coastal Zone; and

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

\* An exception to the limitations provided in SCCC 17.02.060 (A)-(D) on establishing or extending public water systems, public sanitary sewer facilities, or community sewage disposal systems to serve new development projects outside the urban services line or rural services line may be allowed for school employee housing as provided in SCCC 13.10.361 – 13.10.365 subject to the approval of the required discretionary permit and CEQA review. Provision by a district of water or sewage treatment service to a parcel outside the district boundary is subject to approval by the district and by LAFCO.

#### SECTION IV

Subsection (B) of SCCC 18.10.180, "Planned unit developments ("PUDs"), is hereby amended to read as follows:

(B) Where Allowed. A planned unit development may be located in the R-1, RA, RR, or RM residential zoning districts, the VA, PA, C-1 or C-2 commercial zoning districts, or the Public Facility (PF) Zone District, upon the granting of a planned unit development permit in accordance with the provisions of this chapter.

#### SECTION V

This ordinance shall take effect outside the Coastal Zone 30 days after adoption by the Board of Supervisors, and inside the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Board of Supervisors of the County of Santa Cruz 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:

GM Heats 10/16/19  
Office of the County Counsel

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING CHAPTERS 13.10, 13.14, 16.50 AND 17.02 OF THE SANTA CRUZ  
COUNTY CODE PERTAINING TO AGRICULTURAL EMPLOYEE (FARMWORKER)  
HOUSING**

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

**SECTION I**

In SCCC 13.10.312(B), Agricultural Uses Chart, the new use category titled “Agricultural Employee (Farmworker) Housing” and accompanying uses are hereby added, and the use category “Agricultural Support and Related Facilities” from the beginning of the section to the use “Manufactured homes, for temporary occupancy as a caretaker’s or watchman’s quarters,” is hereby amended, and an additional footnote is added to the “Key,” to read as follows:

**AGRICULTURAL USES CHART**

**KEY:**

\*\*\*\*\* = For the purposes of agricultural employee (farmworker) housing only, P/# means that the use is principally permitted, with the number after it referring to the process for a required Site Development Permit.

USE	CA	A	AP
<b>Agricultural Employee (Farmworker) Housing (subject to SCCC 13.10.631) *****</b>			
EHA (Employee Housing Act) projects outside the Coastal Zone, subject to SCCC 13.10.631 and California Health and Safety Code Section 17008 and Section 17021.6. EHA projects provide permanent, temporary or seasonal housing for five or more farmworkers (agricultural employees), including the following types as defined in SCCC 13.10.631:  Employer-Provided Farmworker Housing Project: <ul style="list-style-type: none"><li>• 5 to 36 beds in group quarters designed for single adult farmworkers, or</li><li>• 5 to 12 dwelling units, mobile homes, recreational vehicles (RV), or mobile home/RV spaces, each designed for occupancy by at least one farmworker and their household.</li></ul> Rural Farmworker Housing Project (rural areas only): <ul style="list-style-type: none"><li>• 5 to 36 beds or 5 to 12 units for Seasonal or Temporary Occupancy, or</li><li>• up to 12 mobile homes, manufactured homes, travel trailers, RVs for permanent occupancy.</li></ul>	P/3	P/3	P/3

USE	CA	A	AP
Small Farmworker Housing Project subject to EHA: 1 to 4 dwelling units or mobile homes housing at least 5 farmworkers and licensed by Enforcement Agency, with each unit designed for occupancy by at least 1 farmworker and their household.			
EHA projects inside the Coastal Zone, of any type listed above	P/5	P/5	P/5
Small Farmworker Housing Project not subject to EHA: 1 to 4 dwelling units housing no more than 4 farmworkers total, and at least one per dwelling unit, subject to SCCC 13.10.631			
Inside Coastal Zone	5	5	5
Outside Coastal Zone	P/3	P/3	P/3
Affordable Rental Farmworker Housing Project pursuant to Development Reserve and SCCC 13.10.631 (see SCCC 13.10.631 for map of eligible areas)			
Inside Coastal Zone	--	--	--
Outside Coastal Zone	7	7	7
<b>Agricultural Support and Related Facilities</b>			
Accessory dwelling unit, subject to the provisions of SCCC <a href="#">13.10.681</a>			
Outside the Coastal Zone	4	BP	—
Inside the Coastal Zone	5	BP	—
Barns, corrals, or pens used for animal husbandry, subject to the provisions of SCCC <a href="#">16.22.060</a>	BP3	BP3	BP3
Caretaker's quarters, permanent, (see Small Farmworker Housing Project, above)	5	5	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.700</a> -C definition)	P	P	P
Commercial boarding of animals, subject to the provisions of SCCC <a href="#">13.10.641</a> (B)	P/5	P/5	P/5
Consumer harvesting, on-site**	P	P	P
Dwelling unit, one detached single-family per parcel, subject to the provisions of SCCC <a href="#">13.10.314</a>			

USE	CA	A	AP
Inside the Coastal Zone (requires APAC review in the CA and AP Zone Districts)	5	BP3	5
Outside the Coastal Zone	BP3	BP3	BP3
Dwelling unit, one detached single-family per parcel, 5,000 square feet or larger, exclusive of accessory structure(s) associated with the residential use, but specifically excluding barn or similar accessory structures subject to the provisions of SCCC <a href="#">13.10.314</a> and <a href="#">13.10.325</a>	5	5	5
Dwelling units, dwelling groups subject to the provisions of SCCC <a href="#">13.10.313</a> (E), <a href="#">13.10.313</a> (F) and <a href="#">13.10.314</a>			
2—4 units	5	5	5
5—19 units	6	6	6
20+ units	7	7	7
Energy facilities, community, subject to the provisions of SCCC <a href="#">13.10.661</a> and <a href="#">13.10.700</a> -E (definition)	5	5	5
Facilities for fish and wildlife enhancement and preservation	P	P	P
Farmworker housing ( <u>see Agricultural Employee (Farmworker) Housing, above</u> )			
Farm outbuildings and other agricultural accessory structures for storage or equipment with or without a single room containing lavatory facilities	BP3	BP3	BP3
Fences, subject to the provisions of SCCC <a href="#">13.10.525</a>	P/3/5	P/3/5	P/3/5
Fire protection facilities	—	5	—
Flood control works, including channel rectification and alteration; dams, canals and aqueducts of any public water project	5	5	5
Foster homes for seven or fewer children, not including those of the proprietary family (see SCCC <a href="#">13.10.700</a> -F definition)	P	P	P
Foster homes for eight or more children, not including those of the proprietary family (see SCCC <a href="#">13.10.700</a> -F definition)	5	5	5
Fuel storage tanks and pumps	BP2	BP2	BP2



USE	CA	A	AP
Greenhouse structures, as accessory structures, under 500 square feet in area	BP2	BP2	BP2
Greenhouse structures, outside the Coastal Zone, subject to the provisions of SCCC <a href="#">13.10.636</a> (A)			
500—20,000 square feet	3	4	3
Over 20,000 square feet	4	4	4
Greenhouse structures soil dependent****, inside the Coastal Zone, subject to the provisions of SCCC <a href="#">13.10.636</a> (A) and <a href="#">13.20.073</a>			
500—20,000 square feet	3	3	3
Over 20,000 square feet	P/4	P/4	P/4
Greenhouses, improvements and expansions up to 10,000 square feet in area, inside the Coastal Zone, subject to the provisions of SCCC <a href="#">13.10.636</a> (A) and <a href="#">13.20.073</a>	BP3	4	BP3
Greenhouses, all others in the Coastal Zone			
Up to 20,000 square feet	P/5	P/5	P/5
Greater than 20,000 square feet	5	5	5
Greenhouse replacement, reconstruction or structural alteration, pursuant to SCCC <a href="#">13.10.636</a> (B) and (C)	BP3	BP3	BP3
Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of SCCC <a href="#">13.10.611</a>	BP/4/5	BP/4/5	BP/4/5
Nonhabitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of SCCC <a href="#">13.10.313</a> (A) and <a href="#">13.10.611</a> )	BP/4/5	BP/4/5	BP/4/5
Home occupations subject to the provisions of SCCC <a href="#">13.10.613</a>	P/5	P/5	P/5
Hosted rentals, subject to SCCC <a href="#">13.10.690</a>	1P	1P	1P
Kennels, commercial or private, for five or more dogs or cats over the age of four months subject to the provisions of SCCC <a href="#">13.10.323</a>	5	5	5
Lumber mills	—	5	—

USE	CA	A	AP
Manufactured home, as a single-family dwelling unit, subject to the provisions of SCCC <a href="#">13.10.682</a>			
Inside the Coastal Zone	5	5	5
Outside the Coastal Zone	BP3	BP3	BP3

## SECTION II

SCCC 13.10.631, “Farm worker/caretaker housing—Mobile homes, farm worker quarters and farm worker camps,” is hereby repealed in its entirety and replaced with the following:

### 13.10.631 Farmworker (agricultural employee) housing

(A) Purposes. The purposes of regulations for farmworker housing are:

- (1) To recognize farmworker housing as an agricultural land use necessary for commercial agricultural operations;
- (2) To permit and encourage a sufficient supply of housing for agricultural employees (“Farmworker Housing”) to meet the needs of local growers and farmworkers and to address County goals related to farmworker housing;
- (3) To comply with the California Employee Housing Act (“the Act” or “EHA”), as defined below, related to local regulation and permitting of employee housing, as defined in the Act, for farmworkers;
- (4) To provide clear development standards and permitting procedures for the development of farmworker housing projects of up to twelve dwelling units, mobile homes, or recreational vehicle spaces, or five to thirty-six beds in group quarters, including permanent, temporary, or seasonal farmworker housing projects, consistent with Section 17021.6 of the Act (“EHA Projects”);
- (5) To clarify development standards and permitting procedures for the development of small agricultural employee housing projects of one to four dwelling units or mobile home/trailer spaces (“Small Farmworker Housing Projects”), including permanent, temporary, or seasonal farmworker housing projects as defined in the Act;
- (6) To codify review procedures and development standards for utilization of the Development Reserve (“DR”) established in the General Plan to allow development of up to 200 units of affordable rental housing for farmworker households (“Affordable Farmworker Housing Projects”) on qualifying sites within unincorporated South County, as defined herein;
- (7) To provide clear provisions for monitoring and enforcement of applicable occupancy standards, licensing requirements, and health and safety codes for farmworker housing

projects, to ensure the housing is occupied by farmworker households, and that the housing and associated infrastructure meets health and safety codes; and

(8) To prevent the conversion of agricultural land to non-agricultural uses, while allowing development of farmworker housing needed for farming operations to thrive.

(B) Applicability. This section applies to farmworker housing projects proposed in the Commercial Agriculture (CA), Agricultural Preserve (AP), and Agriculture (A) zone districts. In the event of any conflicts between SCCC 13.10 and the Act with respect to Employee Housing, as defined below, the Act, as it may be amended, shall prevail. This is declaratory of existing law. Notwithstanding other provisions of this code, nothing in this section shall be deemed to eliminate already existing farm worker housing currently allowed by law, nor to prohibit rehabilitation of such existing farm worker housing so long as such rehabilitation complies with all applicable State and County health, safety, fire, housing, and construction codes.

(C) Definitions.

For the purposes of this section, the following words and phrases shall be defined as set forth in this section 13.10.631 and as further defined in the Act, where indicated. In the event of any conflict between the definitions in this section and definitions of the same or similar terms in 13.10.700, the definitions herein shall prevail.

- (1) “Affordable Rental Farmworker Housing Project” (“ARFH Project”) or “Affordable Project” means a subsidized, rent-restricted, multi-family rental housing development of more than 12 units developed by a non-profit housing provider for lower-income farmworker households, pursuant to the Development Reserve established in the General Plan, and subsection 13.10.631(G).
- (2) “Agricultural Employee” means an employee engaged in agriculture, which includes farming in all its branches, including but not limited to the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market, as further defined in California Labor Code §1140.4(b). “Agricultural Employee” also means farm worker, farmworker, or farm laborer. “Agricultural Employee” does not include persons engaged in household domestic service, or certain employees of religious or charitable entities listed in Section 17005(b) and (c) of the Act. Agricultural Employees earn their primary income through permanent or seasonal agricultural labor.
- (3) “Agricultural Employer” means one engaged in an agriculture who employs employees, as further defined in Labor Code Section 1140.4(c).
- (4) “EHA Project” means a proposal to develop a project to provide housing for at least five farmworkers, pursuant to Section 17021.6 of the Act, including any of the following project types defined below: an Employer-Provided Farmworker Housing Project or Rural Farmworker Housing Project consisting of no more than 12 dwelling units or other housing accommodations designed for occupancy by a household, or up to 36 beds if the project consists of group quarters; or a Small Farmworker Housing Project.

- (5) "Employee Housing" as used in this section 13.10.631 means housing for at least five employees as further defined in Section 17008 of the Act and means the same as "labor camp" as that term may be used in various State of California laws.
- (6) "Employee Housing Act" or "EHA" or "Act" means California Health and Safety Code Section 17000-17062.5, as may be amended by the State of California from time to time.
- (7) "Employer-Provided Farmworker Housing" means housing accommodations described in Section 17008(a) of the Act for five or more farmworkers by their employer and maintained in connection with any work or place where work is being performed, whether or not rent is involved.
- (8) "Enforcement Agency" or "Local Enforcement Agency" means the Environmental Health Services Division of the Health Services Agency of the County of Santa Cruz ("EHS"), which is authorized to enforce the Act within Santa Cruz County. In the event the County ceases to be the local enforcement agency, the California Department of Housing and Community Development (HCD) would be the Enforcement Agency.
- (9) "Farmworker" means an Agricultural Employee, as defined above.
- (10) "Farmworker Housing" means Employee Housing for agricultural employees, or any other type of farmworker housing project authorized by this Section 13.10.631.
- (11) "HCD" means the California Department of Housing and Community Development, or its successor agency.
- (12) "Housing accommodations" as used in reference to EHA Projects, means any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.
- (13) "License" means a permit to operate Employee Housing issued by the Enforcement Agency pursuant to Section 17030-17039 of the Act.
- (14) "Rural Farmworker Housing" means housing accommodations as described in Section 17008(b) of the Act which are: located in an agricultural zone, and in a rural area as defined in California Health and Safety Code Section 50101; provided by someone other than an agricultural employer; and provided for five or more farmworkers of any agricultural employer(s) for any of the following purposes:
  - (a) Temporary or seasonal occupancy, as defined herein.
  - (b) Permanent occupancy, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.
  - (c) Permanent occupancy, if the housing accommodation consists of one or more existing, conventionally built (i.e., subject to State Housing Code – Health and Safety Code Sections 17910-17998.3, also known as "stick-built") structure(s) on the site that are at least 30 years old, and at least 51 percent of the dwelling

units or 51 percent of the beds in group quarters in the existing structure(s), are occupied by farmworkers.

- (15) "Seasonal Occupancy" or "seasonal employee housing" means farmworker housing which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year, as further defined in Section 17010(b) of the Act.
- (16) "Single-Family Farmworker Housing" means any housing accommodations occupied by no more than six farmworkers for which the owner/operator has obtained or seeks a License pursuant to Section 17021.5 of the Act, which allows such projects to be deemed a single-family dwelling and a residential use of the property.
- (17) "Small Farmworker Housing Project" or "Small Project" means a farmworker housing project of one to four dwelling units, each to be occupied exclusively by farmworker(s) or a farmworker family, including any existing or proposed caretaker's unit. The four-unit limit for this project type does not include any existing or proposed primary residence and/or accessory dwelling unit on the same parcel.
- (18) "Temporary Occupancy" or "Temporary employee housing" means farmworker housing which is not operated on the same site annually, and which is established for one operation and then removed, as further defined in Section 17010(a) of the Act.

#### (D) EHA Projects

This section applies to farmworker housing projects that provide housing for at least five farmworkers and are proposed pursuant to Section 17021.6 of the Act ("EHA Projects"). Eligible project types include Employer-Provided Farmworker Housing or Rural Farmworker Housing projects, as defined above, of up to twelve dwelling units or up to 36 beds in group quarters (dormitory-style housing); or a Small Project, as defined above, that provides housing for at least five farmworkers. EHA Projects may be for Seasonal or Temporary Residency, as defined above. EHA Projects shall not include any proposed land division (i.e., parcel map, subdivision map or condominium map) for the purposes of creating a separate parcel for the EHA Project and/or for one or more EHA unit(s).

- (1) Required Permits and Approvals.
  - (a) Site Development Permit. In the CA, AP and A zone districts, EHA Projects proposed pursuant to this Subsection D are considered an agricultural use and require an Administrative Site Development Permit (Level III) from the Planning Department. Conditions of approval may be imposed by the Director to ensure compliance with the performance standards of this section and with the Act.
  - (b) Water and Sanitation Permits. EHA Projects not connected to community sewer or water shall obtain required County permits for proposed well water and/or septic systems pursuant to SCCC 7.38, 7.70, 7.71 and 7.73 as applicable. EHA Projects on well water that meet the definition of a Public Drinking Water System shall comply with State Water Resources Control Board standards.
  - (c) Building Permits. EHA Projects shall obtain building permits or other required permits, depending on type of housing accommodations proposed for the project. For EHA Projects consisting of two to four mobile or manufactured homes (not on a permanent foundation system) or recreational vehicles, or spaces for two to four

mobile homes or recreational vehicles (a “trailer park”), HCD is the permitting agency. For EHA Projects of five to twelve spaces, mobile homes, or recreational vehicles, the County is the permitting agency.

(d) Recorded Covenant. The site development permit shall include a condition of approval for the property owner to record a farmworker housing covenant with the County to provide constructive notice of and ensure owner’s compliance with the requirements of this section 13.10.631, the Act, and their License.

(e) License. EHA Projects shall obtain and maintain a License to operate the proposed farmworker housing from the Enforcement Agency pursuant to Section 17030-17039 of the Act. The Enforcement Agency in the County is the Environmental Health Services Division of the County Health Services Agency.

(i) Applicants shall apply for the License at least 45 days before initial occupancy, after the Site Development Permit and any required building or other ministerial permits have been obtained for the project. The application form is available from the Enforcement Agency and requires applicant to provide all information listed in Section 17032 of the Act.

(ii) Applicant shall submit a letter requesting a modification to the License whenever there is a change in any of the information provided on the License application form, such as a reduction or increase in the number of units or beds occupied by farmworkers, or any other information on the form.

(iii) Licenses are issued for a one-year period and subject to annual monitoring by the Enforcement Agency. Applicant shall submit a letter each year requesting an annual renewal of the License for as long as the housing continues to be operated as employee housing.

(iv) Any operator of an EHA Project that fails to obtain or maintain the required License for the project shall be subject to the penalties of Section 17037 of the Act, including in some cases a requirement to pay double or ten times the applicable licensing fees.

(f) Certificate of Non-operation. If the EHA Project ceases to be occupied by farmworkers, the operator shall submit a letter certifying non-operation to the Enforcement Agency within 30 days, noting the date on which the housing ceased to be occupied, consistent with Section 17037.5 of the Act. The Certification of Non-Operation shall be submitted to the Enforcement Agency annually for two years following discontinuation of the use of any area or structure on the property identified in operator’s License as farmworker housing. The Certification shall attest under penalty of perjury that the farmworker housing has been destroyed, or is no longer owned and operated, or has not been and shall not be occupied by five or more employees during the calendar year. Operator shall send a copy of the Certification of Non-operation to the County Planning Department concurrently with delivery to the Enforcement Agency.

(i) If a Certification of Non-Operation is filed within ten years of issuance of the initial certificate of occupancy for the EHA Project, the provisions of Section 17021.6(f) may be invoked by County for recovery of any waivers of impact fees,

taxes or costs that may have been associated with the initial permitting of the EHA Project.

(ii) Filing of a Certification of Non-Operation shall be considered a conversion to another use. The EHA Project shall not be converted to any other use unless the conversion is approved in advance by the County through the Planning Department. Any conversion shall be subject to all applicable County codes (zoning, building, fire, etc.) and permitting requirements at the time of the conversion. Development initially permitted as an EHA Project and then converted without prior County approval will not be “grandfathered in” or considered legal non-conforming structures for uses other than farmworker housing.

(g) Environmental Review. EHA Projects are subject to environmental review (“CEQA”). The Public Resources Code provides some exemptions to CEQA that may apply to certain types of farmworker housing defined herein.

(2) Development Standards and Criteria.

EHA Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in SCCC 13.10.313, as well as the additional standards and criteria provided below. In the event of any conflict between section 13.10.313 and the standards and criteria provided in this section, those in this section 13.10.631 shall prevail.

(a) Density limitations. EHA Projects proposed in agricultural zones are considered an agricultural use pursuant to the Act and as such are not subject to the residential density limitations set forth in the General Plan or SCCC, including SCCC 13.14.

(b) Unit Size. The maximum habitable floor area for a dwelling unit intended for occupancy by a single farmworker household (individual farmworker or farmworker family) in an EHA Project shall not exceed the following, measured in square feet (SF):

Unit Size	Maximum Habitable Floor Area *
Studio or 1 bedroom	640 SF
2 bedrooms	800 SF
3 bedrooms	1,200 SF
4 or more bedrooms	1,400 SF

*\* Defined in SCCC 13.10.700-H*

(c) Group Quarters. Structures designed as group quarters or dormitories shall provide at least 50 square feet of habitable area per bed (per occupant) within the dormitory structure.

(d) Height. Structures shall be limited to a height of 28 feet.

(e) Parking. EHA Projects shall comply with the parking standards in SCCC 13.10.552 – 13.10.554, except that the minimum number of spaces per unit or per bed in an EHA Project shall be as set forth below:

<b>Unit Size</b>	<b>Minimum Parking Spaces required</b>
Studio or 1-bedroom	1
2 or 3 bedrooms	2
4 or more bedrooms	2.5
Group Quarters	.5 per bed

(i) **Parking Exceptions.** The Director may approve a reduction in required parking spaces without a variance, if the applicant provides evidence to the Director's satisfaction that fewer parking spaces than otherwise required by this section will be adequate for the EHA Project, such as where transit service or alternative transportation is available or is provided by the operator.

(ii) **Alternate surfacing materials** (e.g., base rock or gravel) may be allowed for parking areas and/or accessways to the EHA, if the Director finds that the alternate surfacing materials will help to preserve agricultural land, and the surfacing will be installed and maintained in a manner that will prevent erosion and will provide adequate drainage, and such alternate is acceptable to other involved reviewing agencies (i.e., fire district, Public Works).

(f) **Siting.** EHA Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties. As an agricultural use, EHA projects are not subject to SCCC 16.50.095, Agricultural buffer setbacks.

(i) **Minimize disturbance.** To the extent feasible, EHA Projects shall be sited on the least viable portion of the parcel or in such a way as to disturb the least amount of productive farmland. Depending on site conditions, this may be achieved by siting the EHA Project near existing development on the site, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the EHA Project.

(ii) **Buffers.** To the extent feasible, housing accommodations shall be sited at least 50 feet from any active agricultural operations on the subject parcel, including areas subject to machine cultivation or pesticide application. If such distances are not feasible, buffering techniques, such as fencing, screening with vegetation, or other techniques may be used to provide a buffer between farmworker housing and farming operations, subject to Department approval. Housing accommodations shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry, consistent with State regulations.

(3) **Enforcement.**

(a) Violation of any conditions of approval of a License, the Act, or any County permit or approval of an EHA Project shall be considered a violation of the Santa Cruz County



Code, subject to enforcement in accordance with SCCC 19.01, which may include fines, civil penalties, abatement of the use, conversion of the housing units to non-habitable structures, or removal of the structures. Any operator found to be leasing EHA units or beds in a licensed EHA Project to occupants other than farmworkers or farmworker families shall be deemed in violation of the County Code pursuant to this section.

(b) EHA Projects are subject to the enforcement provisions of the Act (Section 17050-17062). Violations of the relevant use, occupancy, or maintenance requirements, or conditions of the License, are considered a public nuisance under the Act, and subject to abatement if not made to conform. The Enforcement Agency may pursue all enforcement actions authorized under the Act to investigate and/or abate violations.

(E) Single-Family Farmworker Housing

Single-Family Farmworker Housing projects as defined in subsection (C) may, at the applicant's option, be proposed pursuant to Section 17021.5 of the Act, in which case they are deemed a residential use and subject to the same permitting requirements and development standards that apply to a single-family dwelling proposed in the applicable zone, rather than being deemed an agricultural use pursuant to subsection (D) above. All Single-Family Farmworker Housing Projects that provide housing for at least five farmworkers shall obtain a License from the Enforcement Agency pursuant to the Act.

(F) Small Farmworker Housing Projects

A Small Farmworker Housing Project of one to four farmworker dwelling units per parcel, in addition to any primary residence and accessory dwelling unit that may exist on the site, shall be processed as follows:

(1) Applicability of the Act.

(a) Small Farmworker Housing Projects proposed to provide housing for at least five individual farmworkers (i.e., one to four dwelling units, with each unit housing at least one farmworker and at least one unit housing more than one farmworker) are considered an EHA project and may be approved pursuant to subsection (D) on a parcel in an agricultural zoning district, subject to all provisions of subsection (D) and the Act, including the requirement to obtain a License.

(b) Small Farmworker Projects proposed to provide housing for four or fewer individual farmworkers (at least one farmworker per proposed unit, not to exceed four farmworkers total in the project) are not EHA Projects and are not subject to the Act. Such projects may be approved in agricultural zones outside the Coastal Zone with an Administrative Site Development Permit (Level III), and inside the Coastal Zone with a Level V Site Development Permit, pursuant to all requirements of subsection (D) above, except for the requirement to obtain or maintain a License. In lieu of a License, such projects shall be subject to annual monitoring by the Planning Department to verify the owner's compliance with the recorded farmworker housing covenant and project conditions of approval. If, upon monitoring or in response to a complaint, any dwelling unit in such project is determined to be non-compliant with the occupancy

requirements set forth in the farmworker housing covenant, after reasonable notice and opportunity to correct the violation as set forth in County Code, the project permit may be revoked and the unit(s) subject to enforcement pursuant to SCCC 19.01, possibly including abatement of the structures.

(G) Affordable Rental Farmworker Housing

This subsection provides a discretionary land use approval process for Affordable Rental Farmworker Housing projects as defined above (AFH Project or ARFH Project) which exceed the maximum size of an EHA Project and are not subject to the requirements of the Act.

(1) Development Reserve. A Development Reserve for affordable farmworker housing (ARFH Projects) has been established by the County General Plan. This Reserve allows the County to approve development of up to 200 units of affordable farmworker housing within qualifying unincorporated areas of the Pajaro Valley, outside of the Coastal Zone, as a conditional use in CA and A agricultural zones. The units authorized by this Reserve shall be made available on a first-come, first-served basis to qualified affordable housing providers as set forth below.

(2) Qualified Affordable Housing Developers. In order to apply for a conditional use permit and a development permit pursuant to this section, project applicants shall meet the following criteria:

(a) Project sponsor (developer) and/or site owner is a 501(c)(3) nonprofit housing development organization and/or public agency;

(b) Project will be funded in full or part by public subsidies and/or low-income housing tax credits, or is being developed on land provided by the County or other public or non-profit agency for development of affordable rental farmworker housing;

(c) All rental units in the project, except any property manager's units, will be subject to an affordability restriction of at least 55 years and a requirement that the units be occupied only by farmworkers and/or farmworker families, as defined above or as may be defined by the project financing source(s). In the case of any conflict, the stricter definition shall prevail.

(3) Site Location Criteria. Sites proposed for an ARFH Project shall meet the following site location criteria ("qualifying areas"):

(a) The land is located within the unincorporated areas of the Pájaro Valley within Santa Cruz County (see Figure 13.10.631-1, below), and is in the CA, AP, or A zoning district.

(b) The development site, defined as the proposed development envelope of the project, not the entire agricultural parcel on which it is proposed, is not within any of the following zones or areas:

(i) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(ii) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(iii) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(iv) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(v) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(vi) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(vii) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(viii) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

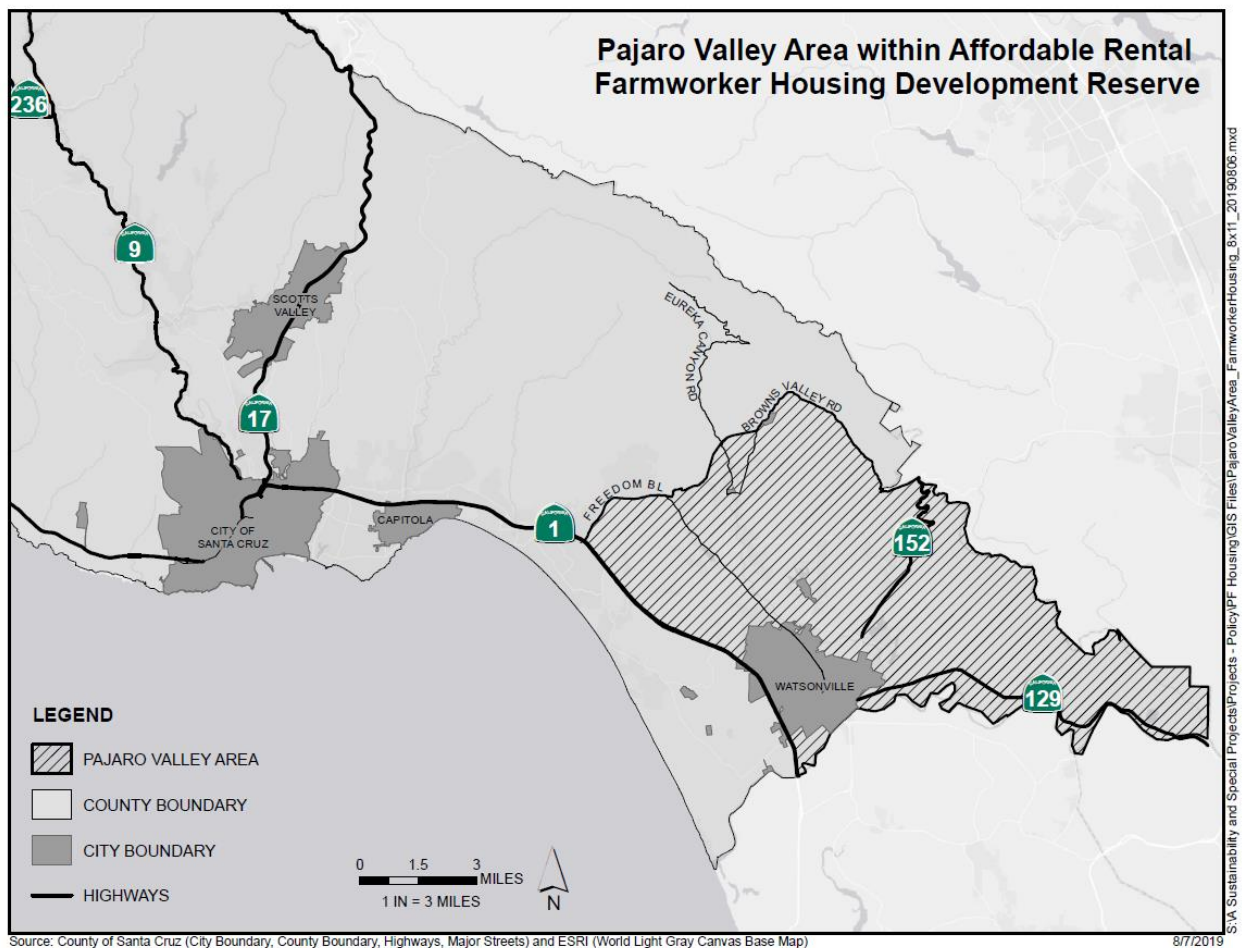
(ix) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

- (x) Lands under conservation easement, unless the easement allows or can be amended to allow farmworker housing; each easement contains its applicable restrictions.
- (c) The development shall not be allowed if it would require the demolition of a historic structure that is listed on a national, state, or local historic register.
- (d) The site meets the siting criteria of the proposed financing source(s) for the project, including proximity to community amenities such as schools, shopping, and transit service.

**Figure 13.10.631-1**

Map of Unincorporated Area of Pajaro Valley within Development Reserve

(See 13.10.631(G)(3)(a), above)



A higher resolution map is available upon request from the Planning Department.

- (4) Discretionary Approval. Projects proposed pursuant to this section are not subject to the Act and not required to obtain a License, but are required to obtain a discretionary conditional use permit and a site development permit (Level VII) from the County, with review by the Agricultural Policy Advisory Committee, Planning Commission, and approval by the Board of Supervisors.

(a) Application Procedures:

(i) Reservation for Units pursuant to Development Reserve. In order to provide for orderly review and consideration of applications and to avoid duplication of effort for the same remaining unit capacity in the reserve, Project sponsor (developer) shall submit a written request for a reservation of the desired number of ARFH units to the Planning Department (Department) with evidence of sponsor's qualifications as an Affordable Rental Housing Developer pursuant to this subsection (G) and evidence of property ownership, or if sponsor is not the property owner, evidence of site control such as a ground lease, or a letter of interest from the current owner of the proposed project site, and designation of developer as an agent of the owner. Upon review by the Department to determine that the sponsor is eligible and site is eligible for an ARFH Project pursuant to this subsection, the Department will issue the Sponsor a reservation letter for the requested number of units, or for the number of units remaining in the Development Reserve, whichever is less. This reservation will preclude any other sponsor from reserving these same units for a period of up to nine months, to allow the sponsor adequate time to submit a complete application for the required land use approvals for the proposed project. Once the sponsor's application has been deemed complete by the Department, the reservation shall be extended by three years, or until any earlier date on which sponsor's ARFH project has been either approved or denied by the County, including applicable appeal periods. At the end of this reservation period, if the project was not approved, or if a lesser number of units was approved than the number reserved, the reservation for any unused units shall expire and become null and void, and other sponsors may request a reservation for those units. The Department Director shall be authorized to extend the three-year expiration date for good cause.

(ii) All applications for permit approval of an ARFH project shall include the Department's reservation letter for at least the number of units proposed in the ARFH Project as evidence that sufficient capacity remains in the Development Reserve for the proposed project, in order to be deemed complete. The ARFH Project application shall otherwise meet all application requirements and follow all required Level VII procedures as set forth in the Zoning Code.

(iii) Site Plan. Applications for an ARFH Project shall include a site plan to define the proposed Site Area, interior circulation patterns within the ARFH Project's site area, exterior site access through the remaining portion of the agricultural parcel to the first public road, fire access, infrastructure improvements, common area location and amenities, and location of other existing development on the parcel(s) on which the Project is proposed.

(5) ARFH Projects are deemed an agricultural land use and are not subject to the residential density limitations of the General Plan or SCCC, including SCCC 13.14.

(6) ARFH Projects are subject to CEQA review and may be considered for any exemptions available in the Public Resources Code that are applicable to the proposed project.

(7) Water and Sanitation Permits. ARFH Projects not connected to community sewer or water shall obtain required County permits for proposed well water and/or septic systems pursuant to SCCC 7.38, 7.70, 7.71 and 7.73 as applicable. EHA Projects on well water that meet the definition of a Public Drinking Water System shall comply with State Water Resources Control Board standards.

(8) Development Standards.

ARFH Projects shall comply with the development standards below. For the purpose of this section, "site area" shall be defined as that portion of the property designated on the proposed site plan to be the development envelope for the ARFH Project and to be controlled by the sponsor upon completion of the project, and not the entire agricultural parcel(s) on which the project is proposed to be located. The site area of an ARFH Project shall be at least one acre and not more than five acres, unless an exception to this requirement is granted as part of the development permit for reasons such as unusual topography or the need for a lengthy access road across the parcel. ARFH Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in SCCC 13.10.313, as well as the additional standards and criteria provided below.

(a) Density limitations. ARFH Projects proposed in agricultural zones may be developed at a density of up to thirty units per acre contained within the proposed site area.

(b) Unit Size. The maximum habitable floor area for a dwelling unit in an ARFH Project shall not exceed the following, measured in square feet (SF), unless the guidelines of a proposed public funding source of the project require a slightly larger unit size, in which case the requirements of that funding source shall prevail:

<b>Unit Size</b>	<b>Maximum Floor Area</b>
Studio or 1 bedroom	640 SF
2 bedrooms	800 SF
3 bedrooms	1,200 SF
4 or more bedrooms	1,400 SF

(c) Height. Structures shall be limited to a height of 35 feet measured from the preconstruction natural grade and up to three stories, exclusive of subsurface parking. Modifications of these standards may be approved based on unique site and design factors and/or feasibility constraints or requirements associated with the project's proposed public sector funding sources.

(d) Parking. ARFH Projects shall comply with the parking standards and exception procedures provided in SCCC 13.10.631(D)(2)(e).

(e) Siting. ARFH Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties. As an agricultural use, ARFH projects are not subject to SCCC 16.50.095, Agricultural buffer setbacks.

(i) Minimize disturbance. To the extent feasible, ARFH Projects shall be sited on the least viable portion of the original agricultural parcel or in such a way as to disturb the least amount of productive farmland. Depending on the site, this may be achieved by siting the ARFH Project near existing development on the parcel, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the ARFH Project.

(ii) Buffers. Residential structures within an ARFH Project shall be sited at least 100 feet from any active agricultural operations on the subject parcel or adjacent parcels, including areas subject to machine cultivation or pesticide application, measured in a straight line from the exterior wall of the residential structure to the nearest cultivated crops or orchards or other areas subject to agricultural operations. If a 100' buffer is not feasible in one or more directions, upon a recommendation from the Agricultural Policy Advisory Commission, the approving body may approve a lesser distance provided that fencing, vegetative screening, HVAC systems, noise-mitigating windows, or other buffering techniques are used to mitigate any nuisance or health and safety hazards due to the agricultural operations that might impact the occupants of the ARFH Project. If any state laws, codes or requirements provide an alternate means of protecting the occupants from agricultural hazards likely to be present on the property, or otherwise preempt this requirement, such other requirement shall prevail. Housing structures shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry.

(f) Setbacks from Non-Agricultural Properties. If any portion of the site area of the ARFH Project abuts or is within 30 feet of any property that is zoned for residential or commercial uses, any structures within the ARFH Project shall be set back at least 20 feet from the property line of the adjoining non-agricultural parcel. If the adjoining property includes areas in active agricultural operations, the larger buffer required pursuant to (e) above, shall prevail. ARFH Projects shall be designed so to minimize excessive shading of any existing residential or commercial structures on an adjacent property, such as by stepping back upper stories if necessary. Applicant may provide a shading study to illustrate extent of shading caused by the proposed structures.

(g) Maintain standard riparian setback but eliminate 10-foot additional riparian construction buffer.

(h) Developments shall encourage energy and water efficiency, and environmentally sensitive design and building materials.

### SECTION III

In SCCC 13.10.313, "Development Standards," Subsection (C), "Minimum Parcel Size," and Subsection (D), "Buffer Requirements," are hereby amended to read as follows:

(C) Minimum Parcel Size.

(1) A District. The minimum average parcel size in net developable acres for new parcels created in the A Zone District outside the urban services line (USL) shall be within the range of two and one-half to 20 or 10 to 40 acres per dwelling unit and shall be consistent with the requirements of the General Plan, the Local Coastal Program Land Use Plan and SCCC [13.14](#) pertaining to rural residential density determinations. Land divisions shall not be allowed within the A Zone District on properties within the USL.

(2) CA District. Parcels within the CA Zone District shall not be divided except for exclusive agricultural purposes pursuant to SCCC [13.10.315](#).

(3) AP District. Parcels within the AP Zone District shall not be divided except for exclusive agricultural purposes pursuant to SCCC [13.10.315](#).

(4) In the A, CA, or AP Districts, the minimum parcel size for an Affordable Rental Farmworker Housing (ARFH) Project is one acre.

(D) Buffer Requirements. Nonagricultural uses involving habitable spaces including residential development, commercial or industrial establishments, etc., adjacent to parcels zoned Commercial Agriculture (CA), or Agricultural Preserve (AP) or farm labor housing located on CA or AP zoned land shall provide a buffer setback in accordance with the provisions of SCCC [16.50.095](#), and shall otherwise comply with the requirement of that section.

### SECTION IV

In SCCC 13.10.315, "CA and AP land division criteria", Subsections (B) and (C) are hereby amended to read as follows:

(B) Type 1 Parcels.

(1) The following findings shall be made prior to the approval of any parcel division in the CA or AP Zone Districts for land designated as Type 1 land pursuant to SCCC [16.50](#):

(a) That the use is for exclusive agricultural use, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project.

(b) That the proposed parcel sizes will not be detrimental to the economic viability of commercial agricultural operations on said parcels, or on adjoining or nearby parcels.

(c) That the division is necessary for continued commercial agricultural use of the subject parcels. In the event a recorded agricultural preserve (Williamson Act) contract existed prior to January 23, 1979, for a parcel proposed to be divided under this section, said contract shall constitute evidence of a long-term commitment to continued agricultural use and shall satisfy the requirement for this finding.



(d) That all parcels shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, except for parcels created solely for the purpose of an Affordable Rental Farmworker Housing (ARFH) project, pursuant to SCCC 13.10.681, which are not subject to this requirement. With respect to parcels restricted by an Agricultural Preserve contract recorded prior to January 23, 1979, the finding shall be made either that (i) all parcels created shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, or that (ii) the owners of all parcels created have recorded an agreement with the County which guarantees the original owner the right to continue to use the newly created parcel for exclusive commercial agricultural uses. In no case shall the parcel size be less than 10 arable acres. Land subject to an Agricultural Preserve contract which is approved for division shall continue to be restricted in the aggregate to the permitted and discretionary uses which would have been available to the original parcel under the agricultural preserve contract had the original parcel remained undivided.

(e) That no conflicts with adjacent agricultural operations shall result from the division.

(f) That the division is for exclusive agricultural purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project. A recorded agricultural preserve (Williamson Act) contract existing prior to January 23, 1979, for a parcel proposed to be divided under this section shall constitute evidence of an exclusive agricultural purpose.

(2) Agricultural preserve (Williamson Act) contracts shall be recorded, prior to filing final maps, for all parcels created by a division of Type 1A agricultural land.

(C) Type 2 Parcels. The following findings shall be made prior to the approval of any parcel division in the CA Zone District for land designated as Type 2 land pursuant to SCCC [16.50](#):

(1) That the division is for exclusive agricultural purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project.

(2) That the division will result in agriculturally viable parcels; in no case shall the parcel size be less than 20 arable acres, except that parcels created solely for the purpose of an Affordable Rental Farmworker Housing (ARFH) project pursuant to SCCC 13.10.681 are subject to a minimum parcel size of one acre.

(3) That no conflicts with adjacent or nearby commercial agricultural uses will result from the division.

## **SECTION V**

In SCCC 13.14, "Rural Residential Density Determinations," Section 13.14.040, "Application", Subsection (A) is hereby amended to read as follows:

13.14.040 Application.

(A) This chapter shall apply to the rural areas of the County outside of the urban services line and the rural services line (USL and RSL), and shall include all tentative map approvals

for land divisions and all development permits issued pursuant to SCCC [18.10](#). Included in these categories are all applications to create additional parcels, additional housing units, additional visitor accommodations, or additional organized camp facilities on land designated in the General Plan as suburban residential, rural residential, mountain residential, parks and recreation, resource conservation, or noncommercial agriculture. The development of farmworker housing as defined in SCCC 13.10.631(C) on property in the A (Agriculture) Zone District is an agricultural use and is not subject to the residential density determinations in this chapter. Existing development on a parcel shall be deducted from the intensity of use allowed by this chapter in determining the amount of additional development (if any) to be allowed on the property.

## **SECTION VI**

Subsections (F) and (G) of SCCC 16.50.095, "Agricultural buffer setbacks," are hereby amended to read as follows:

(F) Farm worker housing, as an agricultural use, is not subject to this section 16.50.095, but is subject to the buffering provisions in SCCC 13.10.631. The presence of farmworker housing, which is an agricultural use, on an agricultural parcel does not exempt any proposed habitable development on any adjacent parcels from the requirement to provide an agricultural buffer along the edge of the development nearest the farmworker housing, pursuant to this section.

(G) Proposals to reduce the required 200-foot agricultural buffer setback for additions to existing residential construction (dwellings, habitable accessory structures and private recreational facilities not otherwise exempted by subsections (B)(1) or (F) of this section) on agricultural parcels shall be processed as a Level 4 application by Planning Department staff as specified in SCCC 18.10 with the exception that:

- (1) A notice that an application to reduce the buffer setback has been made shall be given to all members of the Agricultural Policy Advisory Commission at least 10 calendar days prior to the issuance of a pending action on an agricultural buffer determination; and
- (2) Where a reduction in the buffer setback is proposed pursuant to this chapter, the required notice of pending action shall be provided to the applicant, to all members of the Agricultural Policy Advisory Commission, to owners of commercial agricultural land within 300 feet of the project location, and to members of the Board of Supervisors, not less than 10 days prior to the issuance of the permit. There shall not be a minimum number of property owners required to be noticed; and
- (3) Buffer determinations made by Planning Department staff pursuant to this chapter are appealable by any party directly to the Agricultural Policy Advisory Commission. Such appeals shall include a letter from the appellant explaining the reason for the appeal and the current administrative appeal processing fee.

## **SECTION VII**

SCCC 17.02.060, "Provision of urban services" is hereby amended to read as follows:

**17.02.060 Provision of urban services.\***

(A) Public water systems, sanitary sewer facilities and urban level fire protection service shall be provided consistent with County or special district capital improvement programs to service areas within the urban services line and may be provided to serve other areas within the rural services line.

(B) Public sanitary sewer facilities shall not be established or extended to serve new development projects outside the urban services line or the rural services line.

(C) Inside the Coastal Zone, public water systems shall not be established or extended to serve new development projects outside the urban services line or rural services line unless such services are necessary for water resource protection and enhancement.

(D) Inside the Coastal Zone, community sewage disposal systems shall not be established or extended to serve new development projects outside the rural services line. Within the rural services line, only such community sewage disposal systems as are approved by the Regional Water Quality Control Board, the County Environmental Health Services Division of the Health Services Agency, and the County Department of Public Works shall be permitted.

(E) Public water and sewer lines other than for agricultural use shall not be placed on Type 1A, 2A, 2B, 2D or 3 agricultural lands as designated in SCCC [16.50](#), except where adequate safeguards are incorporated to ensure that such facilities will not result in the conversion of such agricultural lands to nonagricultural uses. Within the Coastal Zone, this exception shall only be allowed for sewer transmission lines to and from the sewage treatment plant of Watsonville and the untreated water lines from the North Coast water sources of Santa Cruz. For the purposes of this chapter, safeguards shall include, but not be limited to:

- (1) Prohibiting hookups to trunk lines through prime agricultural lands, except to provide sewage treatment service to Affordable Rental Farmworker Housing on agricultural land outside the Coastal Zone; and
- (2) Prohibiting the levying of assessment fees against prime agricultural land for the construction of sewage transmission lines running through them.

\* An exception to the limitations provided in 17.02.060 (A) through (D) above on establishing or extending public water systems, public sanitary sewer facilities, or community sewage disposal systems to serve new development projects outside the urban services line or rural services line may be allowed for Employee Housing Act (EHA) projects and Affordable Rental Farmworker Housing (ARFH) projects as provided in SCCC 13.10.631 subject to the approval of the required discretionary permit and CEQA review. Provision by a district of water or sewage treatment service to a parcel outside the district boundary is subject to approval by the district and by LAFCO.

## **SECTION VIII**

This ordinance shall take effect outside the Coastal Zone 30 days after adoption by the Board of Supervisors, and inside the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Board of Supervisors of the County of Santa Cruz 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:

*JM Heats* 10/16/19  
Office of the County Counsel



# County of Santa Cruz

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MOLLOY, PLANNING DIRECTOR

[www.sccoplanning.com](http://www.sccoplanning.com)

## NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION NOTICE OF PUBLIC REVIEW AND COMMENT PERIOD

Pursuant to the California Environmental Quality Act (CEQA), the following project has been reviewed by the County Environmental Coordinator to determine if it has a potential to create significant impacts to the environment and, if so, how such impacts may be avoided. A Negative Declaration is prepared in cases where the project is determined not to have any significant environmental impacts. Either a Mitigated Negative Declaration or Environmental Impact Report (EIR) is prepared for projects that may result in a significant impact to the environment.

Public review periods are provided for these Environmental Determinations according to the requirements of the CEQA Guidelines. The environmental document is available for review at the County Planning Department located at 701 Ocean Street, in Santa Cruz. You may also view the environmental document on the web at [www.sccoplanning.com](http://www.sccoplanning.com) under the Planning Department menu. If you have questions or comments about this Notice of Intent, please contact Stephanie Hansen of the Environmental Review staff at (831) 454-3112.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. If you require special assistance in order to review this information, please contact Bernice Shawver at (831) 454-3137 (TDD number (831) 454-2123 or (831) 763-8123) to make arrangements.

**PROJECT: Agricultural Employee (Farmworker), Public Facility and School Employee Housing Policy and Code Amendments**

**APN(S):** N/A

**PROJECT DESCRIPTION:** The project consists of amendments to the General Plan/Local Coastal Program (GP/LCP) and Santa Cruz County Code (SCCC) to establish 100% affordable rental housing and school employee housing as public/quasi-public uses permitted on land zoned for public facilities; and to clarify that qualified agricultural employee (farmworker) housing projects are an agricultural use permitted on land zoned for agriculture consistent with state law, and clarify existing codes for small farmworker housing projects. The project would also establish a new discretionary review process and Development Reserve for development of a limited number of 100% affordable rental farmworker housing projects by qualified non-profit housing developers on qualifying agricultural parcels located outside of the Coastal Zone.

**EXISTING ZONE DISTRICT:** N/A

**APPLICANT:** County of Santa Cruz

**PROJECT PLANNER:** Annie Murphy, **Phone:** (831) 454-3111

**EMAIL:** [Annie.Murphy@santacruzcounty.us](mailto:Annie.Murphy@santacruzcounty.us)

**ACTION:** Negative Declaration

**REVIEW PERIOD:** September 12, 2019 through October 11, 2019

This project will be considered at public hearings before the Planning Commission and Board of Supervisors. The times, dates, and locations have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.



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# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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KATHLEEN MOLLOY, PLANNING DIRECTOR

<http://www.sccoplanning.com/>

## NEGATIVE DECLARATION

**Project: Agricultural Employee (Farmworker), Public Facility and School Employee Housing Policy and Code Amendments**  
**APN(S): N/A**

**Project Description:** The project consists of amendments to the General Plan/Local Coastal Program (GP/LCP) and Santa Cruz County Code (SCCC) to establish 100% affordable rental housing and school employee housing as public/quasi-public uses permitted on land zoned for public facilities; and to clarify that qualified agricultural employee (farmworker) housing projects are an agricultural use permitted on land zoned for agriculture consistent with state law, and clarify existing codes for small farmworker housing projects. The project would also establish a new discretionary review process and Development Reserve for development of a limited number of 100% affordable rental farmworker housing projects by qualified non-profit housing developers on qualifying agricultural parcels located outside of the Coastal Zone.

**Project Location:** This project involves General Plan and County Code amendments that affect potential land uses permitted on parcels zoned for Public Facility and Agricultural uses located throughout unincorporated Santa Cruz County. Santa Cruz County is bounded on the north by San Mateo County, on the south by Monterey and San Benito counties, on the east by Santa Clara County, and on the south and west by Monterey Bay and the Pacific Ocean.

**Applicant:** County of Santa Cruz

**Staff Planner:** Annie Murphy, **Phone:** (831) 454-3111, **Email:** [Annie.Murphy@santacruzcounty.us](mailto:Annie.Murphy@santacruzcounty.us)

**This project will be considered at public hearings before the Planning Commission and Board of Supervisors. The times, dates and locations have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.**

### California Environmental Quality Act Negative Declaration Findings:

Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Planning Department located at 701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz, California. A digital copy of the document can be reviewed at the following web address:

<http://www.sccoplanning.com/PlanningHome/Environmental/CEQAInitialStudiesEIRs/CEQADocuments/OpenforPublicReview.aspx>

Review Period Ends: October 11, 2019

Date: \_\_\_\_\_

*Note: This Document is considered Draft until it is Adopted by the Appropriate County of Santa Cruz Decision-Making Body*

\_\_\_\_\_  
STEPHANIE HANSEN, Environmental Coordinator  
(831) 454-3112





# County of Santa Cruz

## PLANNING DEPARTMENT

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KATHLEEN MOLLOY, PLANNING DIRECTOR

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## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INITIAL STUDY/ENVIRONMENTAL CHECKLIST

**Date:** September 11, 2019

**Application No.:** N/A

**Project Name:** Agricultural Employee (Farmworker),  
Public Facility and School Employee  
Housing Policy and Code Amendments

**Staff Planner:** Annie Murphy

### I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

**APPLICANT:** County of Santa Cruz

**APN(s):** Countywide

**OWNER:** N/A

**SUPERVISORAL DISTRICT:** All

**PROJECT LOCATION:** This project involves General Plan and County Code amendments that affect potential land uses permitted on parcels zoned for Public Facility and Agricultural uses located within unincorporated Santa Cruz County. Santa Cruz County is bounded on the north by San Mateo County, on the south by Monterey and San Benito counties, on the east by Santa Clara County, and on the south and west by Monterey Bay and the Pacific Ocean.

#### SUMMARY PROJECT DESCRIPTION:

The project consists of amendments to the General Plan/Local Coastal Program (GP/LCP) and Santa Cruz County Code (SCCC) to establish 100% affordable rental housing and school employee housing as public/quasi-public uses permitted on land zoned for public facilities; and to clarify that qualified agricultural employee (farmworker) housing projects are an agricultural use permitted on land zoned for agriculture consistent with state law, and clarify existing codes for small farmworker housing projects. The project would also establish a new discretionary review process and Development Reserve for development of a limited number of 100% affordable rental farmworker housing projects by qualified non-profit housing developers on qualifying agricultural parcels located outside of the Coastal Zone.



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** *All of the following potential environmental impacts are evaluated in this Initial Study. Categories that are marked have been analyzed in greater detail based on project specific information.*

- |  |   |
|--|---|
| <input type="checkbox"/> Aesthetics and Visual Resources                 | <input type="checkbox"/> Mineral Resources                        |
| <input checked="" type="checkbox"/> Agriculture and Forestry Resources   | <input type="checkbox"/> Noise                                    |
| <input type="checkbox"/> Air Quality                                     | <input type="checkbox"/> Population and Housing                   |
| <input type="checkbox"/> Biological Resources                            | <input checked="" type="checkbox"/> Public Services               |
| <input type="checkbox"/> Cultural Resources                              | <input type="checkbox"/> Recreation                               |
| <input type="checkbox"/> Energy  | <input checked="" type="checkbox"/> Transportation                |
| <input type="checkbox"/> Geology and Soils                               | <input type="checkbox"/> Tribal Cultural Resources                |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions             | <input checked="" type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Hazards and Hazardous Materials                 | <input checked="" type="checkbox"/> Wildfire                      |
| <input checked="" type="checkbox"/> Hydrology/Water Supply/Water Quality | <input type="checkbox"/> Mandatory Findings of Significance       |
| <input checked="" type="checkbox"/> Land Use and Planning                |   |

**DISCRETIONARY APPROVAL(S) BEING CONSIDERED:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> General Plan Amendment/LCP Amendment | <input type="checkbox"/> Coastal Development Permit               |
| <input type="checkbox"/> Land Division                                   | <input type="checkbox"/> Grading Permit                           |
| <input type="checkbox"/> Rezoning  | <input type="checkbox"/> Riparian Exception                       |
| <input type="checkbox"/> Development Permit                              | <input type="checkbox"/> LAFCO Annexation                         |
| <input type="checkbox"/> Sewer Connection Permit                         | <input checked="" type="checkbox"/> Other: County Code Amendments |

**OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g., permits, financing approval, or participation agreement):**

Permit Type/Action

LCP Amendment

Agency

California Coastal Commission

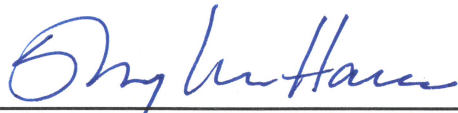
**CONSULTATION WITH NATIVE AMERICAN TRIBES:** *Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?*

No California Native American tribes traditionally and culturally affiliated with the area of Santa Cruz County have requested consultation pursuant to Public Resources Code section 21080.3.1.

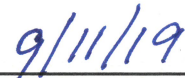
## DETERMINATION:

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



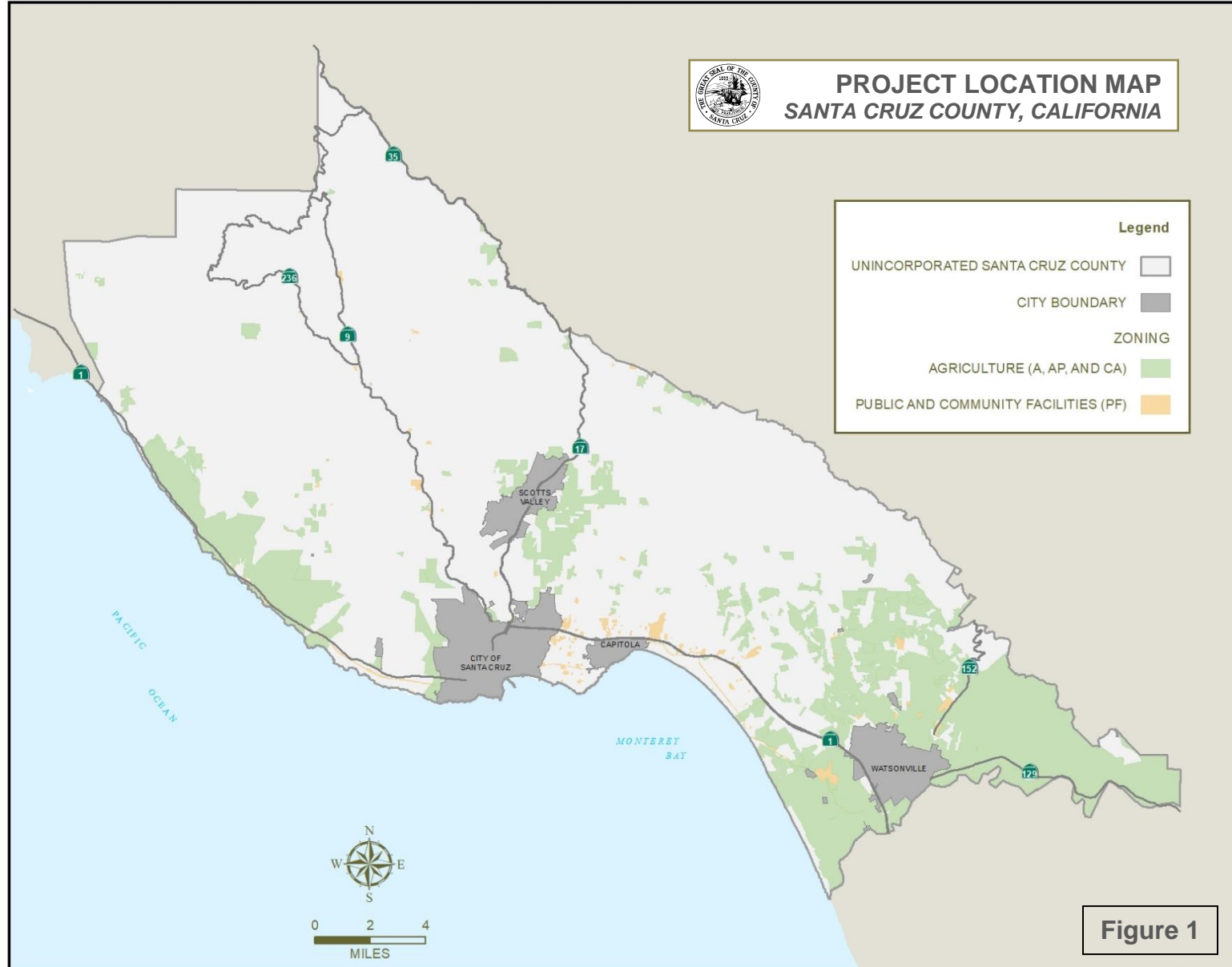
STEPHANIE HANSEN, Environmental Coordinator



Date

**Attachments:**

1. General Plan/Local Coastal Program Amendments
2. Agricultural Employee Housing SCCC Amendments
3. Public Facility Housing SCCC Amendments





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## II. BACKGROUND INFORMATION

### EXISTING SITE CONDITIONS:

Parcel Size (acres): N/A  
 Existing Land Use: N/A  
 Vegetation: N/A  
 Slope in area affected by project: ☐ 0 - 30% ☐ 31 – 100% ☒ N/A  
 Nearby Watercourse: N/A  
 Distance To: N/A

**ENVIRONMENTAL RESOURCES AND CONSTRAINTS:** *This project includes countywide amendments that could impact multiple sites throughout the county at various unknown locations. One foreseeable project is known at this time. The San Lorenzo Valley Unified School District anticipates a potential school employee housing project at 16300 Highway 9, the former location of Redwood Elementary School.*

**Countywide Amendments** (Within Parentheses, Site-Based Summary of Potential SLVUSD Project)

Water Supply Watershed:	N/A (Upper S. Lorenzo)	Fault Zone:	N/A
Groundwater Recharge:	N/A	Scenic Corridor:	N/A (Hwy 9)
Timber or Mineral:	N/A (Timber)	Historic:	N/A
Agricultural Resource:	N/A <sup>1</sup>	Archaeology:	N/A
Biologically Sensitive Habitat:	N/A	Noise Constraint:	N/A
Fire Hazard:	N/A (SRA-High & Moderate)	Electric Power Lines:	N/A (Yes)
Floodplain:	N/A	Solar Access:	N/A
Erosion:	N/A	Solar Orientation:	N/A
Landslide:	N/A	Hazardous Materials:	N/A
Liquefaction:	N/A	Other:	N/A

### SERVICES:

Fire Protection:	N/A	Drainage District:	N/A
School District:	N/A	Project Access:	N/A
Sewage Disposal:	N/A	Water Supply:	N/A

### PLANNING POLICIES:

Zone District:	PF/CA/A/AP	Special Designation:	None
General Plan:	P/AG		
USL:	<input checked="" type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside	

<sup>1</sup> Agricultural employee housing amendments may potentially impact agricultural resources in the County; however, no foreseeable projects are known at this time.

Coastal Zone: ☒ Inside ☒ Outside

## ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:

### Natural Environment

Santa Cruz County is uniquely situated along the northern end of Monterey Bay approximately 55 miles south of the City of San Francisco along the Central Coast. The Pacific Ocean and Monterey Bay to the west and south, the mountains inland, and the prime agricultural lands along both the northern and southern coast of the county create limitations on the style and amount of building that can take place. Simultaneously, these natural features create an environment that attracts both visitors and new residents every year. The natural landscape provides the basic features that set Santa Cruz apart from the surrounding counties and require specific accommodations to ensure building is done in a safe, responsible and environmentally respectful manner.

The California Coastal Zone affects nearly one third of the land in the urbanized area of the unincorporated County with special restrictions, regulations, and processing procedures required for development within that area. Steep hillsides require extensive review and engineering to ensure that slopes remain stable, buildings are safe, and water quality is not impacted by increased erosion. The farmland in Santa Cruz County is among the best in the world, and the agriculture industry is a primary economic generator for the County.

### PROJECT BACKGROUND:

The County of Santa Cruz, like many areas of California, is experiencing a housing crisis. Housing supply, especially the amount of available affordable housing, is not meeting local demand or the needs of local employers, particularly in the education and agriculture sectors. On June 12, 2018, the Santa Cruz County Board of Supervisors directed staff to implement policy actions that could be taken in the near term to address the pressing need for employee and rental housing throughout the County. In accordance with Board direction, this project would amend portions of the General Plan/Local Coastal Program (GP/LCP) and the Santa Cruz County Code (SCCC) that address public facility and agricultural uses to recognize that, given the current housing crisis and relevant state law mandates, the types of housing detailed below are essential to public health, safety and welfare and to support the local economy. The housing types that are the subject of the proposed amendments include agricultural employee (farmworker), public facility and school employee housing.

### Workforce Housing in the Public Facility Zone District

Attainable housing is essential for maintaining a stable workforce. In a 2018 report examining the region's economic landscape, Santa Cruz County was identified as one of the most unaffordable housing markets in the world and the high cost of living was noted as a major contributing factor to high turnover and low worker retention rates for employers throughout the County (BW Research, 2018). State legislators have recognized that recruiting teachers and other employees that support schools, in particular, is an issue facing cities and counties throughout California. For that reason, the state implemented a number of new laws in recent years that provide a path for school districts to secure affordable housing for school employees, including Senate Bill (SB) 1413, also known as the Teacher Housing Act of 2016, and Assembly Bill (AB) 1157, which streamlines the process for school districts to develop rental housing for their employees on surplus school-owned properties.

Currently, access to land in Santa Cruz County is a major constraint to development of needed housing, yet there are a number of underutilized parcels throughout the County currently owned by public or quasi-public entities that could accommodate some of the desired workforce housing projects. In Santa Cruz County, parcels in the Public Facility (PF) zone district can be developed with public and quasi-public uses, such as schools, churches, hospitals, and community services. Housing is currently allowed on PF-zoned sites at medium or low densities when ancillary to the public facility uses. Recognizing that both affordable housing and housing for school employees provides a public benefit, the proposed code amendments would slightly increase the allowable density for workforce housing on PF-zoned sites, from the current medium density of 10.8 units per acre for properties in the Urban Services Line (USL), and the suburban density range of 2.5 to 20 acres per dwelling unit for properties in the Rural Services Line (RSL), to a proposed high density of 17.4 units per acre (a net change of 6.6 units per acre in the USL). This increase is appropriate and necessary to allow these types of housing at a scale that is economically feasible for these modest rental housing developments. These amendments would also modify current County policies to more clearly allow 100% affordable rental housing and rental housing for school employee households as ancillary or primary public/quasi-public uses in the Public and Community Facility zone district.

### Agricultural Employee (Farmworker) Housing

For decades there has been a well-documented shortage of safe and affordable housing for farmworkers in Santa Cruz County, and elsewhere in California's primary farming regions. Various existing state laws aim to protect the economic viability of agriculture and preserve



agricultural lands. The California Employee Housing Act (EHA), codified in California Health and Safety Code sections 17000-17062.5, recognizes that an adequate supply of decent, safe and sanitary housing for farmworkers is critical to the ongoing viability of commercial agriculture, and preempts any local regulations in conflict with its provisions. Currently, the SCCC is somewhat inconsistent with the EHA in terms of the level of discretionary review required, and applicable standards, for certain types of farmworker housing projects regulated by the EHA. This project includes amendments that would make current County policies and codes consistent with the EHA.

Preserving this industry requires that soils best suited to commercial agriculture are used for crop production and other agricultural uses rather than converting to other non-agricultural uses. As the viability and success of the agriculture industry depends upon having a qualified agricultural workforce, the EHA deems that certain types of modestly sized farmworker housing (“EHA projects”) shall be considered an agricultural land use, not a residential land use, when located within agricultural zone districts.

Efforts to address the need for farmworker housing have been undertaken in Santa Cruz County for many years, however, the shortage persists and has become even more critical in recent years as general housing stock in the region has become increasingly unaffordable to many local workers. For this reason, General Plan Housing Element Program 2.11 directs staff to “Collaborate with the County Agriculture Commissioner and other interested parties to promote housing for agricultural employees by convening stakeholders, including property owners, lessee farmers, agricultural employees, agricultural product processors, and affordable housing developers to discuss strategies for producing this type of housing.” This directive led to County participation in the 2018 Farmworker Housing Study and Action Plan for the Salinas Valley and Pajaro Valley. The farmworker housing study notes that this region, including the southern area of Santa Cruz County known as Pajaro Valley, is experiencing a severe shortage of farmworkers available to support the agricultural industry, which is the dominant land use within Pajaro Valley, and that shortage is reaching a crisis point. (California Institute for Rural Studies, 2018). The study further indicates that providing more farmworker housing is essential to addressing severe overcrowding among farmworker households and labor shortages in the agricultural sector.

On June 11, 2019, the Board of Supervisors considered a farmworker housing strategy informed by the findings of the 2018 Farmworker Housing Study. That strategy included preparation of programmatic goals related to farmworker housing, as well as the amendments included in this project. Program 5.9 of the Housing Element further directs staff to “Finalize

code updates to regulate agricultural employee (farmworker) housing as an agricultural use not subject to density standards and provide a pathway for discretionary approval of projects that exceed the size granted by-right processing by State law.” In accordance with these directives, this project would acknowledge that agricultural employee (farmworker) housing is an agricultural land use necessary for commercial farming, consistent with the EHA, and would better facilitate development of farmworker housing to meet local needs and to improve the consistency of County regulations with the EHA.

## DETAILED PROJECT DESCRIPTION:

See the full amendments to the General Plan and Local Coastal Program (GP/LCP) policies and County Code (SCCC), attached.

The project consists of amendments to the GP/LCP and SCCC to recognize 1) affordable rental housing and school employee housing as public/quasi-public facility uses permitted on land zoned for public facilities, and 2) agricultural employee housing as an agricultural use permitted on land zoned for agriculture, with limitation in the Coastal Zone.

No.	Project Type	Description
<b>Public Facility Housing</b>		
<b>1A</b>	<b>100% Affordable Rental Housing</b>	100% affordable rental housing within the USL or RSL at R-UH density range
<b>1B</b>	<b>School Employee Housing</b>	Multi-family rental housing for school employee households on land owned by a school at R-UH density range
<b>Agricultural Employee Housing</b>		
<b>2A</b>	<b>EHA Projects</b>	<p>Projects Housing Five or More Farmworkers</p> <p>Includes any of these project types:</p> <ul style="list-style-type: none"> <li>• Projects of 5 to 36 beds in group quarters</li> <li>• Projects of 5 to 12 dwelling units, mobile homes, or other housing accommodations</li> <li>• Small Projects of 1 to 4 dwelling units proposed to house at least 5 farmworkers</li> </ul> <p>EHA Projects may be seasonal, temporary, or permanent</p>
<b>2B</b>	<b>Small Farmworker Housing Projects</b>	Small Projects of 1 to 4 dwelling units proposed to house 4 or fewer farmworkers
<b>2C</b>	<b>ARFH Projects</b>	100% affordable multi-family rental farmworker housing projects outside of the Coastal Zone, within the Pajaro Valley development reserve, which has a 200-unit total cap. Four to five ARFH projects of 40-60 units each are anticipated to fully utilize the 200-unit capacity allowed for this development reserve.

## 1. Public Facility Housing

Currently, the General Plan permits private “public facility” housing on public facility sites at up to the medium density range (7.3-10.8 units/acre) for residential development in urban areas, and up to the rural residential density range (1 unit or less per acre) in rural areas. This project would amend sections of the GP/LCP and SCCC to slightly expand the type and scale of housing in public facility zone districts, by more clearly allowing the following types of workforce housing as ancillary or primary uses in the Public and Community Facilities (PF) zone district:

- A) **100% affordable rental housing.** 100% affordable rental housing on land within the Urban Services Line (USL) or Rural Services Line (RSL) at up to the urban high-density range of 17.4 dwelling units per acre (R-UH). The housing units shall be restricted to be affordable to, and occupied by lower-income households as defined in Title 25 of the California Code of Regulations.
- B) **School Employee Housing.** Multi-family rental housing for school employee households, on land owned by a private or public school, up to the urban high-density range of 17.4 dwelling units per acre (R-UH). The housing units shall only be permitted where consistent with the carrying capacity of the parcel and where adequate services and appropriate infrastructure are available or would be provided concurrent with development.

The purpose of the amendments is to address the community’s need for affordable rental and school employee housing in Santa Cruz County. The project would amend the following General Plan Policies and Zoning Ordinances to clarify that these types of workforce housing projects are considered a public/quasi-public use on PF and school-owned sites:

- General Plan/LCP:
  - Land Use Element: Planning Framework, beginning on page 2-2
  - Land Use Element: Objective 2.21 (Public Facility/Institutional Designation)
    - Updates several policies in the General Plan Land Use Element as needed to allow development of workforce housing in the public facility zone, as described in 1. A) – B) above, and to be consistent with the proposed code amendments.
  - Parks, Recreation, and Public Facilities Element: Objective 7.20 (Sanitation Facilities within Rural Services Line) and Objective 7.21 (Sanitation Facilities within Rural Areas)

- Amends policies 7.20.2, 7.21.5 and 7.21.6 to add exceptions to allow limited utility connections and appropriate density ranges for school employee housing outside the USL/RSL.
- SCCC:
  - 13.10.362(B): Public and community facilities uses
  - 13.10.365: Special standards and conditions
  - 17.02.060: Provision of urban services
  - 18.10.180: Planned unit developments (“PUDs”)

Description: Amends the PF uses chart to allow these new workforce housing project types, as defined above, within PF zones, along with companion amendments that allow PUDs in the PF zone district, and to be consistent with the changes to Policies 7.20.2, 7.21.5 and 7.21.6 under General Plan Objectives 7.20 and 7.21 described above, related to utility connections and allowable density for school employee housing and certain types of farmworker housing projects outside the USL/RSL.

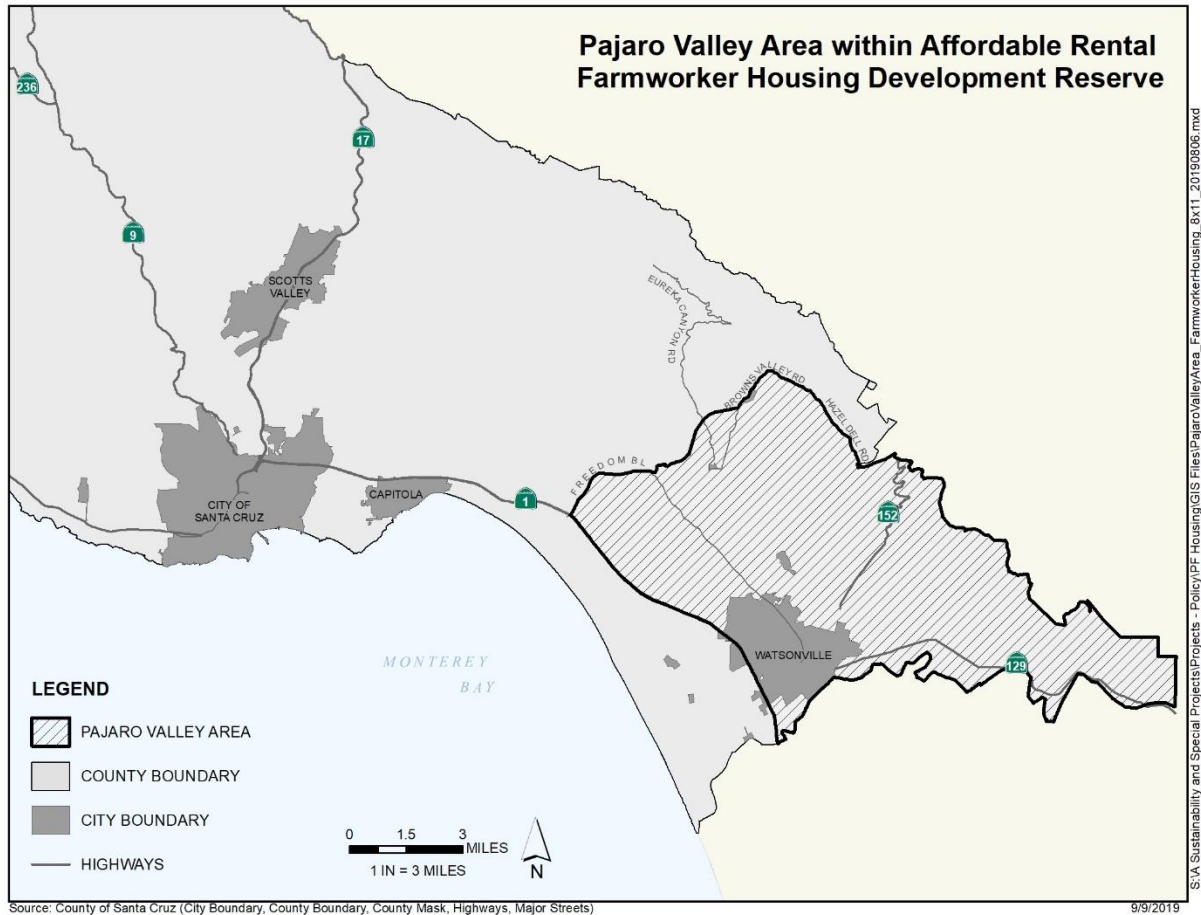
### 1. Agricultural Employee Housing

The project would amend sections of the GP/LCP and SCCC to allow agricultural employee housing to be developed on land zoned for Agriculture (A), Agricultural Preserve (AP), or Commercial Agriculture (CA):

- A) **EHA Projects.** Improve consistency of current County land use policies and codes with the EHA provisions for development of employer-provided farmworker housing on agricultural parcels. In accordance with the EHA, the amendments clarify that agricultural employee housing of 5 to 12 units or mobile home spaces, or up to 36 beds in group quarters, is considered an agricultural, rather than a residential use of land. The County will review and permit these projects as ministerial “by right uses” with no more discretionary review or permitting procedures than is required of other agricultural uses in the same zones. However, site development permits would still be required, involving staff review for consistency with siting criteria and applicable development standards. The amendments also clarify that, as an agricultural use on agricultural properties, EHA Projects are not subject to the Agricultural Buffer Setback policies in 16.10.095, although they are subject to applicable state setbacks described in the California Code of Regulations and applicable provisions of the SCCC. Worker protections under state and federal law, administered by the State Department of Industrial Relations (DIR), also apply to protect occupants of EHA projects from potential hazards of their employer’s onsite farming operation.

- B) **Small Farmworker Housing Projects.** Clarify and consolidate code language, mainly in the Agricultural uses Chart, to reduce redundancy and clarify permitting requirements, particularly for small farmworker housing projects of 1 to 4 units, and for seasonal and temporary projects, consistent with the EHA. Improve and clarify code provisions for monitoring and enforcement of applicable occupancy and health and safety standards for permitted farmworker housing projects to prevent fraud and abuse and address safety concerns.
- C) **Affordable Rental Farmworker Housing (ARFH) Projects.** Create a discretionary permit process for development of 100% affordable, multi-family rental farmworker housing projects for farmworker households. These projects would exceed the 12-unit / 36-bed limit placed on EHA Projects. ARFH projects would only be permitted for development by qualified non-profit affordable housing providers as multi-family rental housing, subject to 55-year or longer affordability restrictions. The proposed amendments to the General Plan and County Code would establish a Development Reserve to allow development of up to 200 new units in ARFH Projects. All of these ARFH units, except a manager's unit within each project, would be restricted to be affordable to lower-income households. The Development Reserve is available only within the agricultural zone districts in the Pajaro Valley area of unincorporated Santa Cruz County, outside of the Coastal Zone (see Pajaro Valley Area Map below). The ARFH projects would not be allowed within environmentally sensitive habitats, historic or other protected resources, and would not be sited in certain natural hazard zones listed in the draft ordinance, including fault zones, floodplains and floodways, and very high wildfire hazard areas. Other detailed siting criteria to protect resources and ensure occupant safety is included in the proposed amendments to the SCCC. Staff anticipates that no more than 4 to 5 ARFH projects would be permitted before the 200-unit cap is reached, as these projects usually range from 40 to 60 units per project. This project size is driven by funding and cost parameters of available financing programs, such as the Joe Serna, Jr. Farmworker Housing Program, and state and federal Low-Income Housing Tax Credits. Affordable projects are usually designed to provide housing for farmworker families, although a small number of studio or one-bedroom units may be included in a project. Group quarters (dormitories) are not allowed under this policy, consistent with the requirements of most of the funding programs. Proposed amendments to the SCCC provide further detail on the discretionary permit process for development of ARFH Projects pursuant to the Development Reserve described above. These projects do not qualify as EHA

Projects because they are larger than the maximum EHA project size of 12 units, among other reasons. The proposed amendments require Level VII discretionary review for these projects, and they would be subject to CEQA review.



The project would amend the following Zoning Ordinances and General Plan Policies for agricultural employee housing:

- General Plan/LCP:
  - Land Use Element: Planning Framework, beginning on page 2-2
    - Amends policy to state that farmworker housing, as defined in the policy amendments, is an agricultural land use and is not subject to the Rural Density Matrix used to assess the residential development potential of rural properties based on resources unique to a particular site, as provided in SCCC Chapter 13.14.

- Conservation and Open Space Element: Objective 5.13 (Commercial Agricultural Land) and Objective 5.14 (Non-Commercial Agricultural Land)
  - Updates several policies in the General Plan Land Use Element needed to allow development of qualifying types of farmworker housing in agricultural zones, as in 2. A) – C) described above, to be consistent with the proposed code amendments and the EHA.
- Parks, Recreation, and Public Facilities Element: Objective 7.20 (Sanitation Facilities within Rural Services Line) and Objective 7.21 (Sanitation Facilities within Rural Areas)
  - Amends policies 7.20.2, 7.21.5 and 7.21.6 to include exceptions for limited utility connections and the exemption from the rural density matrix policy for farmworker housing projects outside the USL/RSL.
- SCCC:
  - 13.10.312(B): Agricultural Uses Chart
  - 13.10.313 Development Standards
  - 13.10.315 CA and AP land division criteria
  - 13.14.040: Application
  - 13.10.631: Agricultural Employee Housing
  - 16.50.095 Agricultural Buffer Setbacks

Description: Amends several existing code sections that address development of farmworker housing in agricultural zone districts, to achieve the goals related to farmworker housing described in 2. A) – C) above, including updates to the Agricultural Uses Chart, reorganization of existing small farmworker housing regulations, clarification that the Agricultural Employee Housing is not subject to the Rural Density Matrix, and revision of the agricultural buffer required for certain types of farmworker housing projects.

### III. ENVIRONMENTAL REVIEW CHECKLIST

#### A. AESTHETICS AND VISUAL RESOURCES

*Except as provided in Public Resources Code section 21099, would the project:*

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The project would amend sections of the General Plan/LCP and County Code. These amendments themselves do not relate to any particular proposal to develop these types of housing and would not directly result in physical impacts to the environment.

Some of these amendments codify farmworker housing regulations for projects between 5 and 12 units or housing for at least five individual farmworkers (2A), in accordance with existing state law (the EHA). Updating local regulations to be consistent with existing, preemptive State law is an administrative task that does not relate to any particular development proposal or site, has no potential to affect the physical environment, and can be seen with certainty based on review of the facts to have no possible significant effect on the environment after implementation. The EHA (codified in California Health and Safety Code sections 17000-17062.5) applies notwithstanding a city or county's adoption of an implementing ordinance and is currently in effect in Santa Cruz County although it is not fully reflected in existing code.

Amendments for small farmworker housing projects (2B) would reorganize and clarify existing County regulations for farmworker housing of 1 to 4 units, which may include an "agricultural caretaker unit", and seasonal and temporary farmworker housing projects. These amendments constitute administrative changes and do not relate to any particular development proposal or site, and therefore will not result in any direct or reasonably foreseeable indirect physical change in the environment.

Some of these changes to small farmworker housing projects would revise existing codes for agricultural caretakers' mobile homes and travel trailers, farm worker's quarters, and farm worker camps, including removing maximum densities allowed for these types of housing. However, under current regulations, the maximum allowed dwelling unit densities may be exceeded under special circumstances, and these types of development would still be limited to a maximum of 4 units. Moreover, these changes include additional protections for small farmworker housing projects of 1 to 4 units, including annual monitoring by the Planning Department to verify the owner's compliance with the farmworker housing covenant and project conditions of approval. The amendments include explicit language that states that if



at any time a dwelling unit in such a project is found to be non-compliant with the occupancy requirements in the covenant, the Planning Department may revoke the project's permit. Any future small farmworker housing projects would also be subject to environmental review under CEQA. Therefore, the minor changes to regulations of small farmworker housing projects would not have a significant effect on the environment.

Amendments related to workforce housing (100% affordable rental housing (1A) or school employee housing on public facility districts (1B), or ARFH projects in agricultural zones within the Development Reserve (2C)) are administrative changes that would not directly result in physical impacts to the environment, and do not relate to any particular proposal to develop these types of housing. Some of these amendments would allow housing to be located in areas where it was not previously allowed and/or at slightly higher densities; however, any future workforce housing projects proposed within visual resource areas, public vistas, ocean vistas, and open beaches and bluffs will be subject to CEQA review when proposed. If at such time any aesthetic impacts are identified, appropriate mitigations would be required, or the project could be redesigned to avoid or reduce impacts and maintain consistency with the Visual Resources section of the County of Santa Cruz General Plan, including Policy 5.10.1 (Development Within Visual Resource Areas), 5.10.11 (Development Visible from Rural Scenic Roads), and 5.10.12 (Development Visible from Urban Scenic Roads).

In addition, any future project would be designed to be consistent with SCCC sections that regulate height, bulk, density, setback, landscaping, and design of new structures in the County, including all applicable design guidelines under SCCC Chapter 13.11 (Site, Architectural and Landscape Design Review), which encourages design that balances development with aesthetics and the protection of open space for its aesthetic values. Future projects would further be required to be designed in a way that would limit impacts of the height and extent of the development in order to preserve agricultural vistas per General Plan Policy 5.10.5, consistent with General Plan Policy 8.6.5 (Designing With the Environment), which requires developments to "maintain a complementary relationship with the natural environment," including a low-profile and step-down design on hillsides, and 8.6.6 (Protecting Ridgetops and Natural Landforms), which states, "Protect ridgetops and prominent natural landforms...and other significant natural features from development." Therefore, impacts from adoption of these policy and code amendments are considered less than significant.

One foreseeable workforce housing project is known at this time. The San Lorenzo Valley Unified School District (SLVUSD) anticipates a potential school employee housing project at 16300 Highway 9, the former location of Redwood Elementary School. This project would be subject to environmental review under CEQA if a project application is submitted and impacts to aesthetics and visual resources associated with that specific project would be evaluated at that time.

The site is not located in a General Plan-designated scenic area and contains existing buildings and other infrastructure originally constructed for the former Redwood Elementary School. The current project concept consists of converting the 7 existing one-story school buildings into the following uses: 33 multi-family dwelling units (20 one-bedroom units and 13 two-bedroom units), a clubhouse, and an onsite daycare facility with a 40-student enrollment (half of which are assumed to originate from the proposed residential development).

The project may be located within the sightline of nearby residences and Highway 9, which is a County-designated scenic corridor; however, the site is located at an elevation approximately 20 feet higher than the highway, and approximately 50 feet lower than and 150 feet away from the adjacent single-family residence and more than 100 feet lower than and 400 feet away from the next closest residence. Therefore, the conversion and any new construction on the site is expected to have a limited impact on scenic vistas or daytime or nighttime views in the area. Any potentially significant impacts would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above. As a result, impacts to visual resources are expected to be less than significant at the conceptual level of detail known at this time for the current project concept.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** There are no designated state scenic highways within Santa Cruz County. Please see A-1 above for further discussion of potential impacts on scenic resources. Impacts would be considered less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. <i>In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

*accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**Discussion:** Please see discussion under A-1 above. Any future project in non-urbanized areas would not substantially degrade the existing visual character or quality of public views of the site and its surroundings, and future projects in urban areas would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be considered less than significant.

4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☐ ☒ ☐

**Discussion:** Please see discussion under A-1 above. Some of these amendments would allow housing to be developed in areas where it was not previously allowed and/or at slightly higher densities; however, future development would be located throughout the unincorporated area of Santa Cruz County, therefore the environmental impacts in any one area would be limited. All 100% affordable rental housing and the majority of school employee housing sites would be located within the USL/RSL. These infill residential developments within existing urbanized areas would have a less than significant impact on nighttime views.

Potential school employee and 100% affordable rental farmworker housing projects, in particular, could be allowed in rural areas on a limited number of sites within the applicable zones (PF, CA/A/AP). However, school employee housing would only be developed on school-owned sites, which may be on or adjacent to existing schools and will therefore likely be located adjacent to existing development where impacts on daytime or nighttime views in the area are likely to be less than significant.

The Development Reserve policy would restrict development of ARFH projects to a maximum total development capacity of 200 units, and to projects located only on qualifying sites, as defined within the proposed code amendments, within the boundaries of the Development Reserve. This area is outside of the Coastal Zone, within the Pajaro Valley area of south County. The limited development capacity would likely limit development of ARFH projects to four or five sites. ARFH amendments would also establish siting criteria that encourage clustering of new development consistent with existing County policies, including 8.3.2 (Urban Development) and 8.3.3 (Rural Development), and would direct future projects to sites in or near developed areas where new sources of light are likely to have less of an

impact on views in the area. Financing sources for these affordable projects often require additional financing feasibility (grants)/siting criteria that would further direct potential sites within the vicinity of existing urban services such as transit, schools, shopping, jobs, and healthcare. Therefore, any new source of light or glare that would adversely affect day or nighttime views in these limited areas would not be substantial. Impacts from project implementation would be considered less than significant.

Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts to day or nighttime views associated with a particular development would be evaluated at that time. In addition, all future development would be required to comply with SCCC section 13.10 to limit impacts to public viewsheds, as well as General Plan Policy 5.10.3.

See A-1 for further detail on the potential visual resources impacts of the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9. The site previously operated as the location of Redwood Elementary School and part of the site is currently used by a charter school. The project would produce new sources of light or glare compared to the current and former uses of the site, particularly at night; however, these new sources are not expected to be substantial. Moreover, the site is located along a public highway and at an elevation at least 50 feet lower than and 150 feet away from the nearest residence, therefore the impact of any new sources of light are expected to be less than significant. Potential impacts would be further analyzed during project review and would be required to be prevented or mitigated per the policies and regulations detailed above and under the discussion for A-1. As a result, impacts to day and nighttime views in the area are expected to be less than significant at the conceptual level of detail known at this time for the current project concept.

## B. AGRICULTURE AND FORESTRY RESOURCES

*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon*

measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The project would amend sections of the General Plan/LCP and County Code. These amendments themselves would not result in physical impacts to the environment. Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts to farmland associated with a particular development would be evaluated at that time.

Amendments regarding school employee housing or 100% affordable rental housing are only proposed for parcels owned by school districts or zoned for Public Facilities (PF). Parcels with public facility uses or school sites are not intended for agricultural uses and would not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Therefore, no impact would occur as a result of these amendments.

Additional amendments would create a discretionary process for ARFH projects (2C) on parcels zoned for Agriculture (A), Agricultural Preserve (AP), or Commercial Agriculture (CA). The Development Reserve policy would restrict the projects to a maximum of 200 units located outside of the Coastal Zone in the Pajaro Valley area of south County and would likely be limited to four or five sites. ARFH amendments would also establish siting criteria that encourage clustering of new development consistent with existing County policies, including 8.3.2 (Urban Development) and 8.3.3 (Rural Development), to preserve prime agricultural lands and “lands which are economically productive when used for agriculture” pursuant to SCCC section 17.01.030 (A). Any future project would comply with General Plan Policy 5.13.20 (Conversion of Commercial Agricultural Lands), 5.13.21 (Determining Agricultural Viability), and 5.13.22 (Conversion to Non-Agricultural Uses Near Urban Areas) to ensure that viable agricultural land is not converted to non-agricultural uses. Moreover, these amendments establish 100% affordable rental farmworker housing as an agricultural use and therefore would maintain agricultural uses on land zoned for Agriculture in the A, AP, or CA

zone districts. Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to a non-agricultural use.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 is PF-zoned site, is not zoned for agricultural uses, and does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. As a result, no impact is anticipated at this potential school employee housing site.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Conflict with existing zoning for agricultural use, or a Williamson Act contract?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** See discussion for B-1 above. The purpose of amendments related to properties with existing agricultural zoning (A, AP, or CA) is to recognize agricultural employee housing as an agricultural use, and therefore any future development is not expected to conflict with the zoning for agricultural use. Any future project would also be required to be consistent with all Williamson Act contracts. Impacts are expected to be less than significant.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. <i>Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** Any future development of 100% affordable rental housing (1A) or school employee housing (1B) would be located on parcels owned by a school or zoned for PF. Any future development of ARFH projects (2C) would be located on parcels zoned for agriculture (A, AP, or CA). No future development would be located on parcels zoned for Timber Production (TP) or parks, recreation and open space (PR). Any other forest land or timberland not identified by the appropriate zoning district would be evaluated during project review pursuant to General Plan Policy 5.12.8 (Timber Resource Land Not Zoned Timber Production).

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 is a PF-zoned site, is not zoned for forest, timberland, or timberland production uses, and does not include any proposals to rezone forest land or timberland.

Therefore, no timber resources would be impacted by potential future projects. No impacts are anticipated.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** See discussion under B-3 above. No impact is anticipated.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** See discussions under B-1 and B-3 above. No impact is anticipated.

### C. AIR QUALITY

The significance criteria established by the Monterey Bay Air Resources District (MBARD) has been relied upon to make the following determinations. Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** See C-2 below. Any future project, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, would also be required to be consistent with all air quality plans of the Monterey Bay Air Resources District (MBARD). The proposed amendments are intended to address existing housing needs and would help reduce overcrowding and inadequate housing; therefore, any new housing developed as a result of the proposed amendments would not be considered to induce new population or employment growth. Because general construction activity related emissions (i.e., temporary sources) are accounted for in the emission inventories included in the air quality plans, construction emissions would not conflict with air quality plan objectives.

The project would result in new long-term operational emissions from vehicle trips (mobile emissions), the use of natural gas (energy source emissions), and consumer products, architectural coatings, and landscape maintenance equipment (area source emissions). Mobile source emissions constitute most operational emissions from this type of residential development project. However, emissions associated with buildout of this type of project is not expected to exceed any applicable MBARD thresholds. No stationary sources would be

constructed that would be long-term permanent sources of significant emissions. Therefore, the project would not conflict with or obstruct implementation of applicable air quality plans.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts to air quality associated with a particular development would be evaluated at that time.

Santa Cruz County is located within the NCCAB. The NCCAB does not meet state standards for ozone (reactive organic gases [ROGs] and nitrogen oxides [NOx]) and fine particulate matter (PM<sub>10</sub>). Therefore, the regional pollutants of concern that would be emitted by the project are ozone precursors and PM<sub>10</sub>.

The primary sources of ROG within the air basin are on- and off-road motor vehicles, petroleum production and marketing, solvent evaporation, and prescribed burning. The primary sources of Nox are on- and off-road motor vehicles, stationary source fuel combustion, and industrial processes. In 2010, daily emissions of ROGs were estimated at 63 tons per day. Of this, area-wide sources represented 49%, mobile sources represented 36%, and stationary sources represented 15%. Daily emissions of Nox were estimated at 54 tons per day with 69% from mobile sources, 22% from stationary sources, and 9% from area-wide sources. In addition, the region is “Nox sensitive,” meaning that ozone formation due to local emissions is more limited by the availability of Nox as opposed to the availability of ROGs (MBUAPCD, 2013b).

PM<sub>10</sub> is the other major pollutant of concern for the NCCAB. In the NCCAB, highest particulate levels and most frequent violations occur in the coastal corridor. In this area, fugitive dust from various geological and man-made sources combines to exceed the standard. The majority of NCCAB exceedances occur at coastal sites, where sea salt is often the main factor causing exceedance. In 2005 daily emissions of PM<sub>10</sub> were estimated at 102 tons per day. Of this, entrained road dust represented 35% of all PM<sub>10</sub> emission, windblown dust 20%, agricultural tilling operations 15%, waste burning 17%, construction 4%, and mobile sources, industrial processes, and other sources made up 9% (MBUAPCD, 2008).

Some of these amendments would allow housing to be developed in areas where it was not previously allowed and/or at slightly higher densities, however all future development would



be limited throughout the unincorporated area of Santa Cruz County, therefore the environmental impacts in any one area would be limited. School employee housing (1B) would only be developed on school-owned sites, most of which are located within the USL or RSL, and all 100% affordable rental housing (1A) would be located on infill parcels in urbanized areas within the USL or RSL where the increase in vehicle miles traveled (VMT) for these projects is expected to be less than significant. Potential PF and school properties are generally located on sites that can accommodate “facility” buildings and associated transportation and utility impacts. Moreover, these projects are likely to be in close proximity to existing development and could utilize public services, including public transportation, which would potentially limit the increase in VMT as well. See Q-2 for further discussion of the impacts related to VMT.

Amendments related to school employee (1B) and ARFH projects (2C), in particular, would allow multi-family residential development in rural areas. However, school employee housing would only be developed on school-owned sites, which may be on or adjacent to existing schools and is therefore likely be located adjacent to existing development. The Development Reserve policy would restrict ARFH projects to a maximum of 200 units outside of the Coastal Zone in the Pajaro Valley area of south County and would likely be limited to four or five sites. ARFH amendments would also establish siting criteria that encourage clustering of new development consistent with existing County policies, including 8.3.2 (Urban Development) and 8.3.3 (Rural Development), and would direct ARFH projects to sites in or near developed areas. Financing sources for these affordable projects often require additional financial feasibility (grants)/siting criteria that would further direct potential sites within the vicinity of existing urban services such as transit, schools, shopping, jobs, and healthcare. Locating housing closer to jobs, goods and services would reduce the distance residents travel to meet their everyday needs; therefore, the increase in VMT for these projects is expected to be less than significant.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to air quality would be evaluated at that time. Trip generation analysis has been estimated for the potential SLVUSD Teacher Workforce Housing project in a memo prepared by Dudek on July 12, 2019 (see Table 2 under Q-1). The analysis determined that the number of new trips created or attracted by the proposed amendments would be less than the former Redwood Elementary School and a minor

increase in the PM peak hour from the existing charter school use resulting in a less than significant impact.

Given the modest amount of new traffic that is likely to be generated by approval of the proposed amendments, there is no indication that new emissions of ROG or Nox would exceed MBARD thresholds for these pollutants; and therefore, there would not be a significant contribution to an existing air quality violation due to VMT changes. Therefore, the operational phase of future projects would not result in a cumulatively considerable net increase in criteria pollutants.

Project construction would have a limited and temporary potential to contribute to existing violations of California air quality standards for ozone and PM10, primarily through diesel engine exhaust and fugitive dust. However, the Santa Cruz monitoring station has not had any recent violations of federal or state air quality standards mainly through dispersion of construction-related emission sources. Standard dust control best management practices (BMPs), such as periodic watering, would be implemented during construction to avoid significant air quality impacts from the generation of PM10. Therefore, construction of any future project would not result in a cumulatively considerable net increase in criteria pollutants. Impacts are expected to be less than significant.

3. *Expose sensitive receptors to substantial pollutant concentrations?* ☐ ☐ ☒ ☐

**Discussion:** Some future development may be located near sensitive receptors, particularly school employee housing that may be located on or near an existing school site; however, all future projects would involve residential development that is not expected to generate substantial pollutant concentrations during project operation. Nonetheless, any future project, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, would require future approval and would be subject to environmental review under CEQA. Impacts to air quality associated with a particular development, including sensitive receptors' exposure to pollutant concentrations, would be evaluated at that time.

The potential SLVUSD project includes residential uses and a day care facility that are considered sensitive receptors themselves and are not expected to create substantial pollutant concentrations. The site is located immediately adjacent to Highway 9 and may be impacted by pollutants emitted by passing vehicles, however the site is located at an elevation

approximately 20 feet higher in elevation than the highway, and therefore potential residents or students are not expected to be exposed to substantial pollutant concentrations.

Emissions from project construction activities of any future project represent temporary impacts that are typically short in duration and would also not constitute a substantial concentration of pollutants. As mentioned in C-2 above, standard BMPs, such as periodic watering for dust control, would be implemented during construction to avoid significant air quality impacts from the generation of PM<sub>10</sub> and other pollutants. Impacts to sensitive receptors would be less than significant.

4. *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?* ☐ ☐ ☒ ☐

**Discussion:** Some future development may be located in areas near a substantial number of people, particularly 100% affordable rental housing (1A) targeted for infill sites within the USL or RSL. However, all future projects would involve residential development that is not expected to create objectionable odors or result in other adverse emissions during the operational phase of the project. Nonetheless, any future project, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, would require future approval and would be subject to environmental review under CEQA. Impacts to air quality associated with a particular development, including emissions adversely affecting a substantial number of people, would be evaluated at that time.

Emissions from construction activities of any future project represent temporary impacts that are typically short in duration. As mentioned in C-2 and C-3 above, standard BMPs would be implemented during construction to avoid significant air quality impacts. California ultralow sulfur diesel fuel with a maximum sulfur content of 15 ppm by weight would also be used in all diesel-powered equipment, which minimizes emissions of sulfurous gases (sulfur dioxide, hydrogen sulfide, carbon disulfide, and carbonyl sulfide). Therefore, emissions related to construction of any future project is expected to have a less than significant impact to people in the project vicinity.

The potential SLVUSD project consists of residential uses and a day care facility, which are not expected to create significant odors or other adverse emissions during the operational phase of the project. The site is located at an elevation approximately 20 feet higher than the highway, and lower than the closest residential properties, approximately 50 feet lower than and 150 feet away from the adjacent single-family residence and more than 100 feet lower

than and 400 feet away from the next closest residence. Therefore, new construction on the site is expected to have a less than significant impact on the limited number of people in the project vicinity. With the inclusion of the BMPs mentioned above, impacts during project construction would be less than significant.

#### D. BIOLOGICAL RESOURCES

Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts to biotic resources associated with a particular development would be evaluated at that time. In addition, any future project would be required to be designed in a way that would eliminate or reduce impacts to protected resources, including candidate, sensitive, or special status species or their habitats, consistent with the Sensitive Habitat Protection Ordinance contained in SCCC section 16.32. Future development would also need to be consistent with Policies 5.1.5 (Land Division and Density Requirements in Sensitive Habitats) as well as Policy 5.1.6 (Development within Sensitive Habitats, of the General Plan), which would require any future project to be reduced in scale, redesigned, or denied approval if it cannot sufficiently mitigate significant adverse impacts on sensitive habitats.

Some of these amendments would allow housing to be developed in areas where it was not previously allowed and/or at slightly higher densities, however, all future development would be located throughout the unincorporated area of Santa Cruz County, therefore the environmental impacts in any one area would be limited. All 100% affordable rental housing (1A) would only be located on infill parcels zoned for Public Facility uses in the USL or RSL. These urban residential developments would have a less than significant impact on biological resources, however, as mentioned above, they would also be required to undergo future environmental review and comply with the local sensitive habitat protections to reduce any potential impacts.

Potential school employee (1B) and ARFH projects (2C), in particular, would allow multi-family residential development in rural areas where habitats for candidate, sensitive, or special status species are more likely to be located. However, school employee housing would only be developed on school-owned sites, and The Development Reserve policy would restrict ARFH projects to a maximum of 200 units outside of the Coastal Zone in the Pajaro Valley area of south County and would likely be limited to four or five sites. These amendments include additional restrictions that would prevent or significantly limit potential impacts to protected resources, including candidate, sensitive, or special status species or their habitats:

- Amendments to SCCC section 13.10.365(B) explicitly state that all workforce housing applications (1A and 1B) shall be subject to environmental review and may require further analysis if needed to show adequate environmental protection and provision of adequate services, including the provision of a biotic report. The biotic report would be required to fully analyze and mitigate any potential impacts to sensitive species, ensuring that any future school employee housing projects would not create substantial adverse effects on any candidate, sensitive, or special status species.
- Amendments for ARFH projects within the Development Reserve include siting criteria that would exclude sites located within the Coastal Zone, and exclude areas of environmentally sensitive species or habitats, including wetlands, riparian areas, and other protected resources. These restrictions would direct ARFH projects to sites in or near developed areas and ensure that future projects would not impact any candidate, sensitive, or special status species.
- Financing sources for these ARFH projects often require additional siting criteria and financing feasibility (grants) that would further direct potential sites within the vicinity of existing urban services such as transit, schools, shopping, jobs, and healthcare.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to biotic resources would be evaluated at that time. The site contains existing buildings and other infrastructure originally constructed for the former Redwood Elementary school. Much of the development would be limited to previously disturbed areas on the site, however, some development may extend beyond these areas, including the potential construction of new parking lots, wider access roads, ADA accessible

ramps, additional building stories, and any utility extensions or replacements that may be required. Staging areas for construction activities associated with the project may be located outside of these areas as well.

The potential SLVUSD project site would be located on the east side of Highway 9 north of the Village of Boulder Creek on four parcels: APNs 085-092-02 and 06, and APNs 085-281-01 and 36. Preliminary spatial analysis of the California Natural Diversity Database (CNDDB) GIS layer indicates that part of APN 085-092-02 crosses three potential habitat areas mapped for species listed in the CNDDB: coho salmon, a federally and state-listed endangered species; steelhead, a federally-listed threatened species; and the North Central Coast Drainage Sacramento Sucker/Roach River habitat area. These species/habitat areas are associated with the San Lorenzo River, which runs along the western side of Highway 9, across the highway from the project site. This species/habitat area crosses the northeastern most corner of the parcel approximately 1,000 feet from the actual project site, which is located on the southernmost portion of an approximately 28-acre parcel. Due to the substantial distance between the proposed amendments area and potential habitat areas, impacts are not anticipated; however, any potentially significant impacts to these and any other sensitive species and habitats or other biotic resources would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above.

Therefore, impacts, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service, are expected to be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>2. <i>Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** See discussion under D-1 above. Any future development would require approval when an application for a development permit is submitted and would be subject to

environmental review under CEQA. Impacts to riparian habitat, including wetlands and other sensitive natural communities, would be evaluated at that time.

General Plan Policy 5.1.2 (Definition of Sensitive Habitat) details areas throughout the County that are defined as sensitive habitat, which specifically includes (b) areas which provide habitat for locally unique biotic species/communities, including mapped sandhills parkland, grasslands, and special forests, (g) nearshore reefs, rocky intertidal areas and other marine areas, (i) all lakes, wetlands, streams, and other bodies of water, and (j) riparian corridors. All of the local protections that would prevent or significantly limit any future project's potential impacts to sensitive habitats would apply to these areas as well.

Any future project must also be consistent with local protections that specifically apply to riparian habitat and other sensitive natural communities, including SCCC Chapter 16.30 (Riparian Corridor and Wetlands Projection) as well as the General Plan objective "to preserve, protect and restore all riparian corridors and wetland for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters" (Objective 5.2, Riparian Corridors and Wetlands). Impacts are expected be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. <i>Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** See discussion under D-1 and D-2 above. Impacts to state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means are not anticipated, and impacts from adoption of these policy and code amendments are expected to be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. <i>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** See discussion for D-1 and D-2 above. Impacts to the movement of any native resident or migratory fish or wildlife species, migratory wildlife corridors, or native wildlife nursery sites are expected to be less than significant.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 5. | <i>Conflict with any local policies or ordinances protecting biological resources (such as the Sensitive Habitat Ordinance, Riparian and Wetland Protection Ordinance, and the Significant Tree Protection Ordinance)?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** See discussion for D-1 and D-2 above. Any future project would also be required to be consistent with all local policies and ordinances protecting biological resources, including the provisions of SCCC Chapter 16.34 (Significant Trees Protection), which would prevent or significantly limit impacts to significant trees within the Coastal Zone of unincorporated Santa Cruz County. The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 may require the removal of trees to accommodate wider access streets and other improvements as necessary, however, the project is not located within the Coastal Zone and the Significant Tree Protection Ordinance would not apply. This project is not expected to conflict with any other local policies or ordinances protecting biological resources. Therefore, no impact would occur as a result of project implementation.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. | <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project would amend sections of the General Plan/LCP and County Code. These amendments themselves would not conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Any future project would be required to be consistent with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, including the *Interim-Programmatic Habitat Conservation Plan for the Endangered Mount Hermon June Beetle and Ben Lomond Spineflower* (IPCHCP), which protects the Sandhills habitat of Santa Cruz County. The



IPHCP was prepared in June 2011 by the U.S. Fish and Wildlife Survey, Santa Cruz County, and the City of Scotts Valley, and is intended to be “an interim document to be used by landowners who are proposing small residential development projects that will have minimal, but negative impacts to the Mount Hermon June beetle and Ben Lomond spineflower”. The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 lies just north of the Village of Boulder Creek, which is not identified as an area of concern in the IPCHCP, however, the potential SLVUSD project is not expected to conflict with the IPCHCP or any other local, regional, or state habitat conservation plan. Therefore, no impact would occur as a result of project implementation.

## E. CULTURAL RESOURCES

*Would the project:*

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Any eligible or potentially eligible historic structure(s) or other historic resources associated with a particular development would be evaluated at that time to determine and mitigate for potential impacts from any future project. All future projects proposed on properties that contain historic resources would be required to be consistent with Objective 5.20 of the County General Plan (Historic Resources) and SCCC Chapter 16.42 (Historic Preservation), which prevent or significantly limit potential impacts to historical resources. 100% affordable rental farmworker housing amendments include additional restrictions in the form of siting criteria that would exclude sites with historic resources.

There are no known historic resources located on the project site of the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9. However, any potentially significant impacts to historic resources would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above.

As a result, potential impacts to historic resources are expected to be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. Cause a substantial adverse change in the significance of an archaeological | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

*resource pursuant to CEQA Guidelines  
Section 15064.5?*

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Any eligible or potentially eligible archaeological resource would be evaluated to determine and mitigate for potential impacts from any future project. Any future project would also be required to comply with Objective 5.19 of the County General Plan (Archaeological Resources) and SCCC Chapter 16.40 (Native American Cultural Sites), which prevent or significantly limit potential impacts to archaeological resources. If archaeological resources are uncovered during construction, the responsible persons would be required to immediately cease and desist from all further site excavation and comply with the notification procedures given in SCCC Chapter 16.40. See E-3 below for further detail of required procedure during construction of potential future projects.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to archaeological and other cultural resources would be evaluated at that time. The site contains existing buildings and other infrastructure originally constructed for the former Redwood Elementary school. Much of the development would be limited to previously disturbed areas on the site, however, some development may extend beyond these areas, including the potential construction of new parking lots, wider access roads, ADA accessible ramps, additional building stories, and any utility extensions or replacements that may be required. Staging areas for construction activities associated with the project may be located outside of these areas as well.

The potential SLVUSD project site would be located on the east side of Highway 9 north of Boulder Creek on four parcels: APNs 085-092-02 and 06, and APNs 085-281-01 and 36. Preliminary spatial analysis of the County-maintained GIS layer of archaeological sensitivity indicates that part of APN 085-092-02 crosses an area mapped for potential archaeological sites. These potentially sensitive areas are likely associated with the San Lorenzo River, which runs along the western side of Highway 9, across the highway from the project site, and based on broad assumptions that areas around watercourses have the potential to contain archaeological resources. This potentially sensitive area also crosses the northeastern most corner of the property approximately 1,000 feet from the actual project site, which is located on the southernmost portion of an approximately 28-acre parcel. Due to the substantial distance between the proposed amendments area and potential archaeological site, impacts

are not anticipated; however, any potentially significant impacts to these or any other archaeological resources in the project area would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above.

As a result, impacts to archaeological resources are expected to be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. <i>Disturb any human remains, including those interred outside of dedicated cemeteries?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** See discussion for E-2 above. Impacts are expected to be less than significant. However, pursuant to SCCC section 16.40.040, and California Health and Safety Code sections 7050.5-7054, if human remains are discovered at any time during site preparation, excavation, or other ground disturbance associated with any future project, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archaeological report shall be prepared, and representatives of local Native American Indian groups shall be contacted. If it is determined that the remains are Native American, the Native American Heritage Commission would be notified as required by law. The Commission will designate a Most Likely Descendant who would be authorized to provide recommendations for management of the Native American human remains. Pursuant to Public Resources Code section 5097, the descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. Disturbance shall not resume until the significance of the resource is determined and appropriate mitigations to preserve the resource on the site are established.

## F. ENERGY

*Would the project:*

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. <i>Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA

and any impacts that would result from consumption of energy resources associated with a particular development would be evaluated at that time.

Any future project, like all development, would be responsible for an incremental increase in the consumption of energy resources during site grading and construction due to onsite construction equipment, materials processing, vehicle travel to and from the site, and potential traffic delays. All project construction equipment would be required to comply with the California Air Resources Board (CARB) emissions requirements for construction equipment, which includes measures to reduce fuel-consumption, such as imposing limits on idling and requiring older engines and equipment to be retired, replaced, or repowered. In addition, the project would comply with General Plan Policy 8.2.2 (Designing for Environmental Protection), which requires all new development to be sited and designed to minimize site disturbance and grading. As a result, impacts associated with the small temporary increase in consumption of fuel during construction are expected to be less than significant.

Like all residential development, future projects are expected to result in some increase in consumption of energy resources during project operation. The use of fossil fuels associated with future residents travelling to and from the site (VMT) are anticipated to have the greatest impact on energy resources; however, impacts related to VMT are expected to be minimal. (See Q-2 for discussion of the impacts related to VMT.) Therefore, no future projects are expected to result in wasteful, inefficient, or unnecessary consumption of energy resources and impacts are expected to be less than significant.

In addition, the County has strategies to help reduce energy consumption and greenhouse gas (GHG) emissions. These strategies included in the *County of Santa Cruz Climate Action Strategy* (CAS) (County of Santa Cruz, 2013) are outlined below.

#### Strategies for the Reduction of Energy Use and GHG emissions

- Develop a Community Choice Aggregation (CCA) Program, if feasible.<sup>2</sup>
- Increase energy efficiency in new and existing buildings and facilities.
- Enhance and expand the Green Business Program.

<sup>2</sup> Monterey Bay Community Power (MBCP) was formed in 2017 to provide carbon-free electricity. All Pacific Gas & Electric Company (PG&E) customers in unincorporated Santa Cruz County were automatically enrolled in the MBCP in 2018.

- Increase local renewable energy generation.
- Public education about climate change and impacts of individual actions.
- Continue to improve the Green Building Program by exceeding the minimum standards of the state green building code (Cal Green).
- Form partnerships and cooperative agreements among local governments, educational institutions, nongovernmental organizations, and private businesses as a cost-effective way to facilitate mitigation and adaptation.
- Reduce energy use for water supply through water conservation strategies.

#### Strategies for the Reduction of Energy Consumption and GHG emissions from Transportation

- Reduce VMT through County and regional long-range planning efforts.
- Increase bicycle ridership and walking through incentive programs and investment in bicycle and pedestrian infrastructure and safety programs.
- Provide infrastructure to support zero and low emissions vehicles (plug in, hybrid plug-in vehicles).
- Increase employee use of alternative commute modes: bus transit, walking, bicycling, carpooling, etc.
- Increase the number of electric and alternative fuels vehicles in the County fleet.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to energy resources would be evaluated at that time. As detailed above, construction for this project would result in a temporary increase in consumption of fuel during construction, however BMPs would be employed to ensure that consumption of energy is not wasteful, inefficient, or unnecessary.

The operational use of energy resources for a day care facility that serves 40 students would likely be less than the energy required for the current land use of a charter school serving 90 students. Preliminary site review indicates that residential housing units typically require more power connection loads than typical classrooms for large appliances in each unit, including refrigerators, microwaves, washers and dryers. As a result, new residential energy uses on the site are expected to be higher than the current use and the former use when the entire site operated as Redwood Elementary School; however, the project would be limited to a maximum of 33 units, and, with the inclusion of the policies and regulations detailed

above, the operational phase of the project is not expected to include the wasteful, inefficient, or unnecessary consumption of energy resources.

Trip generation analysis has been estimated for the potential SLVUSD project in a memo prepared by Dudek on July 12, 2019 (see Table 2 under Q-1). The analysis determined that the number of new trips created or attracted by the proposed amendments would be less than that the former Redwood Elementary School and a minor increase in the PM peak hour from the existing charter school use resulting in a less than significant impact. See Q-2 for further discussion of the impacts related to VMT. Impacts are expected to be less than significant.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. <i>Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project would amend sections of the General Plan/LCP and County Code. These amendments themselves do not conflict with a state or local plan for renewable energy or energy efficiency. Any future projects would be required to be consistent with the provisions of renewable energy or energy efficiency plan, including the plans detailed below.

Association of Monterey Bay Area Governments' (AMBAG) 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) recommends policies that achieve statewide goals established by CARB, the California Transportation Plan 2040, and other transportation-related policies and state senate bills. The SCS element of the MTP targets transportation related GHG emissions by addressing land use patterns, which can also serve to reduce energy use by creating a more energy efficient transportation system due to reducing travel distances or VMT.

The Santa Cruz County Regional Transportation Commission (SCCRTC) prepares a County-specific regional transportation plan (RTP) in conformance with the latest AMBAG MTP/SCS. The 2040 RTP establishes targets to implement statewide policies at the local level, such as reducing VMT and improving speed consistency to reduce fuel consumption.

The County's CAS focused on reducing the emission of GHGs, which is dependent on increasing energy efficiency and the use of renewable energy. The strategy intends to reduce energy consumption and GHG emissions by implementing a number of measures such as reducing VMT through County and regional long-range planning efforts, increasing energy efficiency in new and existing buildings and facilities, increasing local renewable energy generation, improving the Green Building Program by exceeding minimum state standards,

reducing energy use for water supply through water conservation strategies, and providing infrastructure to support zero and low emission vehicles that reduce gasoline and diesel consumption, such as plug in electric and hybrid plug in vehicles.

In addition, the Santa Cruz County General Plan has historically placed a priority on “smart growth” by focusing growth in the urban areas through the creation and maintenance of an Urban Services Line. Objective 2.1 (Urban/Rural Distinction) directs most residential development to the urban areas, limits growth, supports compact development, and helps reduce sprawl. The Circulation Element of the General Plan further establishes a more efficient transportation system through goals that promote the wise use of energy resources, reduction of VMT, and enhancement of transit and active transportation options.

Energy efficiency is a major priority throughout the County’s General Plan. Measure C was adopted by the voters of Santa Cruz County in 1990 and explicitly established energy conservation as one of the County’s objectives. The initiative was implemented by Objective 5.17 (Energy Conservation) and includes policies that support energy efficiency, conservation, and encourage the development of renewable energy resources. Goal 6 of the Housing Element also promotes energy efficient building code standards for residential structures constructed in the County.

Any future project must be consistent with the AMBAG 2040 MTP/SCS and the SCCRTC 2040 RTP. Future projects would also be required to comply with the Santa Cruz County General Plan and any implemented policies and programs established through the CAS. In addition, the design would be required to comply with CALGreen, the state of California’s green building code, to meet all mandatory energy efficiency standards. The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 is not expected to conflict with any state or local plan for renewable energy or energy efficiency, including the plans listed above. Therefore, no impact is anticipated as a result of project implementation.

## G. GEOLOGY AND SOILS

*Would the project:*

1. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- A. *Rupture of a known earthquake fault, as delineated on the most recent*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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*Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| B. Strong seismic ground shaking?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| C. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| D. Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion (A through D):** The project would amend sections of the County Code and General Plan policies, which apply countywide. All of Santa Cruz County is subject to some hazard from earthquakes, and there are several faults within the County. While the San Andreas fault is larger and considered more active, each fault is capable of generating moderate to severe ground shaking from a major earthquake. Consequently, large earthquakes can be expected in the future. However, these amendments themselves would not result in physical impacts to the environment.

Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts related to soils and geology associated with a particular development would be evaluated at that time. Site-specific analysis would be required to determine if any future project sites are located within the limits of the State Alquist-Priolo Special Studies Zone or any other fault zone. Sites located within a known fault zone would be at greater risk; however, any future project are likely to be subject to strong seismic shaking during the life of the improvements whether or not they are located within a fault zone.

Some of these amendments would allow housing to be located in areas where it was not previously allowed and/or at slightly higher densities, however, all future development would be required to be designed in accordance with the California Building Code and SCCC Chapter 16.10 (Geologic Hazards), which would help reduce the direct or indirect hazards of seismic shaking, liquefaction, and landsliding to a less than significant level. All projects



would also be required to meet the policies under Objective 6.1 (Seismic Hazards), including 6.1.1 (Geologic Review for Development in Designated Fault Zones), 6.1.4 (Site Investigation Regarding Liquefaction Hazard), 6.1.8 (Design Standards for new Public Facilities), and 6.1.5 (Location of New Development Away From Potentially Hazardous Areas), which would “Require the location and/or clustering of development away from potentially hazardous areas where feasible and condition of development permits based on the recommendations of the site’s Hazard Assessment or other technical reports.”

Amendments for ARFH projects within the Development Reserve also include siting criteria that would exclude sites located within the Coastal Zone, and exclude areas within hazard areas such as landslide, liquefaction, and earthquake fault zones, as well as other potential hazards, unless the development complies with applicable seismic protection building code standards. Amendments to SCCC section 13.10.365(B) also explicitly state that all workforce housing applications (1A and 1B) shall be subject to environmental review and may require further analysis if needed to show adequate environmental protection and provision of adequate services, including the provision of a geologic investigation that would determine and mitigate for potential impacts from any future project.

Preliminary spatial analysis of County-maintained GIS data indicates that the site of the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 does not contain any known fault zones, landslide areas, or areas susceptible to seismic-related ground failure, including liquefaction. However, any potentially significant impacts to related to geology and soils would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above. Improvements would also have to meet current building codes, which protect structures against seismic hazards.

Therefore, potential impacts related to earthquakes, seismic ground shaking, liquefaction, and landslides are expected to be less than significant.

2. *Result in substantial soil erosion or the loss of topsoil?* ☐ ☐ ☒ ☐

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts that would result in soil erosion or the loss of topsoil associated with a particular development would be evaluated at that time. Some potential for erosion would

exist during the construction phase of any future project; however, this potential would be minimal because standard erosion controls are required as a standard condition of approval. Prior to issuance of a grading or building permit, any future project must have an approved Erosion Control Plan (SCCC section 16.22.060), which would specify detailed erosion and sedimentation control measures. The plan would include provisions for disturbed areas to be planted with ground cover and to be maintained to minimize surface erosion. In addition, any future development, including the potential SLVUSD Teacher Workforce Housing project located at 16300 Highway 9, would have to comply with General Plan Objective 6.3 (Erosion) and BMPs would be implemented. Impacts are expected to be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. <i>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** See discussion for G-1 above. Impacts are expected to be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. <i>Be located on expansive soil, as defined in section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA and soils would be evaluated for the project site at that time. In addition, amendments to SCCC section 13.10.365(B) explicitly state that all workforce housing applications (1A and 1B) shall be subject to environmental review and may require further analysis if needed to show adequate environmental protection and provision of adequate services, including the provision of a soils report. The soils report would provide conditions of approval that would mitigate the direct or indirect effects of expansive soils and other soils issues on future development.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted, and impacts related to expansive soils would be evaluated at that time. The site contains existing buildings and other infrastructure originally constructed for the former Redwood Elementary school. Much of the development would be limited to

previously disturbed areas on the site, however, some development may extend beyond these areas, including the potential construction of new parking lots, wider access roads, ADA accessible ramps, additional building stories, and any utility extensions or replacements that may be required. Staging areas for construction activities associated with the project may be located outside of these areas as well.

The potential SLVUSD project site would be located on the east side of Highway 9 north of Boulder Creek on four parcels: APNs 085-092-02 and 06, and APNs 085-281-01 and 36. Preliminary spatial analysis of the County-maintained GIS layer for expansive soils indicates that part of APN 085-281-36 crosses an area mapped for known expansive soils. The expansive soils area is identified as Watsonville loam, 2 to 15 percent slopes, and crosses the southernmost corner of the parcel, approximately 200 feet south of the actual project site. Due to the distance between the proposed amendments area and the mapped expansive soils, impacts are not anticipated; however, any potentially significant impacts to these and any expansive or other soils or geologic resources would be determined during project review and would be required to be prevented or mitigated per the results of a soils report, as mentioned above. As a result, impacts are expected to be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>5. <i>Have soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Geology or soils impacts associated with a particular development would be evaluated at that time.

See discussion under S-1. Soils will be evaluated during environmental or site reviews for any proposed amendments that require on-site waste water systems. These projects would also be required to comply with General Plan Policy 5.5.15 (Septic Constraint Area Designation), which ensures that new septic systems are sited outside of areas with known poor soil conditions as shown on the Septic Constraint Area maps maintained by the Santa Cruz County Environmental Health Services (EHS). Any projects that propose new septic systems would also require EHS to review and approve a septic permit. See G-4 for further discussion of soils analysis prior to project approval.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to public services would be evaluated at that time. The Natural Resources Conservation Service (NRCS) identifies a number of soil types on the property, including: Lompico-Felton complex, 5 to 30 percent slopes; Lompico-Felton complex, 30 to 50 percent slopes, MLRA 4B; Watsonville loam, 2 to 15 percent slopes (USDA, 2016). Preliminary spatial analysis of the County-maintained GIS layer of Environmental Health Septic Constraints indicates that poor soil conditions for septic systems have not been identified in this area. See S-1 for further discussion of soil suitability for septic systems.

Impacts are expected to be less than significant.

6. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?* ☐ ☐ ☒ ☐

**Discussion:** The project would amend sections of the General Plan/LCP and County Code. These amendments themselves do not relate to any particular proposal to develop these types of housing and would not directly result in physical impacts to the environment. Therefore, this project would not directly destroy a unique paleontological resource or site or unique geologic feature. Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts to paleontological and geologic resources associated with a particular development would be evaluated at that time. If any unique paleontological resource or site or unique geological feature are identified, these projects may be required to prepare a geologic report that includes avoidance and minimization measures. Any future project would also be required to comply with the policies and regulations adopted to protect these resources, including section 5.9 (Hydrological, Geological and Paleontological Resources) of the General Plan and SCCC section 16.44 (Paleontological Resource Protection).

There are no known paleontological or geologic features located on the site of the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9. However, any potentially significant impacts to these resources would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above.

As a result, impacts are expected to be less than significant.

## H. GREENHOUSE GAS EMISSIONS

Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts related to greenhouse gases (GHGs) associated with a particular development would be evaluated at that time.

Future development of workforce housing on PF-zoned sites (1A and 1B) and ARFH projects (2C), like all development, would be responsible for an incremental increase in GHG emissions by usage of fossil fuels during the site grading and construction. All project construction equipment would be required to comply with the CARB and MBARD emissions requirements for construction equipment. As a result, impacts associated with the temporary increase of GHG emissions generated during the construction phase of future projects are expected to be less than significant. See C-2 and F-1 for further discussion of impacts related to project construction.

The operational phase of potential future projects is also expected to generate GHG emissions; however, these emissions are not expected to be substantial. See C-2 and F-1 for further discussion of impacts related to the operational phase of future residential projects. The CAS establishes specific emission reduction goals and necessary actions to reduce GHG levels to pre-1990 levels as required under Assembly Bill (AB) 32 legislation (County of Santa Cruz, 2013). The strategy intends to reduce GHG emissions and energy consumption by implementing measures such as reducing VMT throughout the County and increasing energy efficiency in new and existing buildings and facilities. Implementing the CAS, the Monterey Bay Community Power (MBCP) was formed in 2017 to provide carbon-free electricity. All PG&E customers in unincorporated Santa Cruz County were automatically enrolled in the MBCP in 2018. Further, all new buildings are required to meet the State's CalGreen building code. Therefore, impacts are expected to be less than significant.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to GHG emissions would be evaluated at that time. As detailed above, construction for this project would result in an increase in GHG emissions;

however, this would be short in duration and this temporary increase in GHGs is not expected to be significant.

The operational impact of GHG emissions for a day care facility that serves 40 students would likely be less than the impact of the current land use of a charter school serving 90 students. The GHG emissions of new residential uses on the site are expected to be higher than the current use and potentially higher than the former use when the entire site operated as Redwood Elementary School; however, the project would be limited to a maximum of 33 units, and, with the inclusion of the policies detailed above, the operational phase of the project is not expected to generate a substantial amount of GHG emissions.

Trip generation analysis has been estimated for the potential SLVUSD project in a memo prepared by Dudek on July 12, 2019 (see Table 2 under Q-1). The analysis determined that the number of net new trips created or attracted by the proposed amendments would be less than the former Redwood Elementary School and would be a minor increase in the PM peak hour from the existing charter school use resulting in a less than significant impact. See Q-2 for further discussion of the impacts related to VMT.

As a result, impacts associated with the increase in GHG emissions generated by the proposed amendments are expected to be less than significant.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** See the discussion under C-1, E-2, and H-1 above. The project would amend sections of the General Plan/LCP and County Code. These amendments themselves would not conflict with or obstruct any state or local plan for renewable energy or energy efficiency. Any future project, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, would be required to be consistent with the provisions of the CAS and any other applicable plan, policy, or regulation adopted for the purpose of reducing the emissions GHGs. Therefore, no impact is anticipated.

## I. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. <i>Create a significant hazard to the public or the environment through the routine</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

*transport, use, or disposal of hazardous materials?*

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. However, future projects, including the potential SLVUSD Teacher Workforce Housing project proposed at 16900 Highway 9, would involve residential development that is not expected to involve the routine transport, use, or disposal of hazardous materials during the operational phase of the project. During construction, fuel would be used for construction equipment at the project site and may occur within the limits of offsite staging areas as well, however, BMPs would be used to limit any potential impacts.

Nonetheless, any future project would be required to comply with all federal and state hazardous materials regulations, including regulations for the transport of hazardous materials under Title 49 of the Code of Federal Regulations and the Department of Toxic Substances Control's (DTSC) hazardous waste regulations under Title 22 of the California Code of Regulations. Proposed amendments must also be consistent the County's hazardous waste policies and regulations under General Plan Objectives 6.6 (Hazardous and Toxic Materials) and 6.7 (Hazardous Waste Management) and SCCC Chapter 7.100 (Hazardous Materials-Hazardous Waste-Underground Storage Tanks). Impacts are expected to be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Please see discussion under I-1 above. Impacts would be considered less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Please see discussion under I-1 above. All future development of school employee housing would be constructed on Public Facility-zoned properties, some of which may be located on the same property as or adjacent to an existing or proposed school. During

construction, fueling of equipment is likely to occur at the project site and within the limits of staging areas as well, however, BMPs to contain spills would be implemented to limit environmental impacts. No hazardous emissions, materials, substances, or waste are expected to be emitted or handled after construction is completed. The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 would establish multi-family dwelling units in close proximity to an on-site day care facility. As mentioned in I-1 above, however, the residential aspect of this project is not expected to emit hazardous emissions or handle hazardous or acutely hazardous substances or waste near the proposed day care. As a result, impacts are expected to be less than significant.

4. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts related to hazardous materials associated with a particular development would be evaluated at that time. As a best management practice, any future project site would be checked against the DTSC list of hazardous sites in Santa Cruz County pursuant to Gov. Code section 65962.5 as well as the current Santa Cruz County Site Mitigation List maintained by EHS. Any open cases would be coordinated with and require approval from EHS. In addition, any future project would be required to comply with the County's hazardous waste policies and regulations under General Plan Objectives 6.6 (Hazardous and Toxic Materials) and 6.7 (Hazardous Waste Management) and SCCC Chapter 7.100 (Hazardous Materials-Hazardous Waste-Underground Storage Tanks).

The Hazardous Waste and Substances Site List covers all counties in California and is maintained in the DTSC data management system called *EnviroStor*. Currently, there are no such sites located within the unincorporated area of County of Santa Cruz (DTSC, 2019). However, there is one active cleanup site located at the former Santa Cruz Lumber Company site on Graham Hill Road in Felton. This site is currently operating as a lumberyard by San Lorenzo Lumber and Home Centers and is zoned for light industrial (M-1), and therefore would not be a potential location for any future project under the amendments proposed. As a result, any future development, including the potential SLVUSD Teacher Workforce



Housing project that would be located at 16300 Highway 9, is not expected to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5, and no impacts are anticipated.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. <i>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The majority of Public Facility-zoned properties available for affordable housing and school employing housing, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, are not located within two miles of Watsonville Municipal Airport, the only public use airport located in the County of Santa Cruz. However, some future projects may be in the vicinity of this airport, including the four or five potential ARFH project sites within the Development Reserve that would be located in the Pajaro Valley area.

All future projects would involve residential development that is not expected to result in a safety hazard or excessive noise for people residing or working in the project area during the operational phase of the project. However, all future development would require future approval and be subject to environmental review under CEQA, and safety hazards or excessive noise for projects near the Watsonville Municipal Airport or any other public use airports outside of the County would be evaluated at that time. See M-3 for further discussion of noise impacts in the vicinity of airports. In addition, any future project would be required to comply with the County's airport safety hazard policies and regulations under Objective 3.18 of the County General Plan (Airport Area Safety) and SCCC Chapter 13.12 (Airport Approach Zones), respectively. Safety hazard or excessive noise impacts for people residing or working in the area of future projects located with an airport land use plan or within two miles of a public airport or public use airport are expected to be less than significant.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. <i>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** No future projects, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, are expected to impair

implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, including the County of Santa Cruz Local Hazard Mitigation Plan 2015-2020 (County of Santa Cruz, 2020). Therefore, no impacts are expected to occur from adoption of the proposed amendments.

7. *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?* ☐ ☐ ☒ ☐

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Any potential direct or indirect risks to people or structures involving wildland fires would be evaluated at that time.

All potential workforce housing sites (1A and 1B) are located within the USL or RSL. These residential developments in developed, urbanized areas would have a less than significant impact in relation to exposing people or structures to significant risk involving wildland fires. Potential school employee housing and ARFH projects (2C) would allow multi-family residential development in rural areas where there may be a greater risk of wildland fires. However, school employee housing would only be developed on school-owned sites, which may be on or adjacent to existing schools where protections against wildland fires may already exist and would likely be in close proximity to existing public services, including fire stations.

The Development Reserve policy would restrict ARFH projects to a maximum of 200 units outside of the Coastal Zone in the Pajaro Valley area of south County and would likely be limited to four or five sites. ARFH amendments would also establish siting criteria that would prohibit these types of projects from being located within a very high fire hazard severity zone or else require the project to adopt applicable fire hazard mitigation measures and meet existing building standards, which would render risks due to wildfire hazard less than significant. Additional siting criteria would encourage clustering of new development, consistent with existing County policy and would direct 100% affordable rental farmworker housing to sites in or near developed areas where fire stations would be located. Financing sources for these affordable projects often require additional financing feasibility (grants)/siting criteria that would further direct

potential sites within the vicinity of existing public services such as transit, schools, healthcare, and fire stations.

Any new development would also be required to comply with all policies related to fire resilience and access in the GP/LCP prior to project approval. These include Policy 6.5.7 (Certification of Adequate Fire Protection Prior to Permit Approval), which would require any future project “to obtain certification from the appropriate fire protection agency that adequate fire protection is available, prior to permit approval,” as well as the fire protection conditions all new structures are required to meet, which are listed in Policy 6.5.3 (Conditions for Project Approval) and 6.5.1 (Access Standards). In addition, any future project would be required to comply with fire safety code requirements in the Building Code (SCCC Chapter 12.10) and the Fire Code (SCCC Chapter 7.92) as well as include fire protection devices as required by the local fire agency. Any future school employee or affordable residential projects on PF-zoned sites that are located in a fire hazard zone would also be required to incorporate all applicable fire safety code requirements, design elements, and any additional fire protection devised as required by the local fire agency.

The potential SLVUSD Teacher Workforce Housing project would be located on the east side of Highway 9 north of Boulder Creek on four parcels: APNs 085-092-02 and 06, and APNs 085-281-01 and 36. Preliminary spatial analysis of locally maintained fire hazard GIS data indicates that the property is not located in a Critical Fire Hazard Area; however, per analysis of CalFire GIS data, all four parcels are located in Fire Hazard Severity Zones (FHSZ) within the State Responsibility Area (SRA) of Santa Cruz County. The primary site location, including all of APNs 085-281-01 and 36 as well as the seven existing buildings on APN 085-092-02, lies within a Moderate FHSZ, while areas to the north and east, including all of APN 085-092-06 and the majority of APN 085-092-02 north of the existing buildings. The site is located in the rural area of Santa Cruz County surrounded by forested areas, and due to the project’s proximity to nearby fuel sources, terrain and other relevant factors, the project area may be at risk of wildland fires.

The existing school campus includes fire protection infrastructure that was put in place for the former Redwood Elementary School, which served up to 475 students, and should be sufficient to support the 33 residential units, clubhouse, and daycare facility in the proposed amendments. Some repairs and updates may be required for the existing fire suppression system, including the installation of sprinklers in buildings where sprinklers

may not be present at this time. Any potentially significant risks involving wildland fires would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above.

Impacts are expected to be less than significant.

## J. HYDROLOGY, WATER SUPPLY, AND WATER QUALITY

*Would the project:*

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Any violations of water quality standards or waste discharge requirements or other degradation of surface or ground water quality associated with a particular development would be evaluated at that time. Moreover, amendments to SCCC section 13.10.365(B) state that all workforce housing applications (1A and 1B) shall be subject to environmental review and may require further analysis if needed to show adequate environmental protection and provision of adequate services, including water quality.

All future projects, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, would be designed to avoid discharging runoff either directly or indirectly into a public or private water supply in accordance with County policy and BMPs. However, runoff from this project may contain small amounts of chemicals and other household contaminants. No commercial or industrial activities are proposed that would contribute substantial contaminants. Potential siltation from the proposed amendments would be addressed through implementation of erosion control BMPs. See G-5 and S-1 for further discussion of impacts related to wastewater disposal.

In addition, any future project must be consistent with Objective 5.7 of the General Plan (Maintaining Surface Water Quality), including Policy 5.7.1 (Impacts From New Development on Water Quality), which states, “Prohibit new development adjacent to marshes, streams and bodies of water if such development would cause adverse impacts on water quality which cannot be fully mitigated.” Projects would also be required to be designed pursuant to Policy 5.7.4 (Control Surface Runoff) in order to “minimize the discharge of pollutants into surface water drainage,” and would be subject to DPW Design Criteria, as well

as RWQCB and NPDES permitting if more than an acre is disturbed. Finally, any future project must be consistent with SCCC section 7.79.110(B), which requires mitigation of stormwater impacts associated with development and implementation of BMPs “to control the volume, runoff rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects to minimize the generation, transport, and discharge of pollutants, prevent runoff in excess of predevelopment conditions.”

As a result, impacts related to degradation of surface or ground water quality are expected to be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts to groundwater supply associated with a particular development would be evaluated at that time. The project includes amendments to the County Code and General Plan that apply countywide. Therefore, future projects could potentially occur in any of the groundwater basins throughout the County. These amendments also include exceptions to the maximum densities permitted by General Plan Policy 5.5.6 (Land Division and Density Requirements in Water Supply Watersheds), 5.8.2 (Land Division and Density Requirements in Primary Groundwater Recharge Areas), and 5.8.9 (Development Densities With Poor Groundwater Availability).

Potential school employee housing (1B) and ARFH projects (2C) would allow multi-family residential development in rural areas. Development of ARFH projects would be limited to the Pajaro Valley area of south County, so these projects will likely be supplied by the Pajaro Valley groundwater basin. However, these projects include a provision that will restrict development to a maximum of 200 units within a Development Reserve. Any development of workforce housing in rural areas, where municipal water services may not be available, would also be reviewed by EHS to ensure there are no substantial impacts to groundwater supplies before a project approval. Moreover, amendments to SCCC section 13.10.365(B) state that all workforce housing applications (1A and 1B) shall be subject to environmental review

and may require further analysis if needed to show adequate environmental protection and provision of adequate services, including water supply and protection of groundwater.

All proposed amendments without water service would require a “will serve” letter from their local water purveyor to verify adequate water supply is available pursuant to General Plan Policy 7.18.2 (Written Commitments Confirming Water Service Required for Permits). New development would also be required to comply with Policy 5.8.4 (Drainage Design in Primary Groundwater Recharge Areas), Policy 7.18.5 (Groundwater Management), and Policy 7.18.3 (Impacts of New Development on Water Purveyors), which states, “Review all new development proposals to assess impacts on municipal water systems, County water districts, or small water systems. Require that either adequate service is available or that the proposed development provide for mitigation of its impacts as a condition of project approval.” Future development would also be required to comply with Policy 7.18.6 (Water Conservation Requirements), which states, “Utilize the best available methods for water conservation in new developments. Work with all water purveyors to implement demand managements programs for new and existing uses. Require the use of water-saving devices such as ultra low-flow fixtures and native drought-resistant planting in new development projects to promote ongoing water conservation.” See J-5 for further discussion of sustainable groundwater management and S-2 for further discussion of potential impacts on water supplies.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to groundwater supplies would be evaluated at that time. The proposed amendments would serve significantly fewer people than the former Redwood Elementary School, however, residential uses typically use more water than schools. Per the discussion above and under S-2, the project would require a “will serve” letter from San Lorenzo Valley Water District (SLVWD) that demonstrates there are adequate water supplies to serve the proposed amendments. Preliminary spatial analysis of County-maintained GIS data also shows that the site is not located in a groundwater recharge area, therefore, the project is not expected to substantially interfere with groundwater recharge. Any potentially significant impacts to sustainable groundwater management would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above.

As a result, impacts are expected to be less than significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3. <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A. <i>result in substantial erosion or siltation on- or off-site;</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. <i>substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. <i>create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. <i>impede or redirect flood flows?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Moreover, amendments to SCCC section 13.10.365(B) state that all workforce housing applications (1A and 1B) shall be subject to environmental review and may require further analysis if needed to show adequate environmental protection and provision of adequate services, including appropriate drainage and erosion control.

Any future project would be required to comply with SCCC section 7.79.070, which states, “No person shall make any unpermitted alterations to drainage patterns or modifications to the storm drain system or any channel that is part of receiving waters of the county. No person shall deposit fill, debris, or other material in the storm drain system, a drainage channel, or on the banks of a drainage channel where it might enter the storm drain system or receiving waters and divert or impede flow.” Future projects may also be required to prepare a drainage plan, subject to approval by the County Department of Public Works

Drainage Section and demonstrate that the existing storm water facilities are adequate to handle any increase in drainage associated with the project.

Future projects must also be consistent with the County of Santa Cruz Grading Ordinance contained in SCCC section 16.20, and the Riparian Corridor and Wetland Protection Ordinance contained in SCCC section 16.30. In addition, all projects must be consistent with Objective 5.2 (Riparian Corridors and Wetlands), and designed in a manner that would not significantly impede or redirect flood flows within a 100-year flood hazard area per General Plan policies 6.4.2 (Development Proposals Protected from Flood Hazard), 6.4.7 (New Construction to be Outside Flood Hazard Areas), and 6.4.8 (Elevation of Residential Structures). Therefore, future projects are not expected to substantially alter the existing drainage pattern of the site in a manner that would result in erosion or siltation, or an increase in runoff from the site.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 would primarily be limited to previously disturbed areas on the site, therefore drainage impacts are expected to be substantially the same as the existing conditions. The site of the was previously analyzed for potential drainage impacts in the EIR prepared in November 1986 for the Proposed Schools North of Boulder Creek (including Redwood Elementary School). The EIR identified that construction, paving, and installation of drainage facilities required for the entire project would increase runoff from the site at a less than significant rate and volume.

The current storm drain system deposits water southwest under Highway 9 through an existing pipe. Preliminary site review shows that the existing storm drainage facilities on the site are adequate to serve the current project concept and remain functional. Additional drainage facilities may be required with the construction activities proposed in the current project concept, however these expansions are expected to be minimal. Any potentially significant impacts would be determined during project review and would be required to comply with the drainage policies and regulations detailed above to prevent or mitigate these impacts with the addition of bioswales, the use of pervious pavement, or other stormwater mitigation. As a result, impacts are expected to be less than significant.

4. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------



**Discussion:** Any future project would involve residential development that is not expected to generate substantial amounts of pollutants, and would therefore not be likely to risk release of pollutants due to project inundation. The majority of Public Facility-zoned properties available for affordable housing and school employing housing (1A and 1B) are not located within the Coastal Zone or a flood hazard area, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9. Amendments for ARFH projects (2C) within the Development Reserve include siting criteria that would exclude properties located in the Coastal Zone as well as sites within a flood plain, unless the development has been issued a flood plain development permit, which would render risks due to flood hazard less than significant. However, some future projects may be located within a flood hazard, tsunami, or seiche zone. Any future development that may be located within a mapped flood hazard zone as shown on the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map would be required to meet the minimum flood plain design criteria in SCCC section 16.10.070(F)(3).

There are two primary types of tsunami vulnerability in Santa Cruz County. The first is a teletsunami or distant source tsunami from elsewhere in the Pacific Ocean. This type of tsunami is capable of causing significant destruction in Santa Cruz County. However, this type of tsunami would usually allow time for the Tsunami Warning System for the Pacific Ocean to warn threatened coastal areas in time for evacuation (County of Santa Cruz 2010). A greater risk in the County of Santa Cruz is a tsunami generated as the result of an earthquake along one of the many earthquake faults in the region. Even a moderate earthquake could cause a local source tsunami from submarine landsliding in Monterey Bay. A local source tsunami generated by an earthquake on any of the faults affecting Santa Cruz County would arrive just minutes after the initial shock. The lack of warning time from such a nearby event would result in higher casualties than if it were a distant tsunami (County of Santa Cruz 2010).

Impacts from these projects are expected to be less than significant due to implementation of the measures included in the 2015 County of Santa Cruz Local Hazard Mitigation Plan (LHMP). According to the LHMP, Santa Cruz County is currently providing the following measures to reduce the effects of any future tsunami impact in the area. The County is:

- Coordinating a communication system with other agencies and cities, including evacuation operations for homes and businesses within specific areas.

- Providing management of the early warning system including a defined public information process including establishing a review 911 system that would notify all homes and businesses within the tsunami inundation areas, and a public address protocol to have local and regional radio, TV and cable outlets announce evacuation notifications to the community.
- Updating tsunami maps, and
- Encouraging investigation of the tsunami threat to the County of Santa Cruz and updating development regulations based on upon this investigation.

Therefore, the project is not expected to substantially risk release of pollutants due to project inundation. Impacts are expected to be less than significant.

5. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?* ☐ ☐ ☐ ☒

**Discussion:** The project would amend sections of the General Plan/LCP and County Code. These amendments themselves would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. These amendments would apply countywide; therefore, future projects could potentially occur in any of the groundwater basins throughout the County. Any future development, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, would be required to be consistent with the provisions of any applicable water quality control plan or sustainable groundwater management plan, including the plans detailed below.

All County water agencies are experiencing a lack of sustainable water supply due to groundwater overdraft and diminished availability of streamflow. Because of this, coordinated water resource management has been of primary concern to the County and to the various water agencies. As required by state law, each of the County's water agencies serving more than 3,000 connections must update their Urban Water Management Plans (UWMPs) every five years, with the most recent updates completed in 2016.

County staff are working with the water agencies on various integrated regional water management programs to provide for sustainable water supply and protection of the environment. Effective water conservation programs have reduced overall water demand in the past 15 years, despite continuing growth. In August 2014, the Board of Supervisors and other agencies adopted the Santa Cruz Integrated Regional Water Management (IRWM) Plan Update 2014, which identifies various strategies and projects to address the current water

resource challenges of the region. Other efforts underway or under consideration are stormwater management, groundwater recharge enhancement, increased wastewater reuse, and transfer of water among agencies to provide for more efficient and reliable use.

The County is also working closely with water agencies to implement the Sustainable Groundwater Management Act (SGMA) of 2014. By January 2020, Groundwater Sustainability Plans would be developed for two basins in Santa Cruz County that are designated as critically overdrafted—Santa Cruz Mid-County and Corralitos - Pajaro Valley. These plans would require management actions by all users of each basin to reduce pumping, develop supplemental supplies, and take management actions to achieve groundwater sustainability by 2040. A management plan for the Santa Margarita Basin would be completed by 2022, with sustainability to be achieved by 2042.

While sustainable groundwater management plans are being developed, any future project would be required to comply with SCCC Chapters 13.13 (Water Conservation – Water Efficient Landscaping), 7.69 (Water Conservation) and 7.70 (Water Wells), as well as Chapter 7.71 (Water Systems) and section 7.71.130 (Water use measurement and reporting) to ensure that it would not conflict with or obstruct implementation of current water quality control plans or sustainable groundwater management plans such as the Santa Cruz IRWMP and UWMP for the applicable water agency. As a result, no impact is anticipated.

## K. LAND USE AND PLANNING

*Would the project:*

1. *Physically divide an established community?* ☐ ☐ ☐ ☒

**Discussion:** No future project, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, is expected to include any element that would physically divide an established community. However, any development proposed would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Any land use impacts would be evaluated at that time. As a result, no impacts are anticipated.

2. *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?* ☐ ☐ ☒ ☐

**Discussion:** These amendments include special allowances in the County Code for multi-family housing in the rural area, as well as changes to the maximum density requirements pertaining to Water Supply Watersheds, Primary Groundwater Recharge Areas, and Areas with Poor Groundwater Availability, (General Plan Policy 5.5.6, 5.8.2, and 5.8.9, respectively). In addition, amendments would be made to Policy 7.21.5 (Community Sewage Disposal Systems Outside the Urban Service Line and RSL) and 7.21.6 (Sanitary Service Connections Outside the USL and RSL) to allow extensions of sewer service for these projects within the rural area of unincorporated Santa Cruz County, with approval by LAFCO. SCCC section 17.02.060 would also be adjusted to reflect these changes to the General Plan. These amendments apply countywide, and future development is expected to be located throughout the County; therefore, environmental impacts in any one area would be limited.

Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Any future project, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, would be required to be consistent with the provisions of any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, which are included in the GP/LCP and SCCC, including those amended policies listed above. Moreover, General Plan Policy 7.12.1 (Mitigating Impacts From New Development) would also apply to school employee housing, ensuring that impacts of proposed housing on the school district would be evaluated and any impacts identified would be mitigated, such as through reducing the number of units allowed or phasing the development. Therefore, impacts are expected to be less than significant.

## L. MINERAL RESOURCES

*Would the project:*

1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☒

**Discussion:** The County established a Quarry (Q) General Plan land use designation and Mineral Extraction (M-3) zoning district to identify the location of all mineral resources throughout the County. Amendments related to 100% affordable rental housing or school employee housing would be limited to parcels zoned for Public and Community Facilities (PF). Any future 100% affordable rental farmworker housing would only be developed on land zoned for Agriculture (A), Agricultural Preserve (AP), or Commercial Agriculture (CA).

These would not be located in the M-3 zone nor would they have a Q land use designation. Therefore, all mineral resources identified under the correct zoning and land use designation would not be impacted by any future project.

Areas of known mineral resources of local, regional, or statewide significance are further defined in the General Plan, and the County maintains a GIS shapefile of this data. Spatial analysis shows that potential future sites available for workforce housing, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, do not contain any known mineral resources. Therefore, it is unlikely that any future project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. If, however, mineral resources are identified on a future project site during the environmental review process, the development would be required to comply with the policies established to protect the County's mineral resources listed under Objective 5.16 of the General Plan, including Policy 5.16.4 (Minimizing Conflicts Between New Development and Mineral Resource Areas). As a result, no impacts are anticipated from project implementation.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. <i>Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** See discussion under L-1 above. No Impacts are anticipated.

## M. NOISE

Would the project result in:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. <i>Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future project would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Noise impacts associated with a particular development would be evaluated at that time.

### Temporary Impacts

Like all development, noise generated by equipment during any future project construction, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, would temporarily increase ambient noise levels in the vicinity of the project. Table 1 shows typical noise levels for common construction equipment. The sources of noise that are normally measured at 50 feet are used to determine the noise levels at nearby sensitive receptors by attenuating 6 dB for each doubling of distance for point sources of noise such as operating construction equipment. Noise levels at the nearest sensitive receptors for each site were analyzed on a worst-case basis, using the equipment with the highest noise level expected to be used.

Construction activities would likely occur during daytime hours when fewer people would be impacted, but noise may still be audible to nearby residents. However, construction noise would be temporary and mitigated as a condition of project approval pursuant to General Plan Policy 6.9.7 (Construction Noise). As a result, future projects are not expected to be in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and impacts associated with the small temporary increase in noise during construction is expected to be less than significant.

#### Permanent Impacts

Any future workforce housing project (1A or 1B) or ARFH project (2C) would involve residential development that is not expected to generate a substantial increase in noise during project operation, including permanent increases in ambient noise, or excessive groundborne vibration or groundborne noise levels. All 100% affordable rental housing and the majority of potential school employing housing sites would be located on infill parcels within the USL/RSL. These residential developments in urbanized areas where an increase in permanent ambient noise levels would be minimal. Potential school employee and 100% affordable rental farmworker housing projects would allow multi-family residential development in rural areas. However, these rural project sites would be located throughout the unincorporated area of Santa Cruz County, therefore permanent increases in ambient noise levels in any one area in the rural part of the County would be limited.

All new development would be required to conform to the Land Use Compatibility Guidelines of the General Plan (Figure 6-1). All proposed future projects would be required to conform to a noise exposure standard of 60 dB Ldn (day/night average noise level) for outdoor noise and 45 dB Ldn for indoor noise. In addition, all new development would be required to meet the General Plan Noise Element standards, including the Land Use

Compatibility Guidelines detailed in policies 6.9.1, 6.9.2 (Acoustic Studies), and 6.9.3 (Noise Sensitive Land Uses) as well as the Noise Ordinance (SCCC Chapter 8.30) to limit the rise in ambient noise levels. Impacts related to the permanent increase in ambient noise levels or groundborne vibration and noise levels in the vicinity of any future project is expected to be less than significant.

The potential SLVUSD project would be subject to environmental review under CEQA if a project application is submitted and impacts to noise in the project vicinity would be evaluated at that time, including generation of increased levels of ambient and groundborne noise or groundborne vibration. The site is bounded by Highway 9 to the west and single-family residences to the southeast. Daytime noise impacts for the current project concept is expected to be less than the impact of the current land use of a charter school serving 90 students, as well as the site's former use as an elementary school serving up to 475 students. With new residential development on the site, nighttime noise impacts are expected to be greater than previous uses, however, the site is located at an elevation lower than the closest homesites, approximately 50 feet lower than and 150 feet away from the adjacent single-family residence and more than 100 feet lower than and 400 feet away from the next closest

residence. Moreover, the proposed uses are not expected to generate a substantial amount of noise.

Therefore, the proposed amendments are not expected to have a substantial impact on noise in the project vicinity, including ambient and groundborne noise levels and groundborne vibration, and no projects, including the potential SLVUSD project, are expected to generate noise in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts are expected to less than significant.

Table 1: Typical Noise Levels for Common Construction Equipment (at 50 feet)	
Equipment	L <sub>max</sub> (dBA)
Air Compressor	80
Backhoe	80
Chain Saw	85
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Saw	90
Crane	83
Dozer	85
Dump Truck	84
Excavator	85
Flat Bed Truck	84
Fork Lift	75
Generator	82
Grader	85
Hoe-ram	90
Jack Hammer	88
Loader	80
Paver	85
Pick-up Truck	55
Pneumatic Tool	85
Roller	85
Tree Chipper	87
Truck	84
Source: Federal Transit Authority, 2006, 2018.	

2. *Generation of excessive groundborne vibration or groundborne noise levels?* ☐ ☐ ☒ ☐

**Discussion:** See discussion under M-1 above. The use of construction and grading equipment would potentially generate periodic vibration in future project areas. However, groundborne vibration or noise generated from project construction activities of any future project represent temporary impacts that are typically short in duration and would not constitute a substantial impact. In addition, any future project would be required to comply with General Plan Policy 6.9.7, which “require[s] mitigation of construction noise as a condition of future project approvals.” As a result, impacts are not expected to be significant.

3. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the* ☐ ☐ ☒ ☐



*project expose people residing or working  
in the project area to excessive noise  
levels?*

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Noise impacts for projects in the vicinity of a private airstrip or near the Watsonville Municipal Airport or any other public use airports outside of the County would be evaluated at that time.

The nearest private airstrip (Bonny Doon Village Airport) is located in Bonny Doon, and Watsonville Municipal Airport is the only public use airport located in the County of Santa Cruz. The majority of Public Facility-zoned properties available for affordable housing and school employing housing are not located within the vicinity either a private airstrip or public airport, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9; therefore, impacts are not anticipated for these projects. However, some future workforce housing projects may be in the vicinity of these airports, particularly the four or five potential 100% affordable rental farmworker housing sites that would be located in the Pajaro Valley area of south County.

Any future project would be required to comply with the County's airport area safety policies and regulations under Objective 3.18 of the County General Plan (Airport Area Safety) and SCCC Chapter 13.12 (Airport Approach Zones). In addition, any future project would be required to comply with Policy 6.11.2 (Restricting Residential Development), which restricts residential development where aircraft noise exceeds 65L<sub>dn</sub>. If any future project is located within the 60L<sub>dn</sub> aircraft noise contour, the proposed amendments would also be constructed to mitigate interior noise to 45 L<sub>dn</sub> or less, and to limit the maximum A-weighted noise level of single aircraft overflights to 50 dBA or less, per Policy 6.11.3 (Mitigation for Interior Noise). Standards construction practices such as double-paned windows would also be implemented to reduce impacts.

Therefore, the proposed amendments is not expected to expose a substantial number of people residing or working in the vicinity of a private airstrip to excessive noise levels, and impacts are expected to be less than significant.

## N. POPULATION AND HOUSING

Would the project:

1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts related to population growth associated with a particular development would be evaluated at that time.

The proposed amendments include exceptions to the maximum densities permitted by General Plan policies 5.5.6 (Land Division and Density Requirements in Water Supply Watersheds), 5.8.2 (Land Division and Density Requirements in Primary Groundwater Recharge Areas), and 5.8.9 (Development Densities With Poor Groundwater Availability). In addition, amendments would be made to Policy 7.21.5 (Community Sewage Disposal Systems Outside the Urban Services Line and Rural Services Line) and 7.21.6 (Sanitary Service Connections Outside Urban Services Line and Rural Services Line) to allow extensions of sewer service to these types of development within the rural area of unincorporated Santa Cruz County.

These changes would allow housing to be developed and infrastructure to be extended in areas where it was not previously allowed and/or at slightly higher densities, which could indirectly induce population growth. However, all future development and potential infrastructural extensions would be limited to parcels zoned PF, A, AP, or CA and located throughout the unincorporated area of Santa Cruz County and Pajaro Valley, therefore the environmental impacts in any one area would be limited. Any out-of-agency utility service extension may require LAFCO approval as well. Moreover, all 100% affordable rental housing and the majority of school employee housing projects would be located on infill parcels in the USL/RSL where public services like sanitary sewer and water already exist, and where such multi-family projects would be consistent with the uses and densities of surrounding urbanized area. These projects are not expected to cause a substantial impact.

Potential school employee and 100% affordable rental farmworker housing projects, in particular, would allow multi-family residential development in rural areas. However, school employee housing would only be developed on school-owned sites, which may be on or

adjacent to existing schools and is therefore likely to be located adjacent to existing development. These sites would further be permitted only where consistent with the carrying capacity of the parcel and where adequate services and appropriate infrastructure are available or can be provided concurrent with development. Development of 100% affordable rental farmworker housing of projects greater than 12 units would be concentrated in the Pajaro Valley area; however, it would be restricted to a maximum of 200 units, which would likely be developed on four or five sites and would not necessarily impact the same neighborhoods. ARFH amendments would also establish siting criteria that would direct 100% affordable rental farmworker housing to sites in or near developed areas. Financing sources for these affordable projects often require additional financing feasibility (grants)/siting criteria that would further direct potential sites within the vicinity of existing urban services such as transit, schools, shopping, jobs, and healthcare. Therefore, large areas of previously undeveloped sites are not expected to develop as a result of the proposed amendments.

Any future project would be required to comply with the County's growth management system, which was established after voters adopted the Growth Management Initiative known as Measure J. This system is codified in SCCC Chapters 17.01 (Growth Management), 17.04 (Annual Population Growth Goal for Santa Cruz County), and 12.02 (Residential Permit Allocation System) and contains countywide measures that aim to reduce the environmental impacts of population growth throughout Santa Cruz County. Measure J further establishes an annual growth goal, which limits development in the County to a maximum number of market-rate residential building permits allocated for that year. Any future workforce housing project would be required to receive an allocation prior to issuance of a building permit, and therefore would not induce substantial unplanned population growth. Moreover, these amendments are intended to address existing housing needs and would help reduce overcrowding and inadequate housing; therefore, any new housing developed as a result of the proposed amendments would not be considered to induce new population or employment growth. Furthermore, 100% affordable rental farmworker housing units will be deed restricted to allow units to be occupied only by farmworkers and their families. Therefore, impacts are expected to be less than significant.

The potential SLVUSD Teacher Workforce Housing project at 16300 Highway 9 would require further environmental analysis if a project application is submitted and impacts to population growth would be evaluated at that time. This project does propose new homes

that are expected to slightly increase population in the rural community of Boulder Creek; however, the number of new units is minimal, and any market-rate units would require building permits subject to the County's growth management allocation system. Therefore, the project would not induce substantial unplanned population growth in an area, and impacts are expected to be less than significant.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. <i>Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project would amend sections of the General Plan/LCP and County Code. These amendments themselves would not directly result in physical impacts to the environment. Amendments related to 100% affordable rental housing or school employee housing would be limited to PF-zoned parcels. Any future 100% affordable rental farmworker housing would only be developed on land zoned agriculture (A, AP, or CA). These zones currently allow residential development at limited densities that would not be considered substantial. Therefore, new residential development would not displace substantial numbers of existing people or housing and no impact is anticipated.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 was the previous location of Redwood Elementary School and part of the site is currently used by a charter school. No housing currently exists on the property. Therefore, the project would not displace any existing people or housing, and no impact is expected to occur as a result of project implementation.

## O. PUBLIC SERVICES

*Would the project:*

1. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*

- |                              |                          |                          |                                     |                          |
|------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. <i>Fire protection?</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. <i>Police protection?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. <i>Schools?</i>           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. Parks?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Other public facilities; including the maintenance of roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion (a through e):** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts to public services associated with a particular development would be evaluated at that time. Any future project, like all residential development, would create an incremental increase in demand for public services. Future projects would also be required to meet all of the standards identified by the local fire agency or California Department of Forestry, as applicable, and future project applicants would be required to pay all school, park, and transportation fees that would be used to offset the incremental increase in demand for school and recreational facilities and public roads.

All future development and potential infrastructural extensions would be located throughout the unincorporated area of Santa Cruz County, therefore the environmental impacts in any one area would be limited. All 100% affordable rental housing and the majority of potential school employee housing sites would be located on infill parcels within the USL/RSL. These projects in urbanized areas would likely be in close proximity to existing public services, including fire and police protection, schools, parks, and other public facilities. These projects are expected to involve minor construction of new and/or alteration of existing government facilities, if any; therefore, impacts to public services are expected to be less than significant.

Potential school employee and 100% affordable rental farmworker housing projects, in particular, would allow multi-family residential development in rural areas. However, school employee housing would only be permitted where consistent with the carrying capacity of the parcel and where adequate services and appropriate infrastructure are available or can be provided concurrent with development. Moreover, school employee housing would only be developed on school-owned sites, which may be on or adjacent to existing schools that would likely be in close proximity to existing public services, and these projects would be required to be located within a 20-minute response time to a fire station.

The Development Reserve policy would restrict ARFH projects to a maximum of 200 units outside of the Coastal Zone in the Pajaro Valley area of south County and would likely be limited to four or five sites. ARFH amendments would also establish siting criteria that encourage clustering of new development consistent with existing County policies, including 8.3.2 (Urban Development) and 8.3.3 (Rural Development), and would direct ARFH projects

to sites in or near developed areas. Financing sources for these affordable projects often require additional financing feasibility (grants)/siting criteria that would further direct potential sites within the vicinity of existing urban services such as transit, schools, shopping, jobs, and healthcare.

Any new development would be required to comply with the following fire protection policies as well prior to project approval: Policy 6.5.7 (Certification of Adequate Fire Protection Prior to Permit Approval), 6.5.3 (Conditions for Project Approval), and access standards detailed under Policy 6.5.1. Any future project would also be required to comply with Policy 7.12.1 (Mitigating Impacts From New Development) and include modifications that would reduce potential impacts to nearby schools, such as limiting the number of units allowed in the project or phasing the development. See N-1 for further discussion of the impacts related to extension of existing infrastructure in rural areas.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to public services would be evaluated at that time. The site contains existing buildings and other infrastructure originally constructed for the former Redwood Elementary School, and much of the development would be limited to previously disturbed areas on the site. Public services available in Boulder Creek and the greater San Lorenzo Valley area are expected to be adequate to serve the proposed amendments.

The current project concept is likely to include substantially fewer people than the previous and current uses and may in fact have a reduced demand for some of these services. Some expansion of services may be required to serve the new residential uses on the site, including the impact on local schools with displacement of the current charter school, however this increased need for new or physically altered governmental facilities is expected to be minimal and significant impacts are not anticipated. See discussions under G-5, I-7, J-3, and P-1 for further details. Any potentially significant impacts to the environmental as a result of these and any other necessary public services would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above.

As a result, impacts are expected to be less than significant.

## P. RECREATION

Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts to recreational facilities associated with a particular development would be evaluated at that time.

Development of ARFH projects however it would be restricted to a maximum of 200 units, which would likely be developed on four or five sites and would not necessarily impact the same neighborhoods. See O-1 for further discussion of impacts related to public services, including parks. In addition, pursuant to SCCC section 15.01.060 (Dedication requirements), any future project would be required to either dedicate land for a park or pay an in-lieu fee as a condition of approval, which would offset any incremental increase in demand for existing neighborhood and regional parks or other recreational facilities.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to parks and other recreational facilities would be evaluated at that time. The current project concept includes new residential development which is likely to increase the use of existing neighborhood and regional parks and other recreation facilities in the Boulder Creek and greater San Lorenzo Valley area. However, the project density would be limited to a maximum of 33 units and is not expected to generate a significant increase in population. Moreover, the project is located in an area with a several different county, state, and neighborhood parks, including Big Basin State Park, Castle Rock State Park, and Miller Property County Park, as well as Junction Park in the Village of Boulder Creek. Impacts are likely to be dispersed across the several recreational facilities available in the immediate area. Therefore, the project is not expected to substantially increase the use of existing recreational facilities. Any potentially significant impacts to the environmental as a result of these and any other necessary public services would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above.

Therefore, the proposed amendments would not substantially increase the use of existing neighborhood and regional parks or other recreational facilities, and impacts are expected to be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The proposed amendments does not include the expansion and is not expected to require the construction of additional recreational facilities. See P-1 above for further discussion of impacts related to recreational facilities. Impacts are expected to be less than significant.

## Q. TRANSPORTATION

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Site-specific changes in traffic and impacts to public transit, bicycle and pedestrian facilities associated with a particular development would be evaluated at that time. However, no future project is expected to conflict with any program, plan, ordinance, or policy addressing the circulation system, including the GP/LCP.

Any future project would result in a minor increase in construction-related traffic in and near project areas. Construction vehicles entering or exiting the project area could cause temporary delays or stoppage of through traffic within the vicinity of the general project area, which could adversely affect traffic circulation and safety, however, the increase in vehicles on the roadway would be relatively small, dispersed throughout the day, and short term. Any future development would be required to be consistent with Policy 3.12.1 (Level of Service (LOS) Policy), which states, "In reviewing the traffic impacts of the proposed development project, LOS C would be considered the objective, with LOS D as the minimum acceptable (where costs, right-of-way requirements, or environmental impacts of maintaining LOS under this policy are excessive, capacity enhancement may be considered infeasible)." In



addition, any future development would be required to comply with current road requirements and be consistent with County of Santa Cruz Department of Public Works Design Criteria to prevent potential hazards to motorists, bicyclists, and/or pedestrians. Impacts are expected to be less than significant.

Trip generation has been estimated for the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 in a memo prepared by Dudek on July 12, 2019 (see Table 2 below). The analysis shows that the proposed amendments would generate 31 trips in the AM peak hour and 34 trips in the PM peak hour, while the existing charter school on the site currently generates 71 trips in the AM peak hour and 16 trips in the PM peak hour. This amounts to a reduction of 41 trips in AM peak hour trips, and a net increase of 18 trips during the PM peak hour. The trip generation analysis does not take any reductions due to implementation of these measures, however the TDM measures may result in lower trip making activity than what is estimated here.

The primary access point to the project is State Route 9, which is a Caltrans facility. As the project trips disperse off of State Route 9 onto County roadways the number of vehicles on any given roadway would be less than 18 net new trips, as not all residents would be coming from or going to the same location. The resulting increase in vehicles on County roadways would be minor and is not likely to affect LOS. Additionally, County policy is to require a traffic impact analysis that includes LOS analysis only if the project generates more than 20 PM peak hour trips. This project does not meet that criteria. Given the minor increase in vehicle trips the project would amount to a less than significant impact and must be consistent with the County's General Plan LOS policy. When a project application is submitted, an analysis of potential impacts to Caltrans' facilities, including State Route 9 would be coordinated with Caltrans. The project would also be required to comply with the policies and ordinances detailed above. Therefore, no impacts are anticipated.

**TABLE 2: Trip Generation Analysis for SLVUSD Workforce Housing Project**

Land Use	Units/ Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Trip Rates <sup>1</sup>								
Private School K-12 (ITE 536) <sup>2</sup>	per student	2.48	0.49	0.31	0.81	0.07	0.10	0.17
Multifamily Housing - low rise (ITE 220)	per DU	7.32	0.11	0.35	0.46	0.35	0.21	0.56
Day Care Center (ITE 565)	per student	4.09	0.41	0.37	0.78	0.37	0.42	0.79
Trip Generation								
Current Land Use								
Charter School	90 students	223	44	28	72	7	9	16
Proposed Land Use								
Charter School	33 DUs	242	3	12	15	12	7	18
Day Care Center	20 students <sup>3</sup>	82	8	7	16	7	8	16
Total from Proposed Land Use		323	12	19	31	19	15	34
Net New Trips (Proposed– existing)		100	-32	-3	-41	12	6	18
Notes: DU = dwelling unit								
1. Trip rates from <i>Trip Generation, 10<sup>th</sup> Edition, Institute of Transportation Engineers, 2017.</i>								
2. No rates are provided in ITE for a charter school, therefore the private school (K-12) rates were used as the travel patterns would be similar.								
3. Proposed enrollment capacity is 40 students and 50% of those students would originate from the on-site workforce housing.								

2. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(1) (Vehicle Miles Traveled)?
- ☐
☐
☒
☐

**Discussion:** In response to the passage of Senate Bill 743 in 2013 and other climate change strategies, the Governor’s Office of Planning and Research (OPR) amended the CEQA Guidelines to replace LOS with VMT as the measurement for traffic impacts. The “Technical Advisory on Evaluating Transportation Impacts in CEQA,” prepared by OPR provides recommended thresholds and methodologies for assessing the impacts of new development on VMT (OPR, 2018). Tying significance thresholds to the State’s GHG reduction goals, the guidance recommends the following thresholds which the County is currently using: 15% under current County average per capital VMT levels for residential projects; 15% under current County or regional per employee VMT for office projects; and any increase in VMT for retail projects. Based on the latest estimates compiled from the Highway Performance Monitoring System, the average daily VMT in Santa Cruz County is 18.3 miles per capita (Department of Finance [DOF] 2018; Caltrans 2018). The guidelines also recommend several screening thresholds under which projects can be presumed to have a less than significant impact, including if the project adds less than 110 trips per day to the roadway network.

The amendments proposed result in housing located closer to jobs and therefore would likely result in lower per capita VMT than County averages. Therefore, the impact of amending the County Code and General Plan policies is less than significant. Future projects resulting from this change to code and policies would require future approval and be subject to environmental review under CEQA and would be evaluated at that time to determine and mitigate for potential VMT impacts associated with a particular development. Some projects may result in a minor increase in construction-related traffic in and near the project area. Construction vehicles could increase VMT, however, the increase would be relatively small and short term. Therefore, impacts related to the construction phase of the project are expected to be less than significant.

Increases in VMT during the operational phase of any future project is also expected to be minimal. Some of these amendments would allow housing to be developed in areas where it was not previously allowed and/or at slightly higher densities, however all future development would be located throughout the unincorporated area of Santa Cruz County, therefore the environmental impacts in any one area would be limited. All 100% affordable rental housing and the majority of potential school employee housing sites would be located on infill parcels in urbanized areas within the USL/RSL where the increase in VMT for these projects is expected to be less than significant. Potential PF and school properties are generally located on sites that can accommodate “facility” buildings and associated transportation and utility impacts. Moreover, these projects are likely to be in close proximity to existing development and could utilize public services, including public transportation, which would could further limit the increase in VMT.

Amendments related to school employee and 100% affordable rental farmworker housing projects, in particular, would allow multi-family residential development in rural areas. However, school employee housing would only be developed on school-owned sites, which may be on or adjacent to existing schools and is therefore likely be located adjacent to existing development. The Development Reserve policy would restrict ARFH projects to a maximum of 200 units outside of the Coastal Zone in the Pajaro Valley area of south County and would likely be limited to four or five sites. ARFH amendments would also establish siting criteria that encourage clustering of new development and would direct 100% affordable rental farmworker housing in or near urbanized areas. Financing sources for these affordable projects often require additional financial feasibility (grants)/siting criteria that would further direct potential sites within the vicinity of existing urban services such

as transit, schools, shopping, jobs, and healthcare. Locating housing closer to jobs, goods and services would reduce the distance residents travel to meet their everyday needs.

Additionally, all future development would be required to comply with several existing policies that reduce VMT from residential projects. Future projects would also have to comply with the General Plan policies established to reduce VMT and any impacts related to the increase in VMT would be determined during the discretionary permit process. Per General Plan Objective 3.1 (Vehicle Miles), it is the County of Santa Cruz's objective to "limit the increase in Vehicle Miles Traveled (VMT) to achieve as a minimum, compliance with the current Air Quality Management Plan." In addition to determining consistency with VMT policies, any future project would be required to be consistent with the VMT-reducing goals and policies of the SCCRTC 2040 RTP as well. Therefore, no substantial increase in VMT would be expected from future projects.

Trip generation analysis has been estimated for the potential SLVUSD project that would be located at 16300 Highway 9 in a memo prepared by Dudek on July 12, 2019 (see Table 2 above). The analysis shows that the proposed amendments would generate 323 trips per day, while the existing charter school on the site currently generates 223 daily trips. This amounts to 100 net new trips, which is a less than significant increase in VMT. Therefore, VMT impacts would be less than significant. Nonetheless, this project would be subject to environmental review under CEQA if a project application is submitted and impacts to VMT would be evaluated at that time.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. <i>Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Site-specific design features associated with a particular development would be evaluated at that time. Any future development would be required to meet all County road standards, including consistency with the County of Santa Cruz Department of Public Works Design Criteria and the access road standards detailed in General Plan Policy 6.5.1 (Access Standards). Moreover, amendments to SCCC section 13.10.365(B) state that workforce housing development on PF-zoned sites shall be subject to environmental review and may

require further analysis if needed to show adequate environmental protection and provision of adequate services, including adequate roads.

There are two main access points to the potential SLVUSD Teacher Workforce Housing project proposed at 16300 Highway 9, which come directly from the highway. There are two additional access points to the back of the site, from a driveway to the north and Mitchell Drive to the south, which serves a limited number of residences as well. These existing access points were utilized for the former Redwood Elementary School and the current charter school and are presumed to have been determined adequate for these uses.

The EIR prepared in November 1986 for the Proposed Schools North of Boulder Creek (including Redwood Elementary School) identified that there may be a less than significant risk associated with potential traffic hazards due to the siting of project access from Highway 9. Preliminary site analysis for the current project concept indicates that there are sight line issues for at least one of the access points from Highway 9 that would require future analysis and potential redesign to ensure it does not constitute a safety issue. The project may include widening of some of these access points as well, including Mitchell Road, to provide sufficient width for two-way traffic. Any improvements to these and any other road designs would be evaluated during project review and any potentially significant impacts associated with a particular development would be required to be prevented or mitigated per the policies and regulations detailed above.

Therefore, the impacts of hazards due to a design feature or incompatible use are expected to be less than significant.

4. *Result in inadequate emergency access?* ☐ ☐ ☒ ☐

**Discussion:** See discussion under Q-4 above. Road access for any future development would also require approval from the local fire agency or California Department of Forestry, as appropriate. Any new roads would be required to comply with the County of Santa Cruz Department of Public Works Design Criteria as well as the access road standards detailed under General Plan Policy 6.5.1 (Access Standards). A temporary lane closure may be required for short periods of time during construction for any future project, however a traffic control plan would be prepared, and no proposed amendments would restrict emergency access for police, fire, or other emergency vehicles. See I-6, O-1, and Q-3 for further

discussion of impacts related to emergency access. As a result, impacts to emergency access are expected to be less than significant.

## R. TRIBAL CULTURAL RESOURCES

1. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| A. <i>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources Code section 5020.1(k), or</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| B. <i>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Any eligible or potentially eligible tribal cultural resource would be evaluated to determine and mitigate for potential impacts from any proposed amendments.

Any future project would be required to comply with Objective 5.19 of the County General Plan (Archaeological Resources) and SCCC Chapter 16.40 (Native American Cultural Sites) in order to protect and preserve any identified tribal cultural resources. If tribal cultural resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in SCCC Chapter 16.40.040. Any future project would also be required to comply with Objective 5.9 (Hydrological, Geological and Paleontological Resources) and SCCC section 16.44 (Paleontological Resource Protection) to protect these resources. See E-1 for further

discussion of impacts related to historical resources and see discussion under E-2 and E-3 for more details on potential cultural resources impacts.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to biotic resources would be evaluated at that time. Much of the development would be limited to previously disturbed areas on the site, and any development beyond these areas is expected to be minimal. The site was previously analyzed in an EIR prepared in November 1986 for the Proposed Schools North of Boulder Creek (including Redwood Elementary School). The EIR identified a less than significant impact related to the potential discovery of cultural artifacts during school construction and alteration of a potential railroad bed for leachfield installation. The EIR offered mitigation measures commensurate with the existing policies and regulations detailed above. Per the discussion under E-2 and E-3, the site does not contain any known tribal resources, however, any potentially significant impacts due to grading and other construction activities associated with the proposed amendments would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above and within E-2 and E-3.

Therefore, impacts to tribal cultural resources are expected to be less than significant.

Section 21080.3.1(b) of the California Public Resources Code (AB 52) requires a lead agency formally notify a California Native American tribe that is traditionally and culturally affiliated within the geographic area of the discretionary project when formally requested. As of this writing, no California Native American tribes traditionally and culturally affiliated with the Santa Cruz County region have formally requested a consultation with the County of Santa Cruz (as Lead Agency under CEQA) regarding tribal cultural resources.

Senate Bill 18 requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of protecting Traditional Tribal Cultural Places. Due to the proposed General Plan amendments, the County notified and consulted with eight Native American tribal contacts provided by the Native American Heritage Commission to comply with Senate Bill 18. Following the end of the specified 90-day consulting period, no comments were received.

## S. UTILITIES AND SERVICE SYSTEMS

Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. <i>Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future project that would result in the construction of a new facility or expansion of an existing facility would require approval from the Department of Health, Department of Public Works, or the local water service agency prior to construction. Moreover, amendments to SCCC section 13.10.365(B) state that all workforce housing applications (1A and 1B) shall be subject to environmental review and may require further analysis if needed to show adequate environmental protection and provision of adequate services, including water supply and quality and sewage disposal. See N-1 for further discussion of potential impacts related to extension of utilities and other infrastructure.

These amendments also contain special allowances in the County Code for multi-family school employee housing and ARFH project (2C) in the rural area, including changes to the maximum density requirements pertaining to areas with Individual Sewage Disposal Systems (General Plan Policy 5.5.6, 5.8.2, and 5.8.9, respectively). In addition, amendments would be made to Policy 7.21.5 (Community Sewage Disposal Systems Outside the Urban Service Line and RSL) and 7.21.6 (Sanitary Service Connections Outside the USL and RSL) to allow the expansion of existing facilities to these types of sites within the rural unincorporated area. SCCC section 17.02.060 (Provision of urban services) would also be adjusted to reflect these changes to the General Plan.

All 100% affordable rental housing and the majority of potential school employee housing sites would be located on infill parcels within the USL/RSL. These types of projects would be in close proximity to existing public utilities like sanitary sewer and water, and any utility extensions to potential sites, if required, would be minimal. These projects in urbanized areas are expected to have a less than significant impact.

Amendments related to school employee housing and 100% affordable rental farmworker housing projects would allow multi-family residential development in rural areas; however, any future rural development would be located throughout the unincorporated area of Santa Cruz County, therefore the environmental impacts in any one area would be limited. School



employee housing would only be permitted where consistent with the carrying capacity of the parcel and where adequate services and appropriate infrastructure are available or can be provided concurrent with development. Moreover, school employee housing would only be developed on school-owned sites which would likely be on or adjacent to schools, where utility facilities would already exist, and any extension construction or relocation would be minimal and limited to the site.

Development of ARFH projects; however, it would be restricted to a maximum of 200 units, which would likely be developed on four or five sites and would not necessarily impact the same neighborhoods or utility service providers. ARFH amendments would also establish siting criteria that would direct 100% affordable rental farmworker housing to sites in or near developed areas. Financing sources for these affordable projects often require additional financing feasibility (grants)/siting criteria that would further direct potential sites within the vicinity of existing urban and public services.

The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 and would be subject to environmental review under CEQA if a project application is submitted and impacts to public services would be evaluated at that time. Much of the development would be limited to previously disturbed areas on the site, and any development that may extend beyond these areas, including any utility extensions or replacements that may be required to support new residential uses, is expected to be minimal. Any potentially significant impacts to the environmental as a result of these and any other necessary public services would be determined during project review and would be required to be prevented or mitigated per the policies and regulations specified below.

#### Wastewater

These amendments would allow the expansion of wastewater disposal systems for certain types of workforce housing development in the rural area of the County, including the following changes:

- Amendments to Policy 7.21.5 (Community Sewage Disposal Systems Outside the Urban Services Line and Rural Service Line) would allow community disposal systems and package sewer plants on these sites outside the USL and RSL, with approval by LAFCO.
- Amendments to 7.21.6 (Sanitary Service Connections Outside USL and RSL) would allow sewer service connections from community sewage disposal systems and size line extensions to these sites located outside the USL or RSL, with approval by LAFCO.

- SCCC section 17.02.060 would also be amended to reflect the General Plan amendments detailed above.

However, the majority of potential workforce housing projects (1A and 1B) would be located within the USL or RSL and would likely have access to sanitary sewer. Moreover, school employee housing would only be developed on school-owned sites, which will likely be on or adjacent to exiting schools that already have access to sanitary sewer or where soils have already been determined to be capable of adequately supporting the use of existing septic tanks, leach fields, or alternative waste water systems where sewers are not available for the disposal of wastewater. ARFH amendments (2C) would also establish siting criteria that will direct ARFH projects in or near developed areas. Financing sources for these affordable projects often require additional siting criteria that would further direct potential sites within the vicinity of existing public services, including access to sanitary sewer.

All future development would be required to avoid, minimize, or mitigate potential environmental effects pursuant to the General Plan policies under Objective 7.19 (Sanitation Facilities Within the USL). In addition, any future project that require the installation of septic systems, leach fields, or alternative wastewater disposal systems would be required to acquire an Individual Sewage Disposal System permit from EHS. Future projects would also be required to comply with sewage disposal and septic tank regulations detailed in SCCC Chapters 7.38 (Sewage Disposal) and 7.42 (Septic Tanks), including section 7.38.040 (Individual sewage disposal system-Permits). Finally, any future project would be consistent with the General Plan policies under Objective 7.20 (Sanitation Facilities Within the RSL) and policies 7.21.1 (Rural Development on Individual Sewage Disposal Systems), 7.21.3 (Maximum Slopes for Individual Sewage Disposal Systems), and 7.21.4 (Alternative Sewage Disposal Systems). As a result, impacts are expected to be less than significant.

The site of the potential SLVUSD Teacher Workforce Housing project located at 16300 Hwy 9 was previously analyzed in an EIR prepared in November 1986 for the Proposed Schools North of Boulder Creek (including Redwood Elementary School). The EIR identified that the sewage disposal system was constructed as an intermittent recirculating sand filter system. The leachfield for the elementary school was planned on the school site with additional capacity available west of the San Lorenzo River, if needed. According to County Department of Environmental Health records, the existing septic system is still functioning properly. It may be presumed, therefore, that the site does have soils capable of adequately supporting the septic system. The current project concept proposes to use the existing septic system and

leach fields that were designed to accommodate the school, which served up to 475 students. Therefore, the existing system should be adequate to serve the converted 33 units and new day-care facility. Some extensions may be needed to accommodate the proposed conversion for residential units; however, the project is not likely to require significant expansion. Impacts are expected to be less than significant.

#### Storm Water Drainage

All future development would be required to conform to policies contained under Objective 7.23 (Flood Control and Drainage) of the County General Plan to ensure storm water drainage impacts are less than significant. Where it is not possible to alleviate drainage problems through on or off-site improvements required by Policy 7.23.1 (New Development), sufficient on-site stormwater detention would be required to maintain, at a minimum, post-development peak flows at predevelopment levels. The improvements would be designed for the selected design rainstorm for all development projects greater than one acre in area, and to alleviate current drainage problems. In addition, Policy 7.23.4 (Downstream Impact analysis) would require the applicant of any proposed development project within the County USL to conduct downstream impact assessment and submit an engineered drainage plan. The assessment would require the design of any improvements needed to upgrade the storm drain system such that local flooding due to insufficient capacities would be eliminated for the appropriate design rainstorm. See J-3 for discussion of impacts related to the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9. Impacts are expected to be less than significant.

#### Water

See discussions under S-2 for further details of impacts related to construction and expansion of water facilities.

#### Electric Power and Natural Gas

Pacific Gas and Electric Company (PG&E) provides power to existing and new developments in the Santa Cruz County area and serves the urbanized portions of Santa Cruz County with natural gas. As of 2018, residents and businesses in the County were automatically enrolled in Monterey Bay Community Power's community choice energy program, which provides locally controlled, carbon-free electricity delivered on PGE's existing lines. Some future project sites may already be served by electric power and natural gas, but additional improvements may be necessary. Some sites, particularly in the rural area, may be undeveloped and not currently served by electric power or natural gas. Electric power service

would be required to serve future sites however no substantial environmental impacts is expected to result from the additional improvements per the discussion above. Some sites may be served by propane tanks, where connection to natural gas service is not possible.

Preliminary site analysis indicates that the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 contains an existing LPG system with a large above ground tank and two-inch underground piping that provides gas service to the site. This should be sufficient for the addition of 33 residential units. Further analysis would be required to determine if the proposed design would include additional gas fixture units. Per the discussion under F-1, new residential units would likely require more electrical loads than typical classrooms. PG&E and the project applicant would need to determine whether the existing transformer would be adequate for the proposed amendments, however, any required expansions related to natural gas and electric power are expected to be minimal.

Per the discussion above, no substantial environmental impacts are expected to result from the additional improvements for required electric power and natural gas.

### Telecommunications

Telecommunications, including telephone, wireless telephone, internet, and cable, are provided by a variety of organizations. AT&T is the major telephone provider, and its subsidiary, DirectTV provides television and internet services. Cable television services in Santa Cruz County are provided by Charter Communications in Watsonville and Comcast in other areas of the county. Wireless services are also provided by AT&T, as well as other service providers, such as Verizon. Some improvements related to telecommunications may be required for future projects, however, no substantial environmental impacts from this work are anticipated, and impacts would be less than significant.

Preliminary site analysis indicates that the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 contains an existing telephone/data system that appears to be functional and in good condition. This system may be adequate for the proposed amendments; however, any expansions that may be required are expected to be minimal. No substantial environmental impacts are expected to result from any required additional improvements.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts to water supply associated with a particular development would be evaluated at that time. Moreover, amendments to SCCC section 13.10.365(B) state that all workforce housing applications (1A and 1B) shall be subject to environmental review and may require further analysis if needed to show adequate environmental protection and provision of adequate services, including water supply and quality, protection of groundwater, and evaluation of potential impacts to the appropriate water system.

Any future development of workforce housing or ARFH projects (2C) without water service would require a “will serve” letter from their local water purveyor to ensure water service pursuant to Policy 7.18.2 (Written Commitments confirming water Service Required for Permits). Many future projects would likely connect to an existing municipal water supply; however, some projects, particularly in the rural area, may need a new small water system and/or expanded entitlements and would require approval from EHS to ensure adequate water supply. In addition, any future project would be required to comply with the General Plan policies contained in under Objectives 7.18a - 7.18c (Water Supply), including Policy 7.18.3 (Impacts of New Development on Water Purveyors), which states, “Review all new development proposals to assess impacts on municipal water systems, County water districts, or small water systems. Require that either adequate service is available or that the proposed development provide for mitigation of its impacts as a condition of project approval.” Amendments to SCCC section 13.10.365 include additional language to further implement Policy 7.18.3 specifically for these types of residential development. Future development would also be required to comply with Policy 7.18.6 (Water Conservation Requirements) to help ensure adequate water supplies are available for future development.

The potential SLVUSD project site contains existing buildings and other infrastructure originally constructed for the former Redwood Elementary School, including a 4-inch water main to the site and two existing backflow devices along Highway 9, which indicate that the site is served by SLVWD. The existing system should be adequate to serve the converted residential units and new day-care facility. Some extensions may be needed to accommodate the proposed conversion for residential units; however, the project is not likely to require significant expansion of the existing infrastructure. The proposed amendments would serve significantly fewer people than the former Redwood Elementary School, however, residential uses typically use more water than schools. Per the discussion above, the project would

require a “will serve” letter from SLVWD that demonstrates there are adequate water supplies to serve the proposed amendments. Any potentially significant impacts would be determined during project review and would be required to be prevented or mitigated per the policies and regulations detailed above.

As a result, impacts are expected to be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. <i>Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future project that involves a sewer service connection would comply with General Plan Policy 7.19.1 (Sewer Service to New Development), which requires a written commitment from the service district that the proposed amendments “has adequate sewage treatment plant capacity” prior to project approval. Please see S-1 above for further discussion of amendments to sanitary service connections outside the USL and RSL, alternative individual sewage disposal systems, and community sewage disposal systems. The potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9 is within the rural area of unincorporated Santa Cruz County and uses a septic system for wastewater disposal. Therefore, the project would not be served by a wastewater treatment provider. Impacts are expected to be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. <i>Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Any future development would also be located throughout the unincorporated area of Santa Cruz County, therefore the environmental impacts in any one area would be limited. Moreover, any future development would require approval when an application for a development permit is submitted and would be subject to environmental review under CEQA. Impacts related to solid waste disposal associated with a particular development would be evaluated at that time. Future projects would be required to comply with the County’s solid waste disposal policies and regulations pursuant to General Plan Objectives 7.24 (Integrated Solid Waste Management) and 7.25 (Refuse Collection and Disposal) as well as

SCCC Chapter 7.20 (Solid Waste), to ensure future projects are served by a local landfill with sufficient capacity to accommodate the project's solid waste disposal needs and meet all public health and safety standards.

Due to the small incremental increase in solid waste generation anticipated during construction and operational phase of any future project, including the potential SLVUSD Teacher Workforce Housing project that would be located at 16300 Highway 9, and the required compliance with all County solid waste disposal policies, impacts are expected to be less than significant.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 5. <i>Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** The project would amend sections of the General Plan/LCP and County Code. These amendments themselves would not conflict with the provisions of any federal, state or local management and reduction statutes and regulations related to solid waste. Any future workforce housing projects, including the potential SLVUSD project proposed at 16300 Highway 9, would be required to comply with all federal, state, and local statutes and regulations related to solid waste disposal, including those local policies that implement state law such as General Plan Policy 7.24.1 (Materials Recovery), which states, "Establish, in conformance with state law, materials recovery through recycling, reuse and composting, as the primary and fundamental strategy of solid waste management by the County, with landfill disposal as a secondary and essential component." No impact would occur.

## T. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. <i>Substantially impair an adopted emergency response plan or emergency evacuation plan?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** Any future workforce housing projects, including the potential SLVUSD project proposed at 16300 Highway 9, would require future approval and be subject to environmental review under CEQA. Impacts associated with a particular development would be evaluated at that time; however, any future project would not conflict with implementation of the County of Santa Cruz Local Hazard Mitigation Plan 2015-2020

(County of Santa Cruz, 2020). Therefore, no impacts to an adopted emergency response plan or evacuation Plan would occur from project implementation.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** See discussion under I-7. Future projects are unlikely to substantially exacerbate wildfire risks and impacts are expected to be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 3. <i>Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** See discussion under I-6, O-1, and Q-4. Some future projects to construct school employee housing or 100% affordable rental housing or affordable rental farmworker, including the potential SLVUSD project, may require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in impacts to the environment. However, any future project would require future approval and be subject to environmental review under CEQA. Impacts related to fire risk associated with a particular development would be evaluated at that time. In addition, all future project design would be required to incorporate all applicable fire safety code requirements and include fire protection devices as required by the local fire agency. Impacts are expected to be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. <i>Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** See I-7 for further discussion of impacts related to wildland fires and refer to discussions under J-3 and J-4 for more details on potential impacts related to drainage and flooding. Future projects, including the potential SLVUSD project, are unlikely to substantially expose people or structures to significant risks related to runoff, post-fire slope instability, or drainage changes. Impacts are expected to be less than significant.



## U. MANDATORY FINDINGS OF SIGNIFICANCE

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal community or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in Section III (A through T) of this Initial Study. As a result of this evaluation, there is no substantial evidence that significant effects associated with this project would result. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>2. Does the project have impacts that are individually limited, but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** In addition to project specific impacts, this evaluation considered the project's potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there were determined to be no significant cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

3. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

**Discussion:** In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to specific questions in Section III (A through T). As a result of this evaluation, no potentially adverse effects to human beings associated with this project were identified. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

#### IV. REFERENCES USED IN THE COMPLETION OF THIS INITIAL STUDY

BW Research, 2018

*2018 Industry, Economic & Workforce Research of Santa Cruz County.* Prepared by BW Research in partnership with Santa Cruz County Workforce Development Board in June 2018.

California Department of Conservation, 1980

Farmland Mapping and Monitoring Program Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance Santa Cruz County U.S. Department of Agriculture, Natural Resources Conservation Service, soil surveys for Santa Cruz County, California, August 1980.

California Department of Fish and Wildlife

California Natural Diversity Database USGS 7.5-minute quadrangle; queried July 22, 2019.

California Institute for Rural Studies, 2018

*Farmworker Housing Study and Action Plan for Salinas Valley and Pajaro Valley.* Prepared by the California Institute for Rural Studies and California Coalition of Rural housing in April 2018.

Caltrans, 2018

*California Public Road Data 2017: Statistical Information Derived from the Highway Performance Monitoring System.* Released by the State of California Department of Transportation November 2018.

County of Santa Cruz, 2013

*County of Santa Cruz Climate Action Strategy.* Approved by the Board of Supervisors on February 26, 2013.

County of Santa Cruz, 2015

*County of Santa Cruz Local Hazard Mitigation Plan 2015-2020.* Prepared by the County of Santa Cruz Office of Emergency Services.

County of Santa Cruz, 1994

*1994 General Plan and Local Coastal Program for the County of Santa Cruz, California.* Adopted by the Board of Supervisors on May 24, 1994 and certified by the California Coastal Commission on December 15, 1994.

DTSC, 2019

*EnviroStor: Hazardous Waste and Substances Site List (Cortese)*. California Department of Toxic Substances Control. 2019. Available online at <https://www.envirostor.dtsc.ca.gov>  
DOF, 2018

*E-5 Population and Housing Estimates for Cities, Counties and the State—January 1, 2011-2018*. Released by the State of California Department of Finance May 2018.

FEMA, 2012 and 2017

*Flood Insurance Rate Map*. Federal Emergency Management Agency. Effective on May 16, 2012 and September 29, 2017, respectively.

MBUAPCD, 2008

*Monterey Bay Unified Air Pollution Control District (MBUAPCD), CEQA Air Quality Guidelines*. Prepared by the MBUAPCD, Adopted October 1995, Revised: February 1997, August 1998, December 1999, September 2000, September 2002, June 2004 and February 2008.

MBUAPCD, 2013a

*NCCAB (NCCAB) Area Designations and Attainment Status – January 2013*. Monterey Bay Unified Air Pollution Control District. Available online at [http://www.mbuapcd.org/mbuapcd/pdf/Planning/Attainment\\_Status\\_January\\_2013\\_2.pdf](http://www.mbuapcd.org/mbuapcd/pdf/Planning/Attainment_Status_January_2013_2.pdf)

MBUAPCD, 2013b

*Triennial Plan Revision 2009-2011*. Monterey Bay Unified Air Pollution Control District. Adopted April 17, 2013.

OPR, 2018

*Technical Advisory on Evaluating Transportation Impacts in CEQA*. State of California Governor's Office of Planning and Research. December 2018. Available online at [http://www.opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](http://www.opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

USDA, 2016

*Soil Survey Geographic (SSURGO) Database*. United States Department of Agriculture, Natural Resources Conservation Service. Spatial: Version 5, September 9, 2016. Available online at <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

**Attachment 1**

**AGRICULTURAL EMPLOYEE HOUSING AND  
HOUSING IN THE PUBLIC FACILITY ZONE DISTRICT:  
PROPOSED GENERAL PLAN/LCP AMENDMENTS**

**SECTION I**

**Chapter 2: Land Use**

- A.** Under “Authority and Purpose,” in the “General Land Use Policies Planning Framework” section, on page 2-3, after the first sentence of paragraph 7 of this section, insert an asterisk and add the following footnote to read as follows:

In areas outside of the Urban Services Line and Rural Services Line, the “Rural Density Matrix” provides for parcel-specific determination of allowable densities based on the availability of services, environmental and site specific constraints, and resource protection factors required by the Growth Management System and the General Plan and LCP Land Use Plan.\*

\* Farmworker housing as defined in Chapter 13.10 of the County Code, proposed in agricultural zone districts, is considered an agricultural use and is not subject to the Rural Density Matrix.

- B.** Objective 2.21 and policies 2.21.1, 2.21.3 and 2.21.5 for the Public Facility/Institutional Designation of Chapter 2 of the General Plan are hereby amended to read as follows:

**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 which may include school employee rental housing, 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 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 facility uses where consistent with infrastructure constraints, and scenic, natural and agricultural resource protection.

(eb) Recognizing that affordable housing serves a public purpose, essential to the local workforce and economy, and necessary to public health, safety and welfare, allow 100% affordable rental housing projects as an ancillary or primary public/quasi-public

discretionary use on land within the Urban and Rural Services Line with a Public Facility/ Institutional Land Use Designation, at the urban high-density range. The housing units shall be affordable to lower-income households as defined in Title 25 of the California Code of Regulations.

(dc) Recognizing that housing that is affordable to teachers and other school employees is essential to support education, yet is often in short supply in the County, multi-family rental housing for school employee households is allowed as an ancillary or primary public/quasi-public discretionary use on sites within the Public Facility/ Institutional Land Use Designation that are owned by a private school or public school district, where consistent with the environmental carrying capacity of the parcel and where the adequate services and appropriate infrastructure are available or will be provided concurrent with development. The density range shall be up to urban high. As a quasi-public use, school employee housing on sites owned by a private school or public-school district with a Public Facility/ Institutional Land Use Designation is not subject to the Rural Density Matrix. Additionally, school employee housing is not subject to provisions in Figure 2-2 or to provisions in policies 2.3.4 (Areas Within the Rural Services Line), 5.5.6 (Land Division and Density Requirements in Water Supply Watersheds), 5.8.2 (Land Division and Density Requirements in Primary Groundwater Recharge Areas), and 5.8.9 (Development Densities With Poor Groundwater Availability), specifying a maximum residential density or requiring a minimum amount of land area per dwelling unit.

(bd) Permit new development or increases in intensity of use for private-public facility residential Uses that are not either 100% affordable housing or school employee rental housing on school-owned sites, only if determined to be ancillary to the existing Public Facility use, (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.

### **2.21.3 Allowed Uses in Public Facility/Institutional Designations**

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

### **2.21.5 Master Plans for Public Facility/Institutional Uses**

Require 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~~ consider 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.

## SECTION II

### Chapter 5: Conservation and Open Space

- A. In Chapter 5 of the General Plan, “Conservation and Open Space,” under the Section titled “Agriculture,” Under Objective 5.13, “Commercial Agricultural Land,” Policies 5.13.5, 5.13.6, 5.13.14, 5.13.24, and 5.13.30 are hereby amended to read, and Policy 5.13.6.2 is added to read, as follows:

#### **5.13.5 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 for long-term commercial agricultural uses. 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; and farmworker housing projects proposed pursuant to the California Employee Housing Act, (Health and Safety Code Sections 17000-17062.5) or (“EHA”) which provide housing for at least five farmworkers but do not exceed 36 beds in group quarters, or do not exceed 12 dwelling units or mobile homes, or other housing accommodations designed for occupancy by a household (“EHA Projects”); and, outside the coastal zone only, Small Farmworker Housing Projects, as defined in County Code Chapter 13.10, proposed to provide housing for four or fewer farmworkers; and timber harvesting operations.

#### **5.13.6 Conditional Uses on Commercial Agricultural (CA) Zoned Lands**

(LCP) All conditional uses shall be subject to standards ~~which~~ that 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, including any Small Farmworker Housing Project, as defined in County Code Chapter 13.10, proposed within the Coastal Zone to provide housing for four or fewer farmworkers; or
- (c) The use consists of an interim public use which does not impair long term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation, and that minimizes and offsets the loss of agricultural land resulting from facility construction (Amended by Res. 111-2006); or
- (d) The use consists of development of an Affordable Farmworker Housing Project pursuant to the Development Reserve established in Policy 5.13.6.2 below and located outside of the Coastal Zone; and
- (~~d~~e) The use is sited to avoid conflicts with principal agricultural activities in the area; and
- (~~e~~f) The use is sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production

#### **5.13.6.2 Development Reserve for Affordable Farmworker Housing Projects**

For sites located outside of the Coastal Zone only, a Development Reserve is hereby established to allow development of no more than 200 total units of affordable, multi-family rental housing for farmworker households by qualified non-profit housing providers (“Affordable Farmworker Housing Projects” or “ARFH Projects”) within certain qualifying agricultural areas of unincorporated Pajaro Valley, as further set forth in Chapter 13.10 of the Zoning Code. The ARFH Projects may be allowed by the County as a conditional use on qualifying agricultural lands in CA or A zoning districts with a Level VII discretionary approval, subject to CEQA review. The total number of dwelling units in all ARFH projects approved pursuant to this Development Reserve, combined, shall not exceed two hundred (200) units. Each ARFH project is estimated to consist of approximately 40 to 60 multi-family dwelling units, therefore the capacity of this Development Reserve is expected to be sufficient for four to five ARFH projects in total. ARFH projects are not EHA Projects, as defined in policy 5.13.5.

#### **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, including for the development of affordable farmworker housing (ARFH),
- (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 farming of the parcels. In no case shall 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, except as allowed for an AFRH project \*, and
- (d) Where no conflicts with adjacent agricultural operations result from the land division.

\* The creation of a new parcel for an affordable rental farmworker housing (ARFH) project no less than one acre in size may be allowed when necessary to obtain financing for construction of the project. Such a parcel shall not include a condominium map.

#### **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 (habitable development includes~~ing residential land uses or development~~  
~~farm labor housing~~, commercial or industrial establishments on commercial agricultural land), unless 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 shall require a finding demonstrating that agricultural lands shall be afforded equal or greater protection with the amended language.

#### **5.13.30 Farm ~~Labor~~ Worker Housing**



Recognizing that farmworker housing is essential to the viability of local agriculture, and that there is a shortage of safe and affordable farmworker housing, Allow EHA Projects, as defined in Policy 5.13.5, farm operations to locate farm labor housing within the Agriculture and eCommercial aAgricultural areas zone districts as a principal permitted agricultural use, consistent with the EHA, subject to on unfarmable portions of the property, if available, sited so as not to create health problems from pesticides, herbicides and other adjacent agricultural activities, and with adequate buffering based on recommendations of the Agricultural Policy Advisory Commission, the permitting and enforcement provisions of the EHA, and administrative site plan review (Level III). Allow Affordable Rental Farmworker Housing (AFRH) Projects within CA and A zones as a conditional use pursuant to policies 5.13.6, 5.13.6.2, and the farmworker housing project requirements in Chapter 13.10 of the Zoning Code, but only up to a total of 200 units, within the Development Reserve established by Policy 5.13.6.2.

EHA Projects, Small Farmworker Projects, and outside of the Coastal Zone only, ARFH Projects, all as defined in Chapter 13.10, are exempt from the Rural Density Matrix and related provisions in Figure 2-2, Policies 5.5.6 (Land Division and Density Requirements in Water Supply Watersheds), 5.8.2 (Land Division and Density Requirements in Primary Groundwater Recharge Areas), and 5.8.9 (Development Densities With Poor Groundwater Availability), which limit residential density or require a minimum amount of land area per dwelling unit.

- B. In Chapter 5 of the General Plan, “Conservation and Open Space,” under the Section titled “Agriculture,” Under Objective 5.14, “Non-Commercial Agricultural Land,” Policies 5.14.1 and 5.14.10 are amended and Figure 5-2 is added to read as follows:

## **Objective 5.14 Non-Commercial Agricultural Land**

### **5.14.1 Principal Permitted Uses Allowed on Non-Commercial Agricultural (A) Zoned Lands (LCP) (Agricultural Land Use Designation with Agricultural Zone District)**

On land designated Agricultural on the General Plan and LCP Land Use Maps, but not Agricultural Resource on the Agricultural Resources Maps, allow the following range of uses based on parcel size.

- (a) On parcels 2.5 acres or smaller in size, allow one residence and accessory uses; agricultural uses including EHA Farmworker Housing Projects and, outside of the Coastal Zone, Small Farmworker Housing Projects; open space uses; recreational uses and community facilities where these uses can be shown to not conflict with any adjacent agricultural activity.
- (b) On parcels over 2.5 acres in size, allow a range of agricultural uses, including both commercial and non-commercial agricultural activities including EHA Farmworker Housing Projects and, outside of the Coastal Zone, Small Farmworker Housing Projects; one residence; publicly owned and operated landfill as an interim use; or other uses where these uses are consistent with the Coastal Act, and where these uses can be shown to not conflict with any adjacent agricultural activity.

- (c) Agricultural service establishments according to siting criteria for the location of such businesses. Siting criteria shall include the following: the business shall be compatible with the agricultural area and support farming operations in the area; potential business sites will not conflict with agricultural practices or residential uses; and potential business sites will afford maximum protection of agricultural production and resource values.

#### **5.14.10 Conditional Uses ~~Development on Non-Commercial Agricultural Land~~**

Apply policies 5.13.9, 5.13.11 and 5.13.12 to discretionary development (conditional uses proposed on non-commercial agricultural land. Allow Affordable Rental Farmworker Housing Projects outside the Coastal Zone, and Small Farmworker Housing Projects proposed inside the Coastal Zone as conditional uses on non-commercial agricultural land ("A" zoning districts) in the same manner as they are allowed on commercial agricultural land ("CA" zoning districts), as set forth in Objective 5.13 above and in Zoning Code Chapter 13.10.

#### **5.14.12 Non-Commercial Agricultural Land Division and Density Requirements**

**(LCP)** Encourage the conservation of productive and potentially productive agricultural lands through retention of large parcels and a minimum parcel size of 10-40 net developable acres, based on the Rural Density Matrix, for lands designated for Agriculture but which are not identified as commercial agricultural land. Utilize the following criteria for land divisions and residential development proposals on land designated Agriculture but not designated as commercial agricultural lands on the General Plan and LCP Resources and Constraints Maps:

- (a) Based on the Rural Density Matrix, the minimum parcel size shall be 10-40 net developable acres and the maximum residential density on an existing parcel of record shall not exceed one unit per 10-40 net developable acres.
- (b) Division or development of parcels may be allowed at densities of 2 ½-20 net developable acres under the following conditions:\*
- (1) The land has been determined to be non-viable for commercial agriculture, as determined by policies 5.13.20 and 5.13.21, and that continued or renewed agricultural use is not feasible;
- (2) Adequate buffering can be provided between any proposed non-agricultural use and adjacent commercial agricultural uses, as specified in the County Code;
- (3) All proposed building sites are within ½ mile of a through County-maintained road; and
- (4) Less than 50 percent of the land area within ¼ mile of the subject property is designated as agricultural resource and/or Mountain Residential.

\* An exception to the minimum parcel size and conditions 1, 3 and 4 in subdivision (b) above applies to the creation of a new parcel for an affordable rental farmworker housing (ARFH) project where necessary to obtain financing for construction of the project. Such a parcel shall not be less than one acre in size, and shall not include a condominium map.

Figure 5-2: Summary of Farmworker Housing Project Types

<u><b>Project Type</b></u>	<u><b>In CA, A, and AP Zoning Districts *</b></u>	
	<u><b>Inside Coastal Zone</b></u>	<u><b>Outside Coastal Zone</b></u>
<u>Projects Housing Five or More Farmworkers (EHA Projects)</u>  <u>Includes any of these project types:</u> <ul style="list-style-type: none"> <li>• <u>Projects of 5 to 36 beds in group quarters</u></li> <li>• <u>Projects of 5 to 12 dwelling units, mobile homes, or other housing accommodations</u></li> <li>• <u>Small Projects of 1 to 4 dwelling units proposed to house at least 5 farmworkers</u></li> </ul> <u>EHA Projects may be seasonal, temporary, or permanent, as defined in the EHA</u>	<u>Principal Permitted Use pursuant to State Law (EHA), with:</u>  <u>Level V Site Development Permit and EHA License **</u>	<u>Level III ASD Permit and EHA License</u>
<u>Small Projects of 1 to 4 dwelling units proposed to house 4 or fewer farmworkers</u>	<u>Conditional Use</u>  <u>Level V Site Development Permit</u>	<u>Principal Permitted Use</u>  <u>Level III ASD Permit</u>
<u>ARFH Projects</u>	<u>Not Allowed</u>	<u>Conditional Use</u>  <u>Level VII Development Permit</u>

*\* Note that while some projects may not require a conditional use permit, all projects require at least an Administrative Site Development (ASD) Permit to ensure appropriate review of siting, buffering and other characteristics.*

*\*\* EHA License is the Permit to Operate an Employee Housing Facility issued by the County Environmental Health Department.*

## SECTION III

### Chapter 7: Parks, Recreation, and Public Facilities

- A. In Chapter 7 of the General Plan, “Parks, Recreation and Public Facilities,” under the Section titled “Wastewater,” Under Objective 7.20 “Sanitation Facilities Within the Rural Services Line,” and Objective 7.21 “Sanitation Facilities in Rural Areas”, Policies 7.20.2, 7.21.5, and 7.21.6 are hereby amended to read as follows:

#### Objective 7.20 Sanitation Facilities Within the Rural Services Line

##### 7.20.2 Rural Services Line Areas Without Community Sewage Disposal Systems [7.20.2]

(LCP) Require new development within the Rural Services Line to meet individual sewage disposal system standards set forth in the Sewage Disposal ordinance unless served by a community sewage disposal system as described in 7.20.1. Densities shall be calculated using suburban land use designation standards until a community sewage disposal system is provided, except that school employee housing on school-owned property, and farmworker housing projects (all project types defined in County Code Chapter 13.10) in agricultural zones as quasi-public or agricultural land uses, are not subject to the suburban residential density limit. Such projects, if located on a site with an individual septic system, are subject to Environmental Health approval of the proposed septic system.

#### Objective 7.21 Sanitation Facilities in Rural Areas

##### 7.21.5 Community Sewage Disposal Systems Outside the Urban Service Line and

##### (LCP) Rural Services Line

Prohibit the use of community sewage disposal systems (including package sewer plants) outside the Urban Services Line and Rural Services Line except as follows:

- (a) Allow the continued operation of existing systems; and
- (b) Allow new systems in developed areas to correct existing disposal problems where individual sewage disposal systems are not suitable; and
- (c) Allow new systems to serve 100% affordable rental housing projects, Employee Housing Act (EHA) projects and Affordable Rental Farmworker Housing (ARFH) Projects as defined in Chapter 13.10 of the Santa Cruz County Code, and public facility/institutional uses such as schools, and to serve school employee housing as provided in General Plan Policy 2.21.1 on sites owned by a public or private school.

Allow systems under conditions (a), (b) and (c) only where approved by the Regional Water Quality Control Board, LAFCO, Public Works, Environmental Health Services; and where operated by a public agency or private contractor to a public agency or a school, or for EHA and ARFH projects where the property owner enters into a recorded agreement with the County to provide for ongoing maintenance of the community sewage disposal system.

**7.21.6 Sanitary Service Connections Outside Urban Services Line and Rural Services Line**

**(LCP)** Allow sewer service connections from community sewage disposal systems to areas outside the Urban Services Line or Rural Services Line and size line extensions only to serve the following:

- (a) ~~existing~~ public facilities/institutional uses such as schools, including school employee rental housing, or
- (b) EHA and ARFH farmworker housing projects permitted pursuant to Chapter 13.10 of the Santa Cruz County Code, or
- (~~b~~c) existing development which conforms to the General Plan land use designation, and which have failing septic systems not able to be repaired, or
- (~~e~~d) one existing dwelling unit per existing parcel of record which has a failing septic system not able to be repaired.

In no case shall such connections allow for additional residential density beyond that allowed by (a) – (d) above.

**Attachment 2**  
**ORDINANCE AMENDING CHAPTERS 13.10, 13.14 AND 17.02 OF THE SANTA CRUZ**  
**COUNTY CODE PERTAINING TO AGRICULTURAL EMPLOYEE**  
**(FARMWORKER) HOUSING**

**SECTION I**

In Section 13.10.312(B), Agricultural Uses Chart, the new use category titled “Agricultural Employee Housing” and accompanying uses are hereby added, and the use category “Agricultural Support and Related Facilities” from the beginning of section to the use “Manufactured homes, for temporary occupancy as a caretaker’s or watchman’s quarters,” is hereby amended, and an additional footnote is added to the “Key,” to read as follows:

**AGRICULTURAL USES CHART**

**KEY:**

\*\*\*\*\* = For the purposes of agricultural employee (farmworker) housing only, P/# means that the use is principally permitted, with the number after it referring to the process for a required Site Development Permit.

USE	CA	A	AP
<b><u>Agricultural Employee (Farmworker) Housing (subject to SCCC 13.10.631) *****</u></b>			
<u>EHA (Employee Housing Act) projects outside the Coastal Zone, subject to SCCC 13.10.631 and CA Health and Safety Code §17008 and §17021.6. EHA projects provide permanent, temporary or seasonal housing for five or more farmworkers (agricultural employees), including the following types as defined in 13.10.631:</u>  <u>Employer-Provided Farmworker Housing Project:</u> <ul style="list-style-type: none"> <li>• <u>5 to 36 beds in group quarters designed for single adult farmworkers, or</u></li> <li>• <u>5 to 12 dwelling units, mobile homes, recreational vehicles (RV), or mobile home/RV spaces, each designed for occupancy by at least one farmworker and his/her household.</u></li> </ul> <u>Rural Farmworker Housing Project (rural areas only):</u> <ul style="list-style-type: none"> <li>• <u>5 to 36 beds or 5 to 12 units for Seasonal or Temporary Occupancy, or</u></li> <li>• <u>up to 12 mobile homes, manufactured homes, travel trailers, RVs for permanent occupancy.</u></li> </ul> <u>Small Farmworker Housing Project subject to EHA: 1 to 4 dwelling units or mobile homes housing at least 5 farmworkers and licensed by Enforcement Agency, with each unit designed for occupancy by at least 1 farmworker and his/her household.</u>	P/3	P/3	P/3

Proposed Amendments to Santa Cruz County Code  
Agricultural Employee (Farmworker) Housing

USE	CA	A	AP
<u>EHA projects inside the Coastal Zone, of any type listed above</u>	<u>P/5</u>	<u>P/5</u>	<u>P/5</u>
<u>Small Farmworker Housing Project not subject to EHA:</u> <u>1 to 4 dwelling units housing no more than 4 farmworkers total, at least</u> <u>one per dwelling unit, subject to SCCC 13.10.631</u>			
<u>Inside Coastal Zone</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Outside Coastal Zone</u>	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>
<u>Affordable Rental Farmworker Housing Project pursuant to Development</u> <u>Reserve and SCCC 13.10.631 (see 13.10.631 for map of eligible areas)</u>			
<u>Inside Coastal Zone</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Outside Coastal Zone</u>	<u>7</u>	<u>7</u>	<u>7</u>
<b>Agricultural Support and Related Facilities</b>			
Accessory dwelling unit, subject to the provisions of SCCC <a href="#">13.10.681</a>			—
Outside the Coastal Zone	4	BP	—
Inside the Coastal Zone	5	BP	—
Barns, corrals, or pens used for animal husbandry, subject to the provisions of SCCC <a href="#">16.22.060</a>	BP3	BP3	BP3
Caretaker's quarters, permanent, (see Agricultural Employee Housing: Small Project, above) <del>subject to the provisions of SCCC <a href="#">13.10.631</a></del>	<del>5</del>	<del>5</del>	<del>5</del>
Child care homes, small family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.700</a> -C definition)	P	P	P
Commercial boarding of animals, subject to the provisions of SCCC <a href="#">13.10.641</a> (B)	P/5	P/5	P/5
Consumer harvesting, on-site**	P	P	P
Dwelling unit, one detached single-family per parcel, subject to the provisions of SCCC <a href="#">13.10.314</a>			
Inside the Coastal Zone (requires APAC review in the CA and AP Zone Districts)	5	BP3	5
Outside the Coastal Zone	BP3	BP3	BP3

Proposed Amendments to Santa Cruz County Code  
Agricultural Employee (Farmworker) Housing

USE	CA	A	AP
<del>Dwelling unit, one detached single-family for the owner, lessee or an employee of the owner or lessee of the land, not to exceed one dwelling unit for each 40 acres of total site area, subject to the provisions of SCCC <a href="#">13.10.314</a></del>	-	-	-
Inside the Coastal Zone	—	—	5
Outside the Coastal Zone	—	—	3
Dwelling unit, one detached single-family per parcel, 5,000 square feet or larger, exclusive of accessory structure(s) associated with the residential use, but specifically excluding barn or similar accessory structures subject to the provisions of SCCC <a href="#">13.10.314</a> and <a href="#">13.10.325</a>	5	5	5
<del>Dwelling units, accessory to the main dwelling used as agricultural caretakers' quarters subject to SCCC <a href="#">13.10.631</a></del>			
<del>1—4 units</del>	<del>5</del>	<del>5</del>	<del>5</del>
<del>5—19 units</del>	<del>6</del>	<del>6</del>	<del>6</del>
<del>20+ units</del>	<del>7</del>	<del>7</del>	<del>7</del>
Dwelling units, dwelling groups subject to the provisions of SCCC <a href="#">13.10.313</a> (E), <a href="#">13.10.313</a> (F) and <a href="#">13.10.314</a>			
2—4 units	5	5	5
5—19 units	6	6	6
20+ units	7	7	7
Energy facilities, community, subject to the provisions of SCCC <a href="#">13.10.661</a> and <a href="#">13.10.700</a> -E (definition)	5	5	5
Facilities for fish and wildlife enhancement and preservation	P	P	P
<del>Farm worker housing (see Agricultural Employee Housing, above) subject to SCCC <a href="#">13.10.631</a> (see caretaker's housing, mobile homes and travel trailers, farm worker quarters and camps)</del>	<del>3—7</del>	<del>3—7</del>	<del>3—7</del>
Farm outbuildings and other agricultural accessory structures for storage or equipment with or without a single room containing lavatory facilities	BP3	BP3	BP3
Fences, subject to the provisions of SCCC <a href="#">13.10.525</a>	P/3/5	P/3/5	P/3/5



Proposed Amendments to Santa Cruz County Code  
Agricultural Employee (Farmworker) Housing

USE	CA	A	AP
Fire protection facilities	—	5	—
Flood control works, including channel rectification and alteration; dams, canals and aqueducts of any public water project	5	5	5
Foster homes for seven or fewer children, not including those of the proprietary family (see SCCC <a href="#">13.10.700</a> -F definition)	P	P	P
Foster homes for eight or more children, not including those of the proprietary family (see SCCC <a href="#">13.10.700</a> -F definition)	5	5	5
Fuel storage tanks and pumps	BP2	BP2	BP2
Greenhouse structures, as accessory structures, under 500 square feet in area	BP2	BP2	BP2
Greenhouse structures, outside the Coastal Zone, subject to the provisions of SCCC <a href="#">13.10.636</a> (A)			
500—20,000 square feet	3	4	3
Over 20,000 square feet	4	4	4
Greenhouse structures soil dependent****, inside the Coastal Zone, subject to the provisions of SCCC <a href="#">13.10.636</a> (A) and <a href="#">13.20.073</a>			
500—20,000 square feet	3	3	3
Over 20,000 square feet	P/4	P/4	P/4
Greenhouses, improvements and expansions up to 10,000 square feet in area, inside the Coastal Zone, subject to the provisions of SCCC <a href="#">13.10.636</a> (A) and <a href="#">13.20.073</a>	BP3	4	BP3
Greenhouses, all others in the Coastal Zone			
Up to 20,000 square feet	P/5	P/5	P/5
Greater than 20,000 square feet	5	5	5
Greenhouse replacement, reconstruction or structural alteration, pursuant to SCCC <a href="#">13.10.636</a> (B) and (C)	BP3	BP3	BP3
Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of SCCC <a href="#">13.10.611</a>	BP/4/5	BP/4/5	BP/4/5

Proposed Amendments to Santa Cruz County Code  
Agricultural Employee (Farmworker) Housing

USE	CA	A	AP
Nonhabitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of SCCC <a href="#">13.10.313</a> (A) and <a href="#">13.10.611</a> )	BP/4/5	BP/4/5	BP/4/5
Home occupations subject to the provisions of SCCC <a href="#">13.10.613</a>	P/5	P/5	P/5
Hosted rentals, subject to SCCC <a href="#">13.10.690</a>	1P	1P	1P
Kennels, commercial or private, for five or more dogs or cats over the age of four months subject to the provisions of SCCC <a href="#">13.10.323</a>	5	5	5
<del>Farm worker camps subject to the provisions of SCCC <a href="#">13.10.631</a></del>	-	-	-
<del>1—4 units</del>	<del>5</del>	<del>5</del>	<del>5</del>
<del>5—19 units</del>	<del>6</del>	<del>6</del>	<del>6</del>
<del>20+ units</del>	<del>7</del>	<del>7</del>	<del>7</del>
Lumber mills	—	5	—
<del>Manufactured homes, as farm labor housing, subject to the provisions of SCCC <a href="#">13.10.631</a></del>	-	-	-
<del>1—4 units</del>	<del>5</del>	<del>5</del>	<del>5</del>
<del>5—19 units</del>	<del>6</del>	<del>6</del>	<del>6</del>
<del>20+ units</del>	<del>7</del>	<del>7</del>	<del>7</del>
Manufactured home, as a single-family dwelling unit, subject to the provisions of SCCC <a href="#">13.10.682</a>			
Inside the Coastal Zone	5	5	5
Outside the Coastal Zone	BP3	BP3	BP3
<del>Manufactured homes, for temporary occupancy as a caretaker's or watchman's quarters subject to the provisions of SCCC <a href="#">13.10.631</a></del>	<del>3</del>	<del>3</del>	<del>3</del>

## SECTION II

Section 13.10.631, “Farm worker/caretaker housing—Mobile homes, farm worker quarters and farm worker camps,” is hereby repealed in its entirety and replaced with the following:

### **13.10.631 Farmworker (agricultural employee) housing**

A. Purposes. The purposes of regulations for farmworker housing are:

- (1) To recognize farmworker housing as an agricultural land use necessary for commercial agricultural operations, and
- (2) To permit and encourage a sufficient supply of housing for agricultural employees (“Farmworker Housing”) to meet the needs of local growers and farmworkers and to address County goals related to farmworker housing; and
- (3) To comply with the California Employee Housing Act (“the Act” or “EHA”), as defined below, related to local regulation and permitting of employee housing, as defined in the Act, for farmworkers; and
- (4) To provide clear development standards and permitting procedures for the development of farmworker housing projects of up to twelve dwelling units, mobile homes, or recreational vehicle spaces, or five to thirty-six beds in group quarters, including permanent, temporary, or seasonal farmworker housing projects, consistent with Section 17021.6 of the Act (“EHA Projects”); and
- (5) To clarify development standards and permitting procedures for the development of small agricultural employee housing projects of one to four dwelling units or mobile home/trailer spaces (“Small Farmworker Housing Projects”), including permanent, temporary, or seasonal farmworker housing projects as defined in the Act; and
- (6) To codify review procedures and development standards for utilization of the Development Reserve (“DR”) established in the General Plan to allow development of up to 200 units of affordable rental housing for farmworker households (“Affordable Farmworker Housing Projects”) on qualifying sites within unincorporated South County, as defined herein; and
- (7) To provide clear provisions for monitoring and enforcement of applicable occupancy standards, licensing requirements, and health and safety codes for farmworker housing projects, to ensure the housing is occupied by farmworker households, and that the housing and associated infrastructure meets health and safety codes; and
- (8) To prevent the conversion of agricultural land to non-agricultural uses, while allowing development of farmworker housing needed for farming operations to thrive.

B. Applicability. This section applies to farmworker housing projects proposed in the Commercial Agriculture (CA), Agricultural Preserve (AP), and Agriculture (A) zone districts. In the event of any conflicts between Chapter 13.10 and the Act with respect to Employee Housing, as defined below, the Act, as it may be amended, shall prevail. This is declaratory of existing law. Notwithstanding other provisions of this code, nothing in this section shall be

deemed to eliminate already existing farm worker housing currently allowed by law, nor to prohibit rehabilitation of such existing farm worker housing so long as such rehabilitation complies with all applicable State and County health, safety, fire, housing, and construction codes.

C. Definitions.

For the purposes of this section, the following words and phrases shall be defined as set forth in this section 13.10.631 and as further defined in the Act, where indicated. In the event of any conflict between the definitions in this section and definitions of the same or similar terms in 13.10.700, the definitions herein shall prevail.

“Affordable Rental Farmworker Housing Project” (“ARFH Project”) or “Affordable Project” means a subsidized, rent-restricted, multi-family rental housing development of more than 12 units developed by a non-profit housing provider for lower-income farmworker households, pursuant to the Development Reserve established in the General Plan, and subsection 13.10.631(G).

“Agricultural Employee” means an employee engaged in agriculture, which includes farming in all its branches, including but not limited to the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market, as further defined in CA Labor Code §1140.4(b). “Agricultural Employee” also means farm worker, farmworker, or farm laborer. “Agricultural Employee” does not include persons engaged in household domestic service, or certain employees of religious or charitable entities listed in §17005(b) and (c) of the Act. Farmworkers earn their primary income through permanent or seasonal agricultural labor.

“Agricultural Employer” means one engaged in an agriculture who employs employees, as further defined in Labor Code §1140.4(c).

“EHA Project” means a proposal to develop to a project to provide housing for at least five farmworkers, pursuant to §17021.6 of the Act, including any of the following project types defined below: an Employer-Provided Farmworker Housing Project or Rural Farmworker Housing Project consisting of no more than 12 dwelling units or other housing accommodations designed for occupancy by a household, or up to 36 beds if the project consists of group quarters; or a Small Farmworker Housing Project.

“Employee Housing” as used in this section 13.10.631 means housing for at least five employees as further defined §17008 of the Act and means the same as “labor camp” as that term may be used in various State of California laws.

“Employee Housing Act” or “EHA” or “Act” means California Health and Safety Code §17000-17062.5, as may be amended by the State of California from time to time.

“Employer-Provided Farmworker Housing” means housing accommodations described in §17008(a) of the Act for five or more farmworkers by their employer and maintained in connection with any work or place where work is being performed, whether or not rent is involved.

“Enforcement Agency” or “Local Enforcement Agency” means the Environmental Health Division of the Health Services Agency of the County of Santa Cruz (“EHS”), which is authorized to enforce the Act within Santa Cruz County. In the event the County ceases to be the local enforcement agency, the State of California Department of Housing and Community Development (HCD) would be the Enforcement Agency.

“Farmworker” means an Agricultural Employee, as defined above.

“Farmworker Housing” means Employee Housing for agricultural employees, or any other type of farmworker housing project authorized by this Section 13.10.631.

“HCD” means the California Department of Housing and Community Development, or its successor agency.

“Housing accommodations” as used in reference to EHA Projects, means any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.

“License” means a permit to operate Employee Housing issued by the Enforcement Agency pursuant to §17030-17039 of the Act.

“Rural Farmworker Housing” means housing accommodations as described in §17008(b) of the Act which are: located in an agricultural zone, and in a rural area as defined in CA Health and Safety Code §50101; provided by someone other than an agricultural employer; and provided for five or more farmworkers of any agricultural employer(s) for any of the following purposes:

- (1) Temporary or seasonal occupancy, as defined herein.
- (2) Permanent occupancy, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.
- (3) Permanent occupancy, if the housing accommodation consists of one or more existing, conventionally built (i.e., subject to State Housing Code – Health and Safety Code Sections 17910-17998.3, also known as “stick-built”) structure(s) on the site that are at least 30 years old, and at least 51 percent of the dwelling units or 51 percent of the beds in group quarters in the existing structure(s), are occupied by farmworkers.

“Seasonal Occupancy” or “seasonal employee housing” means farmworker housing which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year, as further defined in §17010(b) of the Act.

“Single-Family Farmworker Housing” means any housing accommodations occupied by no more than six farmworkers for which the owner/operator has obtained or seeks a License pursuant to §17021.5 of the Act, which allows such projects to be deemed a single-family dwelling and a residential use of the property.

“Small Farmworker Housing Project” or “Small Project” means a farmworker housing project of one to four dwelling units, each to be occupied exclusively by farmworker(s) or a farmworker family, including any existing or proposed caretaker’s unit. The four-unit limit for this project type

does not include any existing or proposed primary residence and/or accessory dwelling unit on the same parcel.

“Temporary Occupancy” or “Temporary employee housing” means farmworker housing which is not operated on the same site annually, and which is established for one operation and then removed, as further defined in §17010(a) of the Act.

#### D. EHA Projects

This section applies to farmworker housing projects that provide housing for at least five farmworkers and are proposed pursuant to §17021.6 of the Act (“EHA Projects”). Eligible project types include Employer-Provided Farmworker Housing or Rural Farmworker Housing projects, as defined above, of up to twelve dwelling units or up to 36 beds in group quarters (dormitory-style housing); or a Small Project, as defined above, that provides housing for at least five farmworkers. EHA Projects may be for Seasonal or Temporary Residency, as defined above. EHA Projects shall not include any proposed land division (i.e., parcel map, subdivision map or condominium map) for the purposes of creating a separate parcel for the EHA Project or EHA units.

##### (1) Required Permits and Approvals.

(a) Site Development Permit. In the CA, AP and A zone districts, EHA Projects proposed pursuant to this Section D are considered an agricultural use and require an Administrative Site Development Permit (Level III) from the Planning Department. Conditions of approval may be imposed by the Director to ensure compliance with the performance standards of this section and with the Act.

(b) Water and Sanitation Permits. EHA Projects not connected to community sewer or water shall obtain required County permits for proposed well water and/or septic systems. EHA Projects on well water that meet the definition of a Public Drinking Water System shall comply with State Water Resources Control Board standards.

(c) Building Permits. EHA Projects shall obtain building permits or other required permits, depending on type of housing accommodations proposed for the project. For EHA Projects consisting of two to four mobile or manufactured homes (not on a permanent foundation system) or recreational vehicles, or spaces for two to four mobile homes or recreational vehicles (a “trailer park”), HCD is the permitting agency. For EHA Projects of five to twelve spaces, mobile homes, or recreational vehicles, the County is the permitting agency.

(d) Recorded Covenant. The site development permit shall include a condition of approval for the property owner to record a farmworker housing covenant with the County to provide constructive notice of and ensure owner’s compliance with the requirements of this section 13.10.631 of the SCCC, the Act, and their License.

(e) License. EHA Projects shall obtain and maintain a License to operate the proposed farmworker housing from the Enforcement Agency pursuant to §17030-17039 of the Act. The Enforcement Agency in the County is the Department of Environmental Health.

- (i) Applicants shall apply for the License at least 45 days before initial occupancy, after the Site Development Permit and any required building or other ministerial permits have been obtained for the project. The application form is available from the Enforcement Agency and requires applicant to provide all information listed in §17032 of the Act.
- (ii) Applicant shall submit a letter requesting a modification to the License whenever there is a change in any of the information provided on the License application form, such as a reduction or increase in the number of units or beds occupied by farmworkers, or any other information on the form.
- (iii) Licenses are issued for a one-year period and subject to annual monitoring by the Enforcement Agency. Applicant shall submit a letter each year requesting an annual renewal of the License for as long as the housing continues to be operated as employee housing.
- (iv) Any operator of an EHA Project that fails to obtain or maintain the required License for the project shall be subject to the penalties of §17037 of the Act, including in some cases a requirement to pay double or ten times the applicable licensing fees.
- (f) Certificate of Non-operation. If the EHA Project ceases to be occupied by farmworkers, the operator shall submit a letter certifying non-operation to the Enforcement Agency within 30 days, noting the date on which the housing ceased to be occupied, consistent with §17037.5 of the Act. The Certification of Non-Operation shall be submitted to the Enforcement Agency annually for two years following discontinuation of the use of any area or structure on the property identified in operator's License as farmworker housing. The Certification shall attest under penalty of perjury that the farmworker housing has been destroyed, or is no longer owned and operated, or has not been and shall not be occupied by five or more employees during the calendar year. Operator shall send a copy of the Certification of Non-operation to the County Planning Department concurrently with delivery to the Enforcement Agency.

  - (i) If a Certification of Non-Operation is filed within ten years of issuance of the initial certificate of occupancy for the EHA Project, the provisions of §17021.6(f) may be invoked by County for recovery of any waivers of impact fees, taxes or costs that may have been associated with the initial permitting of the EHA Project.
  - (ii) Filing of a Certification of Non-Operation shall be considered a conversion to another use. The EHA Project shall not be converted to any other use unless the conversion is approved in advance by the County through the Planning Department. Any conversion shall be subject to all applicable County codes (zoning, building, fire, etc.) and permitting requirements at the time of the conversion. Development initially permitted as an EHA Project and then converted without prior County approval will not be "grandfathered in" or considered legal non-conforming structures for uses other than farmworker housing.

(g) Environmental Review. EHA Projects are subject to environmental review ("CEQA"). The Public Resources Code provides some exemptions to CEQA that may apply to certain types of farmworker housing defined herein.

(2) Development Standards and Criteria.

EHA Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in 13.10.313, as well as the additional standards and criteria provided below. In the event of any conflict between 13.10.313 and the standards and criteria provided in this section, those in this section 13.10.631 shall prevail.

(a) Density limitations. EHA Projects proposed in agricultural zones are considered an agricultural use pursuant to the Act and as such are not subject to the residential density limitations set forth in the General Plan or Zoning Code.

(b) Unit Size. The maximum habitable floor area for a dwelling unit intended for occupancy by a single farmworker household (individual farmworker or farmworker family) in an EHA Project shall not exceed the following, measured in square feet (SF):

<u>Unit Size</u>	<u>Maximum Habitable Floor Area *</u>
<u>Studio or 1 bedroom</u>	<u>640 SF</u>
<u>2 bedrooms</u>	<u>800 SF</u>
<u>3 bedrooms</u>	<u>1,200 SF</u>
<u>4 or more bedrooms</u>	<u>1,400 SF</u>

*\* Defined in 13.10.700-H*

(c) Group Quarters. Structures designed as group quarters or dormitories shall provide at least 50 square feet of habitable area per bed (per occupant) within the dormitory structure.

(d) Height. Structures shall be limited to a height of 28 feet.

(e) Parking. EHA Projects shall comply with the parking standards in SCCC 13.10.552 – 13.10.554, except that the minimum number of spaces per unit or per bed in an EHA Project shall be as set forth below:

<u>Unit Size</u>	<u>Minimum Parking Spaces required</u>
<u>Studio or 1-bedroom</u>	<u>1</u>
<u>2 or 3 bedrooms</u>	<u>2</u>
<u>4 or more bedrooms</u>	<u>2.5</u>
<u>Group Quarters</u>	<u>.5 per bed</u>



(i) Parking Exceptions. The Director may approve a reduction in required parking spaces without a variance, if the applicant provides evidence to the Director's satisfaction that fewer parking spaces than otherwise required by this section will be adequate for EHA Project, such as where transit service or alternative transportation is available or is provided by the operator.

(ii) Alternate surfacing materials (e.g., base rock or gravel) may be allowed for parking areas and/or accessways to the EHA, if the Director finds that the alternate surfacing materials will help to preserve agricultural land, and the surfacing will be installed and maintained in a manner that will prevent erosion and will provide adequate drainage, and such alternate is acceptable to other involved reviewing agencies (i.e., fire district, Public Works).

(f) Siting. EHA Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties. As an agricultural use, EHA projects are not subject to County Code Section 16.50.095, Agricultural buffer setbacks.

(i) Minimize disturbance. To the extent feasible, EHA Projects shall be sited on the least viable portion of the parcel or in such a way as to disturb the least amount of productive farmland. Depending on site conditions, this may be achieved by siting the EHA Project near existing development on the site, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the EHA Project.

(ii) Buffers. To the extent feasible, housing accommodations shall be sited at least 50 feet from any active agricultural operations on the subject parcel, including areas subject to machine cultivation or pesticide application. If such distances are not feasible, buffering techniques, such as fencing, screening with vegetation, or other techniques may be used to provide a buffer between farmworker housing and farming operations, subject to Department approval. Housing accommodations shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry, consistent with State regulations.

(3) Enforcement.

(a) Violation of any conditions of approval of a License, the Act, or any County permit or approval of an EHA Project shall be considered a violation of the Santa Cruz County Code, subject to enforcement in accordance with SCCC Chapter 19.01, which may include fines, civil penalties, abatement of the use, conversion of the housing units to non-habitable structures, or removal of the structures. Any operator found to be leasing EHA units or beds in a licensed EHA Project to occupants other than farmworkers or farmworker families shall be deemed in violation of the County Code pursuant to this section.

(b) EHA Projects are subject to the enforcement provisions of the Act (§17050-17062). Violations of the relevant use, occupancy, or maintenance requirements, or

conditions of the License, are considered a public nuisance under the Act, and subject to abatement if not made to conform. The Enforcement Agency may pursue all enforcement actions authorized under the Act to investigate and/or abate violations.

E. Single-Family Farmworker Housing

Single-Family Farmworker Housing projects as defined in Section C may, at the applicant's option, be proposed pursuant to §17021.5 of the Act, in which case they are deemed a residential use and subject to the same permitting requirements and development standards that apply to a single-family dwelling proposed in the applicable zone, rather than being deemed an agricultural use pursuant to Section D above. All Single-Family Farmworker Housing Projects that provide housing for at least five farmworkers shall obtain a License from the Enforcement Agency pursuant to the Act.

F. Small Farmworker Housing Projects

A Small Farmworker Housing Project of one to four farmworker dwelling units per parcel, in addition to any primary residence and accessory dwelling unit that may exist on the site, shall be processed as follows:

(1) Applicability of the Act.

(a) Small Farmworker Housing Projects proposed to provide housing for at least five individual farmworkers (i.e., one to four dwelling units, with each unit housing at least one farmworker and at least one unit housing more than one farmworker) are considered an EHA project and may be approved pursuant to Section D on a parcel in an agricultural zoning district, subject to all provisions of Section D and the Act, including the requirement to obtain a License.

(b) Small Farmworker Projects proposed to provide housing for four or fewer individual farmworkers (at least one farmworker per proposed unit, not to exceed four farmworkers total in the project) are not EHA Projects and are not subject to the Act. Such projects may be approved in agricultural zones outside the Coastal Zone with an Administrative Site Development Permit (Level III), and inside the Coastal Zone with a Level V Site Development Permit, pursuant to all requirements of Section D above, except for the requirement to obtain or maintain a License. In lieu of a License, such projects shall be subject to annual monitoring by the Planning Department to verify the owner's compliance with the recorded farmworker housing covenant and project conditions of approval. If, upon monitoring or in response to a complaint, any dwelling unit in such project is determined to be non-compliant with the occupancy requirements set forth in the farmworker housing covenant, after reasonable notice and opportunity to correct the violation as set forth in County Code, the project permit may be revoked and the unit(s) subject to enforcement pursuant to SCCC Chapter 19.01, possibly including abatement of the structures.

G. Affordable Rental Farmworker Housing

This subsection provides a discretionary land use approval process for Affordable Rental Farmworker Housing projects as defined above (AFH Project or ARFH Project) which exceed the maximum size of an EHA Project and are not subject to the requirements of the Act.

(1) Development Reserve. A Development Reserve for affordable farmworker housing (ARFH Projects) has been established by the County General Plan. This Reserve allows the County to approve development of up to 200 units of affordable farmworker housing within qualifying unincorporated areas of the Pájaro Valley, outside of the Coastal Zone, as a conditional use in CA and A agricultural zones. The units authorized by this Reserve shall be made available on a first-come, first-served basis to qualified affordable housing providers as set forth below.

(2) Qualified Affordable Housing Developers. In order to apply for a conditional use permit and a development permit pursuant to this section, project applicants shall meet the following criteria:

(a) Project sponsor (developer) and/or site owner is a 501(c)(3) nonprofit housing development organization and/or public agency;

(b) Project will be funded in full or part by public subsidies and/or low-income housing tax credits, or is being developed on land provided by the County or other public or non-profit agency for development of affordable rental farmworker housing;

(c) All rental units in the project, except any property manager's units, will be subject to an affordability restriction of at least 55 years and a requirement that the units be occupied only by farmworkers and/or farmworker families, as defined above or as may be defined by the project financing source(s). In the case of any conflict, the stricter definition shall prevail.

(3) Site Location Criteria. Sites proposed for an ARFH Project shall meet the following site location criteria ("qualifying areas"):

(a) The land is located within the unincorporated areas of the Pájaro Valley within Santa Cruz County (see Figure 13.10.631-1, below), and is in the CA, AP, or A zoning district;

(b) The development site, defined as the proposed development envelope of the project, not the entire agricultural parcel on which it is proposed, is not within any of the following zones or areas:

(i) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(ii) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(iii) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity

zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(iv) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(v) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(vi) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(vii) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(viii) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(ix) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(x) Lands under conservation easement, unless the easement allows or can be amended to allow farmworker housing; each easement contains its applicable restrictions.

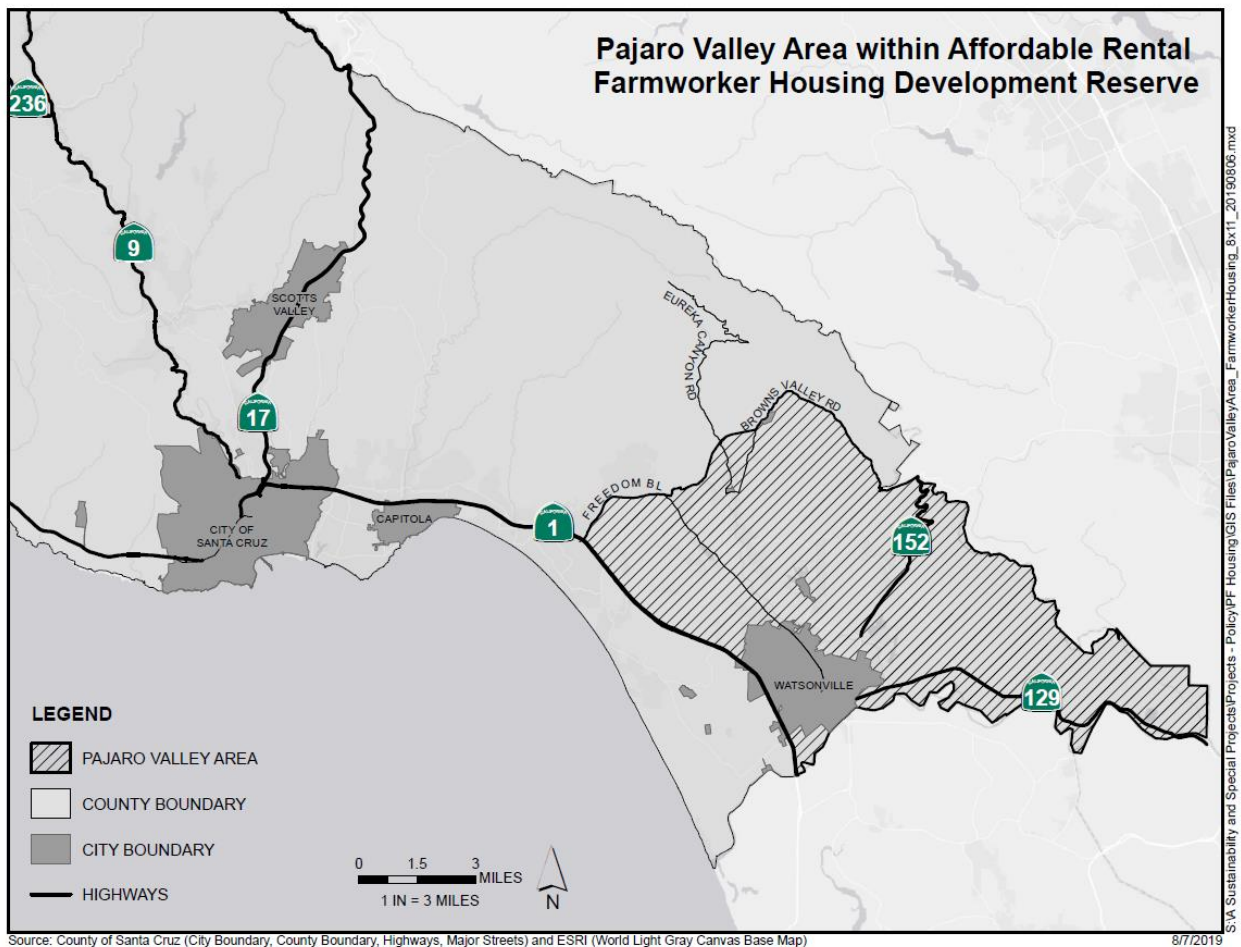
(c) The development shall not be allowed if it would require the demolition of a historic structure that is listed on a national, state, or local historic register.

(d) The site meets the siting criteria of the proposed financing source(s) for the project, including proximity to community amenities such as schools, shopping, and transit service.

**Figure 13.10.631-1**

Map of Unincorporated Area of Pájaro Valley within Development Reserve

(See 13.10.631(G)(3)(a), above)



A higher resolution map is available upon request from the Planning Department.

(4) Discretionary Approval. Projects proposed pursuant to this section are not subject to the Act and not required to obtain a License, but are required to obtain a discretionary

conditional use permit and a site development permit (Level VII) from the County, with review by the Agricultural Policy Advisory Committee, Planning Commission, and approval by the Board of Supervisors.

(a) Application Procedures:

(i) Reservation for Units pursuant to Development Reserve. In order to provide for orderly review and consideration of applications and to avoid duplication of effort for the same remaining unit capacity in the reserve, Project sponsor (developer) shall submit a written request for a reservation of the desired number of ARFH units to the Planning Department (Department) with evidence of sponsor's qualifications as an Affordable Rental Housing Developer pursuant to this subsection (G) and evidence of property ownership, or if sponsor is not the property owner, evidence of site control such as a ground lease, or a letter of interest from the current owner of the proposed project site, and designation of developer as an agent of the owner. Upon review by the Department to determine that the sponsor is eligible and site is eligible for an ARFH Project pursuant to this subsection, the Department will issue the Sponsor a reservation letter for the requested number of units, or for the number of units remaining in the Development Reserve, whichever is less. This reservation will preclude any other sponsor from reserving these same units for a period of up to nine months, to allow the sponsor adequate time to submit a complete application for the required land use approvals for the proposed project. Once the sponsor's application has been deemed complete by the Department, the reservation shall be extended by three years, or until any earlier date on which sponsor's ARFH project has been either approved or denied by the County, including applicable appeal periods. At the end of this reservation period, if the project was not approved, or if a lesser number of units was approved than the number reserved, the reservation for any unused units shall expire and become null and void, and other sponsors may request a reservation for those units. The Department Director shall be authorized to extend the three-year expiration date for good cause.

(ii) All applications for permit approval of an ARFH project shall include the Department's reservation letter for at least the number of units proposed in the ARFH Project as evidence that sufficient capacity remains in the Development Reserve for the proposed project, in order to be deemed complete. The ARFH Project application shall otherwise meet all application requirements and follow all required Level VII procedures as set forth in the Zoning Code.

(iii) Site Plan. Applications for an ARFH Project shall include a site plan to define the proposed Site Area, interior circulation patterns within the ARFH Project's site area, exterior site access through the remaining portion of the agricultural parcel to the first public road, fire access, infrastructure improvements, common area location and amenities, and location of other existing development on the parcel(s) on which the Project is proposed.

(5) ARFH Projects are deemed an agricultural land use and are not subject to the residential density limitations of the zoning code or General Plan.

(6) ARFH Projects are subject to CEQA review and may be considered for any exemptions available in the Public Resources Code that are applicable to the proposed project.

(7) Development Standards

ARFH Projects shall comply with the development standards below. For the purpose of this section, "site area" shall be defined as that portion of the property designated on the proposed site plan to be the development envelope for the ARFH Project and to be controlled by the sponsor upon completion of the project, and not the entire agricultural parcel(s) on which the project is proposed to be located. The site area of an ARFH Project shall be at least one acre and not more than five acres, unless an exception to this requirement is granted as part of the development permit for reasons such as unusual topography or the need for a lengthy access road across the parcel. ARFH Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in 13.10.313, as well as the additional standards and criteria provided below.

(a) Density limitations. ARFH Projects proposed in agricultural zones may be developed at a density of up to thirty units per acre contained within the proposed site area.

(b) Unit Size. The maximum habitable floor area for a dwelling unit in an ARFH Project shall not exceed the following, measured in square feet (SF), unless the guidelines of a proposed public funding source of the project require a slightly larger unit size, in which case the requirements of that funding source shall prevail:

<u>Unit Size</u>	<u>Maximum Floor Area</u>
<u>Studio or 1 bedroom</u>	<u>640 SF</u>
<u>2 bedrooms</u>	<u>800 SF</u>
<u>3 bedrooms</u>	<u>1,200 SF</u>
<u>4 or more bedrooms</u>	<u>1,400 SF</u>

(c) Height. Structures shall be limited to a height of 35 feet measured from the preconstruction natural grade and up to three stories, exclusive of subsurface parking. Modifications of these standards may be approved based on unique site and design factors and/or feasibility constraints or requirements associated with the project's proposed public sector funding sources.

(d) Parking. ARFH Projects shall comply with the parking standards and exception procedures provided in 13.10.631(D)(2)(e).

(e) Siting. ARFH Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties. As an agricultural use, ARFH projects are not subject to County Code Section 16.50.095, Agricultural buffer setbacks.

(i) Minimize disturbance. To the extent feasible, ARFH Projects shall be sited on the least viable portion of the original agricultural parcel or in such a way as to disturb the least amount of productive farmland. Depending on the site, this may be achieved by siting the ARFH Project near existing development on the parcel, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the ARFH Project.

(ii) Buffers. Residential structures within an ARFH Project shall be sited at least 100 feet from any active agricultural operations on the subject parcel or adjacent parcels, including areas subject to machine cultivation or pesticide application, measured in a straight line from the exterior wall of the residential structure to the nearest cultivated crops or orchards or other areas subject to agricultural operations. If a 100' buffer is not feasible in one or more directions, upon a recommendation from the Agricultural Policy Advisory Commission, the approving body may approve a lesser distance provided that fencing, vegetative screening, HVAC systems, noise-mitigating windows, or other buffering techniques are used to mitigate any nuisance or health and safety hazards due to the agricultural operations that might impact the occupants of the ARFH Project. If any state laws, codes or requirements provide an alternate means of protecting the occupants from agricultural hazards likely to be present on the property, or otherwise preempt this requirement, such other requirement shall prevail. Housing structures shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry.

(f) Setbacks from Non-Agricultural Properties. If any portion of the site area of the ARFH Project abuts or is within 30 feet of any property that is zoned for residential or commercial uses, any structures within the ARFH Project shall be set back at least 20 feet from the property line of the adjoining non-agricultural parcel. If the adjoining property includes areas in active agricultural operations, the larger buffer required pursuant to (e) above, shall prevail. ARFH Projects shall be designed so to minimize excessive shading of any existing residential or commercial structures on an adjacent property, such as by stepping back upper stories if necessary. Applicant may provide a shading study to illustrate extent of shading caused by the proposed structures.

(g) Maintain standard riparian setback but eliminate 10-foot additional riparian construction buffer.



(h) Developments shall encourage energy and water efficiency, and environmentally sensitive design and building materials.

### SECTION III

In Section 13.10.313, “Development Standards”, Subsection (C), “Minimum Parcel Size,” and Subsection (D), “Buffer Requirements,” are hereby amended to read as follows:

(C) Minimum Parcel Size.

(1) A District. The minimum average parcel size in net developable acres for new parcels created in the A Zone District outside the urban services line (USL) shall be within the range of two and one-half to 20 or 10 to 40 acres per dwelling unit and shall be consistent with the requirements of the General Plan, the Local Coastal Program Land Use Plan and Chapter [13.14](#) SCCC pertaining to rural residential density determinations. Land divisions shall not be allowed within the A Zone District on properties within the USL.

(2) CA District. Parcels within the CA Zone District shall not be divided except for exclusive agricultural purposes pursuant to SCCC [13.10.315](#).

(3) AP District. Parcels within the AP Zone District shall not be divided except for exclusive agricultural purposes pursuant to SCCC [13.10.315](#).

(4) In the A, CA, or AP Districts, the minimum parcel size for an Affordable Rental Farmworker Housing (ARFH) Project is one acre.

(D) Buffer Requirements. Nonagricultural uses involving habitable spaces including residential development, ~~farm labor housing~~, commercial or industrial establishments, etc., adjacent to parcels zoned Commercial Agriculture CA, or Agricultural Preserve AP or farm labor housing located on CA or AP zoned land shall provide a buffer setback in accordance with the provisions of SCCC [16.50.095](#), and shall otherwise comply with the requirement of that section.

### SECTION IV

In Section 13.10.315, “CA and AP land division criteria”, Subsections (B) and (C) are hereby amended to read as follows:

(B) Type 1 Parcels.

(1) The following findings shall be made prior to the approval of any parcel division in the CA or AP Zone Districts for land designated as Type 1 land pursuant to Chapter [16.50](#) SCCC:

(a) That the use is for exclusive agricultural use, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project.

- (b) That the proposed parcel sizes will not be detrimental to the economic viability of commercial agricultural operations on said parcels, or on adjoining or nearby parcels.
- (c) That the division is necessary for continued commercial agricultural use of the subject parcels. In the event a recorded agricultural preserve (Williamson Act) contract existed prior to January 23, 1979, for a parcel proposed to be divided under this section, said contract shall constitute evidence of a long-term commitment to continued agricultural use and shall satisfy the requirement for this finding.
- (d) That all parcels shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, except for parcels created solely for the purpose of an Affordable Rental Farmworker Housing (ARFH) project, pursuant to Section 13.10.681, which are not subject to this requirement. With respect to parcels restricted by an Agricultural Preserve contract recorded prior to January 23, 1979, the finding shall be made either that (i) all parcels created shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, or that (ii) the owners of all parcels created have recorded an agreement with the County which guarantees the original owner the right to continue to use the newly created parcel for exclusive commercial agricultural uses. In no case shall the parcel size be less than 10 arable acres. Land subject to an Agricultural Preserve contract which is approved for division shall continue to be restricted in the aggregate to the permitted and discretionary uses which would have been available to the original parcel under the agricultural preserve contract had the original parcel remained undivided.
- (e) That no conflicts with adjacent agricultural operations shall result from the division.
- (f) That the division is for exclusive agricultural purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project. A recorded agricultural preserve (Williamson Act) contract existing prior to January 23, 1979, for a parcel proposed to be divided under this section shall constitute evidence of an exclusive agricultural purpose.
- (2) Agricultural preserve (Williamson Act) contracts shall be recorded, prior to filing final maps, for all parcels created by a division of Type 1A agricultural land.
- (C) Type 2 Parcels. The following findings shall be made prior to the approval of any parcel division in the CA Zone District for land designated as Type 2 land pursuant to Chapter [16.50](#) SCCC:
- (1) That the division is for exclusive agricultural purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project.
- (2) That the division will result in agriculturally viable parcels; in no case shall the parcel size be less than 20 arable acres, except that parcels created solely for the purpose of an Affordable Rental Farmworker Housing (ARFH) project pursuant to Section 13.10.681 are subject to a minimum parcel size of one acre.

- (3) That no conflicts with adjacent or nearby commercial agricultural uses will result from the division.

## SECTION V

SCCC Chapter 13.14, "Rural Residential Density Determinations", Section 13.14.040, "Application", Subsection (A) is hereby amended to read as follows:

### 13.14.040 Application.

(A) This chapter shall apply to the rural areas of the County outside of the urban services line and the rural services line (USL and RSL), and shall include all tentative map approvals for land divisions and all development permits issued pursuant to Chapter [18.10](#) SCCC. Included in these categories are all applications to create additional parcels, additional housing units, additional visitor accommodations, or additional organized camp facilities on land designated in the General Plan as suburban residential, rural residential, mountain residential, parks and recreation, resource conservation, or noncommercial agriculture. The development of farmworker housing as defined in 13.10.631(C) on non-commercial agricultural land is an agricultural use and is not subject to this chapter. Existing development on a parcel shall be deducted from the intensity of use allowed by this chapter in determining the amount of additional development (if any) to be allowed on the property.

## SECTION VI

Subsections (F) and (G) of Section 16.50.095, "Agricultural buffer setbacks," are hereby amended to read as follows:

(F) ~~Notwithstanding the provisions of subsection (B) of this section, fFarm worker housing, as an agricultural use, is not subject to this section 16.50.095, but is subject to the buffering provisions in 13.10.631. The presence of farmworker housing, which is an agricultural use, on an agricultural parcel does not exempt any proposed habitable development on any adjacent parcels from the requirement to provide an agricultural buffer along the edge of the development nearest the farmworker housing, pursuant to this section. developments located on Type 1, Type 2, or Type 3 commercial agricultural land shall provide a buffer between dwelling units habitable structures and outdoor areas designed for human use and areas engaged in agricultural production located on the same parcel as set forth in Section 13.10.631. Said buffer shall be 200 feet if feasible; and if a 200-foot buffer is not feasible, then the maximum buffering possible shall be provided, utilizing physical barriers, vegetative screening and other techniques as appropriate.~~

(G) Proposals to reduce the required 200-foot agricultural buffer setback for additions to existing residential construction (dwellings, habitable accessory structures and private recreational facilities not otherwise exempted by subsections (B)(1) or (F) of this section) ~~and for the placement of agricultural caretakers' mobile homes on agricultural parcels shall be processed as a Level 4 application by Planning Department staff as specified in Chapter 18.10 SCCC with the exception that:~~

- (1) A notice that an application to reduce the buffer setback has been made shall be given to all members of the Agricultural Policy Advisory Commission at least 10 calendar days prior to the issuance of a pending action on an agricultural buffer determination; and
- (2) Where a reduction in the buffer setback is proposed pursuant to this Chapter, the required notice of pending action shall be provided to the applicant, to all members of the Agricultural Policy Advisory Commission, to owners of commercial agricultural land within 300 feet of the project location, and to members of the Board of Supervisors, not less than 10 days prior to the issuance of the permit. There shall not be a minimum number of property owners required to be noticed; and
- (3) Buffer determinations made by Planning Department staff pursuant to this Chapter are appealable by any party directly to the Agricultural Policy Advisory Commission. Such appeals shall include a letter from the appellant explaining the reason for the appeal and the current administrative appeal processing fee.

## SECTION VII

SCCC Section 17.02.060, "Provision of urban services" is hereby amended to read as follows:

### **17.02.060 Provision of urban services.\***

- (A) Public water systems, sanitary sewer facilities and urban level fire protection service shall be provided consistent with County or special district capital improvement programs to service areas within the urban services line and may be provided to serve other areas within the rural services line.
- (B) Public sanitary sewer facilities shall not be established or extended to serve new development projects outside the urban services line or the rural services line.
- (C) Inside the Coastal Zone, public water systems shall not be established or extended to serve new development projects outside the urban services line or rural services line unless such services are necessary for water resource protection and enhancement.
- (D) Inside the Coastal Zone, community sewage disposal systems shall not be established or extended to serve new development projects outside the rural services line. Within the rural services line, only such community sewage disposal systems as are approved by the Regional Water Quality Control Board, the County Environmental Health Services Department and the County Department of Public Works shall be permitted.
- (E) Public water and sewer lines other than for agricultural use shall not be placed on Type 1A, 2A, 2B, 2D or 3 agricultural lands as designated in Chapter [16.50](#) SCCC, except where adequate safeguards are incorporated to ensure that such facilities will not result in the conversion of such agricultural lands to nonagricultural uses. Within the Coastal Zone, this exception shall only be allowed for sewer transmission lines to and from the sewage treatment plant of Watsonville and the untreated water lines from the North Coast

water sources of Santa Cruz. For the purposes of this chapter, safeguards shall include, but not be limited to:

- (1) Prohibiting hookups to trunk lines through prime agricultural lands, except to provide sewage treatment service to Affordable Rental Farmworker Housing on agricultural land outside the Coastal Zone; and
- (2) Prohibiting the levying of assessment fees against prime agricultural land for the construction of sewage transmission lines running through them.

\* An exception to the limitations provided in 17.02.060 (A)-(D) above on establishing or extending public water systems, public sanitary sewer facilities, or community sewage disposal systems to serve new development projects outside the urban services line or rural services line may be allowed for Employee Housing Act (EHA) projects and Affordable Rental Farmworker Housing (ARFH) projects as provided in SCCC 13.10.631 subject to the approval of the required discretionary permit and CEQA review. Provision by a district of water or sewage treatment service to a parcel outside the district boundary is subject to approval by the district and by LAFCO.

**Attachment 3**

**ORDINANCE AMENDING CHAPTER 13.10 AND 17.02 OF THE SANTA CRUZ COUNTY  
CODE RELATING TO AFFORDABLE HOUSING AND SCHOOL EMPLOYEE HOUSING IN  
THE PUBLIC FACILITY ZONE DISTRICT**

**SECTION I**

In the “PF Uses Chart”, as provided in SCCC 13.10.362(B)(2) the uses listed under “Residential Uses” beginning with “Child care homes, large family” and ending with “Temporary mobile home” are hereby amended to read as follows:

**PF USES CHART**

<b>USE</b>	<b>APPROVAL LEVEL</b>
<b>Residential Uses</b>	
<u>Affordable rental housing (see 13.10.365)</u>	
<u>2-4 units</u>	<u>5</u>
<u>5 or more units</u>	<u>6</u>
Child care homes, large family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.686</a> and <a href="#">13.10.700</a> -C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.700</a> -C definition)	P
Residential uses pursuant to a master use permit	5/6/7A
<u>School Employee Housing (see 13.10.365)</u>	
<u>2-4 units</u>	<u>5</u>
<u>5 or more units</u>	<u>6</u>
Temporary mobile home or manufactured housing for watchman, caretaker, manager or staff, for a period of not more than 3 years	5A

## SECTION II

SCCC Section 13.10.365, “Special standards and conditions” is hereby amended by adding subsection B, “Special standards for school employee housing and affordable multi-family rental housing,” to read as follows:

### (B) Special standards for school employee housing and affordable rental housing

(1) Definitions. As used in this Article VI, Public and Community Facilities PF District, the following phrases are defined as follows:

(a) “Affordable rental housing” means a multi-family rental housing project in which all the units, except for a manager’s unit, are affordable to and restricted to occupancy by lower-income households as defined in Title 25 of the California Code of Regulations, § 6928. Affordable rental housing projects may be located on a site in the Public and Community Facilities “PF” zone district within the USL or RSL. The housing shall be developed and operated by a qualified 501(c)(3) non-profit housing organization or other 501(c)(3) non-profit organization and restricted for lower-income housing use for a term of at least 55 years, pursuant to a recorded rent regulatory agreement with the County. The project may not be subdivided into individual condominium units for sale.

(b) “School employee housing” means multi-family rental housing for employees of the school district or private school (“school entity”) that owns the housing project. The rental units may be designed for occupancy by an individual employee of the school entity, or by an employee and his/her family or household, or a combination of unit types. School employee housing shall be located on sites that are 1) owned by a school entity; and 2) located in the Public and Community Facilities (PF) Zone District, as provided in SCCC Article V, “Public and Community Facilities PF District,” sections 13.10.361-13.10.365. The project may not be subdivided into individual condominium units for sale.

(2) Residential Density. The density range shall be up to Urban High Density. The appropriate number of units shall be determined for each project, based upon an analysis of the adequacy of services and infrastructure that exists or that will be provided concurrent with development to support the proposed number of residential units.

### (3) Application Requirements.

Applications for school employee housing and affordable rental housing require discretionary approval as provided in Section 13.10.362(B)(2) (PF Uses Chart) and are subject to environmental review under state law. As required pursuant to the General Plan, SCCC and other applicable laws and regulations, these applications shall include information to demonstrate that adequate services and infrastructure, such as water supply, sewage disposal, fire protection, and roads, are available or will be provided concurrently with development. The County or applicable special district may require additional supplemental material and reports such as traffic studies, environmental reports, evaluation of potential impacts to water system, and certification by Environmental Health and the

fire protection agency as needed to demonstrate compliance with laws and regulations requiring protection of public health and safety and environmental resources including riparian areas and other sensitive habitats, water quality, and provision of appropriate drainage and erosion control.

### SECTION III

SCCC Section 17.02.060, “Provision of urban services” is hereby amended to read as follows:

#### **17.02.060 Provision of urban services.\***

(A) Public water systems, sanitary sewer facilities and urban level fire protection service shall be provided consistent with County or special district capital improvement programs to service areas within the urban services line and may be provided to serve other areas within the rural services line.

(B) Public sanitary sewer facilities shall not be established or extended to serve new development projects outside the urban services line or the rural services line.

(C) Inside the Coastal Zone, public water systems shall not be established or extended to serve new development projects outside the urban services line or rural services line unless such services are necessary for water resource protection and enhancement.

(D) Inside the Coastal Zone, community sewage disposal systems shall not be established or extended to serve new development projects outside the rural services line. Within the rural services line, only such community sewage disposal systems as are approved by the Regional Water Quality Control Board, the County Environmental Health Services Department and the County Department of Public Works shall be permitted.

(E) Public water and sewer lines other than for agricultural use shall not be placed on Type 1A, 2A, 2B, 2D or 3 agricultural lands as designated in Chapter [16.50](#) SCCC, except where adequate safeguards are incorporated to ensure that such facilities will not result in the conversion of such agricultural lands to nonagricultural uses. Within the Coastal Zone, this exception shall only be allowed for sewer transmission lines to and from the sewage treatment plant of Watsonville and the untreated water lines from the North Coast water sources of Santa Cruz. For the purposes of this chapter, safeguards shall include, but not be limited to:

(1) Prohibiting hookups to trunk lines through prime agricultural lands; and

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

\* An exception to the limitations provided in 17.02.060 (A)-(D) above on establishing or extending public water systems, public sanitary sewer facilities, or community sewage disposal systems to serve new development projects outside the urban services line or rural services line may be allowed for school employee housing as provided in SCCC 13.10.361 – 13.10.365 subject to the approval of the required discretionary permit and CEQA review. Provision by a district of water



or sewage treatment service to a parcel outside the district boundary is subject to approval by the district and by LAFCO.

#### **SECTION IV**

Subsection (B) of SCCC Section 18.10.180, “Planned unit developments (“PUDs”), is hereby amended to read as follows:

(B) Where Allowed. A planned unit development may be located in the R-1, RA, RR, or RM residential zoning districts, the VA, PA, C-1 or C-2 commercial zoning districts, or the Public Facility (PF) Zone District, upon the granting of a planned unit development permit in accordance with the provisions of this chapter.

**STRIKETHROUGH COPY OF ORDINANCE AMENDING CHAPTERS 13.10, 17.02 AND 18.10  
OF THE SANTA CRUZ COUNTY CODE RELATING TO AFFORDABLE HOUSING AND  
SCHOOL EMPLOYEE HOUSING IN THE PUBLIC FACILITY ZONE DISTRICT**

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

**SECTION I**

In the “PF Uses Chart”, as provided in SCCC 13.10.362(B)(2) the uses listed under “Residential Uses” beginning with “Child care homes, large family” and ending with “Temporary mobile home” are hereby amended to read as follows:

<b>PF USES CHART</b>	
<b>USE</b>	<b>APPROVAL LEVEL</b>
<b>Residential Uses</b>	
<u>Affordable rental housing (see SCCC 13.10.365)</u>	
<u>2-4 units</u>	<u>5</u>
<u>5 or more units</u>	<u>6</u>
Child care homes, large family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.686</a> and <a href="#">13.10.700</a> -C definition)	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.700</a> -C definition)	P
Residential uses pursuant to a master use permit	5/6/7A
<u>School employee housing (see SCCC 13.10.365)</u>	
<u>2-4 units</u>	<u>5</u>
<u>5 or more units</u>	<u>6</u>
Temporary mobile home or manufactured housing for <del>watchman</del> , caretaker, manager or staff, for a period of not more than 3 years	5A

## SECTION II

SCCC 13.10.365, “Special standards and conditions” is hereby amended by adding subsection B, “Special standards for school employee housing and affordable multi-family rental housing,” to read as follows:

### (B) Special standards for school employee housing and affordable rental housing

(1) Definitions. As used in this Article VI, Public and Community Facilities PF District, the following phrases are defined as follows:

(a) “Affordable rental housing” means a multi-family rental housing project in which all the units, except for a manager’s unit, are affordable to and restricted to occupancy by lower-income households as defined in Title 25 of the California Code of Regulations, § 6928. Affordable rental housing projects may be located on a site in the Public and Community Facilities “PF” zone district within the USL or RSL. The housing shall be developed and operated by a qualified 501(c)(3) non-profit organization and restricted for lower-income housing use for a term of at least 55 years, pursuant to a recorded rent regulatory agreement with the County. The project may not be subdivided into individual condominium units for sale.

(b) “School employee housing” means multi-family rental housing for employees of the school district or private school (“school entity”) that owns the housing project. The rental units may be designed for occupancy by an individual employee of the school entity, or by an employee and their family or household, or a combination of unit types. School employee housing shall be located on sites that are 1) owned by a school entity; and 2) located in the Public and Community Facilities (PF) Zone District, as provided in SCCC Article V, “Public and Community Facilities PF District,” SCCC 13.10.361-13.10.365. The project may not be subdivided into individual condominium units for sale.

(2) Residential Density. The density range for school employee housing and affordable rental housing shall be up to Urban High Density. The appropriate number of units shall be determined for each project, based upon an analysis of the adequacy of services and infrastructure that exists or that will be provided concurrent with development to support the proposed number of residential units and protection of environmental resources pursuant to SCCC Title 16. As a public/quasi-public use, school employee housing proposed on PF-zoned sites located outside the URL and RSL is not subject to residential density determinations in SCCC 13.14, Rural Residential Density Determinations.

### (3) Application Requirements.

Applications for school employee housing and affordable rental housing require discretionary approval as provided in SCCC 13.10.362(B)(2) (PF Uses Chart) and are subject to environmental review under state law. As required pursuant to the General Plan, SCCC 7.38, 7.70, 7.71, 7.73, SCCC Title 16, and other applicable laws and regulations, applications shall include information to demonstrate that adequate services and infrastructure, such as water supply, sewage disposal,

fire protection, and roads, are available or will be provided concurrently with development. The County or applicable special district may require additional supplemental material and reports such as traffic studies, environmental reports, evaluation of potential impacts to water systems, and certification by the Environmental Health Services Division of the County Health Services Agency and the fire protection agency as needed to demonstrate compliance with laws and regulations requiring protection of public health and safety and environmental resources including riparian areas and other sensitive habitats, water quality, and provision of appropriate drainage and erosion control.

### SECTION III

SCCC 17.02.060, "Provision of urban services" is hereby amended to read as follows:

#### **17.02.060 Provision of urban services.\***

(A) Public water systems, sanitary sewer facilities and urban level fire protection service shall be provided consistent with County or special district capital improvement programs to service areas within the urban services line and may be provided to serve other areas within the rural services line.

(B) Public sanitary sewer facilities shall not be established or extended to serve new development projects outside the urban services line or the rural services line.

(C) Inside the Coastal Zone, public water systems shall not be established or extended to serve new development projects outside the urban services line or rural services line unless such services are necessary for water resource protection and enhancement.

(D) Inside the Coastal Zone, community sewage disposal systems shall not be established or extended to serve new development projects outside the rural services line. Within the rural services line, only such community sewage disposal systems as are approved by the Regional Water Quality Control Board, the ~~County~~ Environmental Health Services Division of the County Health Services Agency Department and the County Department of Public Works shall be permitted.

(E) Public water and sewer lines other than for agricultural use shall not be placed on Type 1A, 2A, 2B, 2D or 3 agricultural lands as designated in ~~Chapter SCCC 16.50 SCCC~~, except where adequate safeguards are incorporated to ensure that such facilities will not result in the conversion of such agricultural lands to nonagricultural uses. Within the Coastal Zone, this exception shall only be allowed for sewer transmission lines to and from the sewage treatment plant of Watsonville and the untreated water lines from the North Coast water sources of Santa Cruz. For the purposes of this chapter, safeguards shall include, but not be limited to:

- (1) Prohibiting hookups to trunk lines through prime agricultural lands; except to provide sewage treatment service to affordable rental farmworker housing on agricultural land outside the Coastal Zone; and

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

\* An exception to the limitations provided in SCCC 17.02.060 (A)-(D) on establishing or extending public water systems, public sanitary sewer facilities, or community sewage disposal systems to serve new development projects outside the urban services line or rural services line may be allowed for school employee housing as provided in SCCC 13.10.361 – 13.10.365 subject to the approval of the required discretionary permit and CEQA review. Provision by a district of water or sewage treatment service to a parcel outside the district boundary is subject to approval by the district and by LAFCO.

#### **SECTION IV**

Subsection (B) of SCCC 18.10.180, “Planned unit developments (“PUDs”), is hereby amended to read as follows:

(B) Where Allowed. A planned unit development may be located in the R-1, RA, RR, or RM residential zoning districts, the VA, PA, C-1 or C-2 commercial zoning districts, or the Public Facility (PF) Zone District, upon the granting of a planned unit development permit in accordance with the provisions of this chapter.

#### **SECTION V**

This ordinance shall take effect outside the Coastal Zone 30 days after adoption by the Board of Supervisors, and inside the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Board of Supervisors of the County of Santa Cruz 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:

\_\_\_\_\_  
Office of the County Counsel

**STRIKETHROUGH COPY OF ORDINANCE AMENDING CHAPTERS 13.10, 13.14, 16.50  
AND 17.02 OF THE SANTA CRUZ COUNTY CODE PERTAINING TO AGRICULTURAL  
EMPLOYEE (FARMWORKER) HOUSING**

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

**SECTION I**

In SCCC 13.10.312(B), Agricultural Uses Chart, the new use category titled “Agricultural Employee (Farmworker) Housing” and accompanying uses are hereby added, and the use category “Agricultural Support and Related Facilities” from the beginning of the section to the use “Manufactured homes, for temporary occupancy as a caretaker’s or watchman’s quarters,” is hereby amended, and an additional footnote is added to the “Key,” to read as follows:

**AGRICULTURAL USES CHART**

**KEY:**

\*\*\*\*\* = For the purposes of agricultural employee (farmworker) housing only, P/# means that the use is principally permitted, with the number after it referring to the process for a required Site Development Permit.

USE	CA	A	AP
<b><u>Agricultural Employee (Farmworker) Housing (subject to SCCC 13.10.631) *****</u></b>			
<u>EHA (Employee Housing Act) projects outside the Coastal Zone, subject to SCCC 13.10.631 and California Health and Safety Code Section 17008 and Section 17021.6. EHA projects provide permanent, temporary or seasonal housing for five or more farmworkers (agricultural employees), including the following types as defined in SCCC 13.10.631:</u>  <u>Employer-Provided Farmworker Housing Project:</u> <ul style="list-style-type: none"> <li>• <u>5 to 36 beds in group quarters designed for single adult farmworkers, or</u></li> <li>• <u>5 to 12 dwelling units, mobile homes, recreational vehicles (RV), or mobile home/RV spaces, each designed for occupancy by at least one farmworker and their household.</u></li> </ul> <u>Rural Farmworker Housing Project (rural areas only):</u> <ul style="list-style-type: none"> <li>• <u>5 to 36 beds or 5 to 12 units for Seasonal or Temporary Occupancy, or</u></li> <li>• <u>up to 12 mobile homes, manufactured homes, travel trailers, RVs for permanent occupancy.</u></li> </ul> <u>Small Farmworker Housing Project subject to EHA: 1 to 4 dwelling units or mobile homes housing at least 5 farmworkers and licensed by</u>	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>

USE	CA	A	AP
<u>Enforcement Agency, with each unit designed for occupancy by at least 1 farmworker and their household.</u>			
<u>EHA projects inside the Coastal Zone, of any type listed above</u>	<u>P/5</u>	<u>P/5</u>	<u>P/5</u>
<u>Small Farmworker Housing Project not subject to EHA:</u> <u>1 to 4 dwelling units housing no more than 4 farmworkers total, and at least one per dwelling unit, subject to SCCC 13.10.631</u>			
<u>Inside Coastal Zone</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Outside Coastal Zone</u>	<u>P/3</u>	<u>P/3</u>	<u>P/3</u>
<u>Affordable Rental Farmworker Housing Project pursuant to Development Reserve and SCCC 13.10.631 (see SCCC 13.10.631 for map of eligible areas)</u>			
<u>Inside Coastal Zone</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>Outside Coastal Zone</u>	<u>7</u>	<u>7</u>	<u>7</u>
<b>Agricultural Support and Related Facilities</b>			
<u>Accessory dwelling unit, subject to the provisions of SCCC 13.10.681</u>			
Outside the Coastal Zone	4	BP	—
Inside the Coastal Zone	5	BP	—
Barns, corrals, or pens used for animal husbandry, subject to the provisions of SCCC <u>16.22.060</u>	BP3	BP3	BP3
Caretaker's quarters, permanent, <u>(see Small Farmworker Housing Project, above)</u> <del>subject to the provisions of SCCC 13.10.631</del>	<u>5</u>	<u>5</u>	<u>5</u>
Child care homes, small family (must be in conjunction with residential use) (see SCCC <u>13.10.700-C</u> definition)	P	P	P
Commercial boarding of animals, subject to the provisions of SCCC <u>13.10.641(B)</u>	P/5	P/5	P/5
Consumer harvesting, on-site**	P	P	P
Dwelling unit, one detached single-family per parcel, subject to the provisions of SCCC <u>13.10.314</u>			

USE	CA	A	AP
Inside the Coastal Zone (requires APAC review in the CA and AP Zone Districts)	5	BP3	5
Outside the Coastal Zone	BP3	BP3	BP3
<del>Dwelling unit, one detached single-family for the owner, lessee or an employee of the owner or lessee of the land, not to exceed one dwelling unit for each 40 acres of total site area, subject to the provisions of SCCC <u>13.10.314</u></del>	-	-	-
<del>Inside the Coastal Zone</del>	—	—	5
<del>Outside the Coastal Zone</del>	—	—	3
Dwelling unit, one detached single-family per parcel, 5,000 square feet or larger, exclusive of accessory structure(s) associated with the residential use, but specifically excluding barn or similar accessory structures subject to the provisions of SCCC <u>13.10.314</u> and <u>13.10.325</u>	5	5	5
<del>Dwelling units, accessory to the main dwelling used as agricultural caretakers' quarters subject to SCCC <u>13.10.631</u></del>			
<del>1—4 units</del>	5	5	5
<del>5—19 units</del>	6	6	6
<del>20+ units</del>	7	7	7
Dwelling units, dwelling groups subject to the provisions of SCCC <u>13.10.313(E)</u> , <u>13.10.313(F)</u> and <u>13.10.314</u>			
2—4 units	5	5	5
5—19 units	6	6	6
20+ units	7	7	7
Energy facilities, community, subject to the provisions of SCCC <u>13.10.661</u> and <u>13.10.700-E</u> (definition)	5	5	5
Facilities for fish and wildlife enhancement and preservation	P	P	P
Farmworker housing ( <u>see Agricultural Employee (Farmworker) Housing, above</u> ) subject to SCCC <u>13.10.631</u> ( <del>see caretaker's housing, mobile homes and travel trailers, farm worker quarters and camps</del> )	<del>3—7</del>	<del>3—7</del>	<del>3—7</del>



USE	CA	A	AP
Farm outbuildings and other agricultural accessory structures for storage or equipment with or without a single room containing lavatory facilities	BP3	BP3	BP3
Fences, subject to the provisions of SCCC <u>13.10.525</u>	P/3/5	P/3/5	P/3/5
Fire protection facilities	—	5	—
Flood control works, including channel rectification and alteration; dams, canals and aqueducts of any public water project	5	5	5
Foster homes for seven or fewer children, not including those of the proprietary family (see SCCC <u>13.10.700-F</u> definition)	P	P	P
Foster homes for eight or more children, not including those of the proprietary family (see SCCC <u>13.10.700-F</u> definition)	5	5	5
Fuel storage tanks and pumps	BP2	BP2	BP2
Greenhouse structures, as accessory structures, under 500 square feet in area	BP2	BP2	BP2
Greenhouse structures, outside the Coastal Zone, subject to the provisions of SCCC <u>13.10.636(A)</u>			
500—20,000 square feet	3	4	3
Over 20,000 square feet	4	4	4
Greenhouse structures soil dependent****, inside the Coastal Zone, subject to the provisions of SCCC <u>13.10.636(A)</u> and <u>13.20.073</u>			
500—20,000 square feet	3	3	3
Over 20,000 square feet	P/4	P/4	P/4
Greenhouses, improvements and expansions up to 10,000 square feet in area, inside the Coastal Zone, subject to the provisions of SCCC <u>13.10.636(A)</u> and <u>13.20.073</u>	BP3	4	BP3
Greenhouses, all others in the Coastal Zone			
Up to 20,000 square feet	P/5	P/5	P/5
Greater than 20,000 square feet	5	5	5

USE	CA	A	AP
Greenhouse replacement, reconstruction or structural alteration, pursuant to SCCC <u>13.10.636</u> (B) and (C)	BP3	BP3	BP3
Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of SCCC <u>13.10.611</u>	BP/4/5	BP/4/5	BP/4/5
Nonhabitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of SCCC <u>13.10.313</u> (A) and <u>13.10.611</u> )	BP/4/5	BP/4/5	BP/4/5
Home occupations subject to the provisions of SCCC <u>13.10.613</u>	P/5	P/5	P/5
Hosted rentals, subject to SCCC <u>13.10.690</u>	1P	1P	1P
Kennels, commercial or private, for five or more dogs or cats over the age of four months subject to the provisions of SCCC <u>13.10.323</u>	5	5	5
<del>Farm worker camps subject to the provisions of SCCC <u>13.10.631</u></del>	-	-	-
1—4 units	5	5	5
5—19 units	6	6	6
20+ units	7	7	7
Lumber mills	—	5	—
<del>Manufactured homes, as farm labor housing, subject to the provisions of SCCC <u>13.10.631</u></del>	-	-	-
1—4 units	5	5	5
5—19 units	6	6	6
20+ units	7	7	7
Manufactured home, as a single-family dwelling unit, subject to the provisions of SCCC <u>13.10.682</u>			
Inside the Coastal Zone	5	5	5
Outside the Coastal Zone	BP3	BP3	BP3
<del>Manufactured homes, for temporary occupancy as a caretaker's or watchman's quarters subject to the provisions of SCCC <u>13.10.631</u></del>	3	3	3

## SECTION II

SCCC 13.10.631, "Farm worker/caretaker housing—Mobile homes, farm worker quarters and farm worker camps," is hereby repealed in its entirety and replaced with the following:

### **13.10.631 Farmworker (agricultural employee) housing**

(A) Purposes. The purposes of regulations for farmworker housing are:

- (1) To recognize farmworker housing as an agricultural land use necessary for commercial agricultural operations;
- (2) To permit and encourage a sufficient supply of housing for agricultural employees ("Farmworker Housing") to meet the needs of local growers and farmworkers and to address County goals related to farmworker housing;
- (3) To comply with the California Employee Housing Act ("the Act" or "EHA"), as defined below, related to local regulation and permitting of employee housing, as defined in the Act, for farmworkers;
- (4) To provide clear development standards and permitting procedures for the development of farmworker housing projects of up to twelve dwelling units, mobile homes, or recreational vehicle spaces, or five to thirty-six beds in group quarters, including permanent, temporary, or seasonal farmworker housing projects, consistent with Section 17021.6 of the Act ("EHA Projects");
- (5) To clarify development standards and permitting procedures for the development of small agricultural employee housing projects of one to four dwelling units or mobile home/trailer spaces ("Small Farmworker Housing Projects"), including permanent, temporary, or seasonal farmworker housing projects as defined in the Act;
- (6) To codify review procedures and development standards for utilization of the Development Reserve ("DR") established in the General Plan to allow development of up to 200 units of affordable rental housing for farmworker households ("Affordable Farmworker Housing Projects") on qualifying sites within unincorporated South County, as defined herein;
- (7) To provide clear provisions for monitoring and enforcement of applicable occupancy standards, licensing requirements, and health and safety codes for farmworker housing projects, to ensure the housing is occupied by farmworker households, and that the housing and associated infrastructure meets health and safety codes; and
- (8) To prevent the conversion of agricultural land to non-agricultural uses, while allowing development of farmworker housing needed for farming operations to thrive.

(B) Applicability. This section applies to farmworker housing projects proposed in the Commercial Agriculture (CA), Agricultural Preserve (AP), and Agriculture (A) zone districts. In the event of any conflicts between Chapter 13.10 and the Act with respect to Employee Housing, as defined below, the Act, as it may be amended, shall prevail. This is declaratory of existing law. Notwithstanding other provisions of this code, nothing in this section shall be deemed to eliminate

already existing farm worker housing currently allowed by law, nor to prohibit rehabilitation of such existing farm worker housing so long as such rehabilitation complies with all applicable State and County health, safety, fire, housing, and construction codes.

(C) Definitions.

For the purposes of this section, the following words and phrases shall be defined as set forth in this section 13.10.631 and as further defined in the Act, where indicated. In the event of any conflict between the definitions in this section and definitions of the same or similar terms in 13.10.700, the definitions herein shall prevail.

- (1) “Affordable Rental Farmworker Housing Project” (“ARFH Project”) or “Affordable Project” means a subsidized, rent-restricted, multi-family rental housing development of more than 12 units developed by a non-profit housing provider for lower-income farmworker households, pursuant to the Development Reserve established in the General Plan, and subsection 13.10.631(G).
- (2) “Agricultural Employee” means an employee engaged in agriculture, which includes farming in all its branches, including but not limited to the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market, as further defined in California Labor Code Section 1140.4(b). “Agricultural Employee” also means farm worker, farmworker, or farm laborer. “Agricultural Employee” does not include persons engaged in household domestic service, or certain employees of religious or charitable entities listed in Section 17005(b) and (c) of the Act. Agricultural Employees earn their primary income through permanent or seasonal agricultural labor.
- (3) “Agricultural Employer” means one engaged in an agriculture who employs employees, as further defined in Labor Code Section 1140.4(c).
- (4) “EHA Project” means a proposal to develop a project to provide housing for at least five farmworkers, pursuant to Section 17021.6 of the Act, including any of the following project types defined below: an Employer-Provided Farmworker Housing Project or Rural Farmworker Housing Project consisting of no more than 12 dwelling units or other housing accommodations designed for occupancy by a household, or up to 36 beds if the project consists of group quarters; or a Small Farmworker Housing Project.
- (5) “Employee Housing” as used in this section 13.10.631 means housing for at least five employees as further defined in Section 17008 of the Act and means the same as “labor camp” as that term may be used in various State of California laws.
- (6) “Employee Housing Act” or “EHA” or “Act” means California Health and Safety Code Section 17000-17062.5, as may be amended by the State of California from time to time.
- (7) “Employer-Provided Farmworker Housing” means housing accommodations described in Section 17008(a) of the Act for five or more farmworkers by their employer and maintained in connection with any work or place where work is being performed, whether or not rent is involved.

- (8) “Enforcement Agency” or “Local Enforcement Agency” means the Environmental Health Services Division of the Health Services Agency of the County of Santa Cruz (“EHS”), which is authorized to enforce the Act within Santa Cruz County. In the event the County ceases to be the local enforcement agency, the California Department of Housing and Community Development (HCD) would be the Enforcement Agency.
- (9) “Farmworker” means an Agricultural Employee, as defined above.
- (10) “Farmworker Housing” means Employee Housing for agricultural employees, or any other type of farmworker housing project authorized by this Section 13.10.631.
- (11) “HCD” means the California Department of Housing and Community Development, or its successor agency.
- (12) “Housing accommodations” as used in reference to EHA Projects, means any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.
- (13) “License” means a permit to operate Employee Housing issued by the Enforcement Agency pursuant to Section 17030-17039 of the Act.
- (14) “Rural Farmworker Housing” means housing accommodations as described in Section 17008(b) of the Act which are: located in an agricultural zone, and in a rural area as defined in California Health and Safety Code Section 50101; provided by someone other than an agricultural employer; and provided for five or more farmworkers of any agricultural employer(s) for any of the following purposes:
- (a) Temporary or seasonal occupancy, as defined herein.
  - (b) Permanent occupancy, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.
  - (c) Permanent occupancy, if the housing accommodation consists of one or more existing, conventionally built (i.e., subject to State Housing Code – Health and Safety Code Sections 17910-17998.3, also known as “stick-built”) structure(s) on the site that are at least 30 years old, and at least 51 percent of the dwelling units or 51 percent of the beds in group quarters in the existing structure(s), are occupied by farmworkers.
- (15) “Seasonal Occupancy” or “seasonal employee housing” means farmworker housing which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year, as further defined in Section 17010(b) of the Act.
- (16) “Single-Family Farmworker Housing” means any housing accommodations occupied by no more than six farmworkers for which the owner/operator has obtained or seeks a License pursuant to Section 17021.5 of the Act, which allows such projects to be deemed a single-family dwelling and a residential use of the property.
- (17) “Small Farmworker Housing Project” or “Small Project” means a farmworker housing project of one to four dwelling units, each to be occupied exclusively by farmworker(s)

or a farmworker family, including any existing or proposed caretaker's unit. The four-unit limit for this project type does not include any existing or proposed primary residence and/or accessory dwelling unit on the same parcel.

- (18) "Temporary Occupancy" or "Temporary employee housing" means farmworker housing which is not operated on the same site annually, and which is established for one operation and then removed, as further defined in Section 17010(a) of the Act.

#### (D) EHA Projects

This section applies to farmworker housing projects that provide housing for at least five farmworkers and are proposed pursuant to Section 17021.6 of the Act ("EHA Projects"). Eligible project types include Employer-Provided Farmworker Housing or Rural Farmworker Housing projects, as defined above, of up to twelve dwelling units or up to 36 beds in group quarters (dormitory-style housing); or a Small Project, as defined above, that provides housing for at least five farmworkers. EHA Projects may be for Seasonal or Temporary Residency, as defined above. EHA Projects shall not include any proposed land division (i.e., parcel map, subdivision map or condominium map) for the purposes of creating a separate parcel for the EHA Project and/or for one or more EHA unit(s).

##### (1) Required Permits and Approvals.

(a) Site Development Permit. In the CA, AP and A zone districts, EHA Projects proposed pursuant to this Subsection D are considered an agricultural use and require an Administrative Site Development Permit (Level III) from the Planning Department. Conditions of approval may be imposed by the Director to ensure compliance with the performance standards of this section and with the Act.

(b) Water and Sanitation Permits. EHA Projects not connected to community sewer or water shall obtain required County permits for proposed well water and/or septic systems pursuant to SCCC 7.38, 7.70, 7.71 and 7.73 as applicable. EHA Projects on well water that meet the definition of a Public Drinking Water System shall comply with State Water Resources Control Board standards.

(c) Building Permits. EHA Projects shall obtain building permits or other required permits, depending on type of housing accommodations proposed for the project. For EHA Projects consisting of two to four mobile or manufactured homes (not on a permanent foundation system) or recreational vehicles, or spaces for two to four mobile homes or recreational vehicles (a "trailer park"), HCD is the permitting agency. For EHA Projects of five to twelve spaces, mobile homes, or recreational vehicles, the County is the permitting agency.

(d) Recorded Covenant. The site development permit shall include a condition of approval for the property owner to record a farmworker housing covenant with the County to provide constructive notice of and ensure owner's compliance with the requirements of this section 13.10.631 of the SCCC, the Act, and their License.

(e) License. EHA Projects shall obtain and maintain a License to operate the proposed farmworker housing from the Enforcement Agency pursuant to Section

17030-17039 of the Act. The Enforcement Agency in the County is the Environmental Health Services Division of the County Health Services Agency.

- (i) Applicants shall apply for the License at least 45 days before initial occupancy, after the Site Development Permit and any required building or other ministerial permits have been obtained for the project. The application form is available from the Enforcement Agency and requires applicant to provide all information listed in Section 17032 of the Act.
- (ii) Applicant shall submit a letter requesting a modification to the License whenever there is a change in any of the information provided on the License application form, such as a reduction or increase in the number of units or beds occupied by farmworkers, or any other information on the form.
- (iii) Licenses are issued for a one-year period and subject to annual monitoring by the Enforcement Agency. Applicant shall submit a letter each year requesting an annual renewal of the License for as long as the housing continues to be operated as employee housing.
- (iv) Any operator of an EHA Project that fails to obtain or maintain the required License for the project shall be subject to the penalties of Section 17037 of the Act, including in some cases a requirement to pay double or ten times the applicable licensing fees.
- (f) Certificate of Non-operation. If the EHA Project ceases to be occupied by farmworkers, the operator shall submit a letter certifying non-operation to the Enforcement Agency within 30 days, noting the date on which the housing ceased to be occupied, consistent with Section 17037.5 of the Act. The Certification of Non-Operation shall be submitted to the Enforcement Agency annually for two years following discontinuation of the use of any area or structure on the property identified in operator's License as farmworker housing. The Certification shall attest under penalty of perjury that the farmworker housing has been destroyed, or is no longer owned and operated, or has not been and shall not be occupied by five or more employees during the calendar year. Operator shall send a copy of the Certification of Non-operation to the County Planning Department concurrently with delivery to the Enforcement Agency.

  - (i) If a Certification of Non-Operation is filed within ten years of issuance of the initial certificate of occupancy for the EHA Project, the provisions of Section 17021.6(f) may be invoked by County for recovery of any waivers of impact fees, taxes or costs that may have been associated with the initial permitting of the EHA Project.
  - (ii) Filing of a Certification of Non-Operation shall be considered a conversion to another use. The EHA Project shall not be converted to any other use unless the conversion is approved in advance by the County through the Planning Department. Any conversion shall be subject to all applicable County codes (zoning, building, fire, etc.) and permitting requirements at the time of the conversion. Development initially permitted as an EHA Project and then converted without prior County approval will not be "grandfathered in" or

considered legal non-conforming structures for uses other than farmworker housing.

(g) Environmental Review. EHA Projects are subject to environmental review ("CEQA"). The Public Resources Code provides some exemptions to CEQA that may apply to certain types of farmworker housing defined herein.

(2) Development Standards and Criteria.

EHA Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in SCCC 13.10.313, as well as the additional standards and criteria provided below. In the event of any conflict between section 13.10.313 and the standards and criteria provided in this section, those in this section 13.10.631 shall prevail.

(a) Density limitations. EHA Projects proposed in agricultural zones are considered an agricultural use pursuant to the Act and as such are not subject to the residential density limitations set forth in the General Plan or SCCC, including SCCC 13.14.

(b) Unit Size. The maximum habitable floor area for a dwelling unit intended for occupancy by a single farmworker household (individual farmworker or farmworker family) in an EHA Project shall not exceed the following, measured in square feet (SF):

<u>Unit Size</u>	<u>Maximum Habitable Floor Area *</u>
<u>Studio or 1 bedroom</u>	<u>640 SF</u>
<u>2 bedrooms</u>	<u>800 SF</u>
<u>3 bedrooms</u>	<u>1,200 SF</u>
<u>4 or more bedrooms</u>	<u>1,400 SF</u>

\* Defined in SCCC 13.10.700-H

(c) Group Quarters. Structures designed as group quarters or dormitories shall provide at least 50 square feet of habitable area per bed (per occupant) within the dormitory structure.

(d) Height. Structures shall be limited to a height of 28 feet.

(e) Parking. EHA Projects shall comply with the parking standards in SCCC 13.10.552 – 13.10.554, except that the minimum number of spaces per unit or per bed in an EHA Project shall be as set forth below:

<u>Unit Size</u>	<u>Minimum Parking Spaces required</u>
<u>Studio or 1-bedroom</u>	<u>1</u>
<u>2 or 3 bedrooms</u>	<u>2</u>
<u>4 or more bedrooms</u>	<u>2.5</u>
<u>Group Quarters</u>	<u>.5 per bed</u>



(i) Parking Exceptions. The Director may approve a reduction in required parking spaces without a variance, if the applicant provides evidence to the Director's satisfaction that fewer parking spaces than otherwise required by this section will be adequate for the EHA Project, such as where transit service or alternative transportation is available or is provided by the operator.

(ii) Alternate surfacing materials (e.g., base rock or gravel) may be allowed for parking areas and/or accessways to the EHA, if the Director finds that the alternate surfacing materials will help to preserve agricultural land, and the surfacing will be installed and maintained in a manner that will prevent erosion and will provide adequate drainage, and such alternate is acceptable to other involved reviewing agencies (i.e., fire district, Public Works).

(f) Siting. EHA Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties. As an agricultural use, EHA projects are not subject to SCCC 16.50.095, Agricultural buffer setbacks.

(i) Minimize disturbance. To the extent feasible, EHA Projects shall be sited on the least viable portion of the parcel or in such a way as to disturb the least amount of productive farmland. Depending on site conditions, this may be achieved by siting the EHA Project near existing development on the site, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the EHA Project.

(ii) Buffers. To the extent feasible, housing accommodations shall be sited at least 50 feet from any active agricultural operations on the subject parcel, including areas subject to machine cultivation or pesticide application. If such distances are not feasible, buffering techniques, such as fencing, screening with vegetation, or other techniques may be used to provide a buffer between farmworker housing and farming operations, subject to Department approval. Housing accommodations shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry, consistent with State regulations.

**(3) Enforcement.**

(a) Violation of any conditions of approval of a License, the Act, or any County permit or approval of an EHA Project shall be considered a violation of the Santa Cruz County Code, subject to enforcement in accordance with SCCC 19.01, which may include fines, civil penalties, abatement of the use, conversion of the housing units to non-habitable structures, or removal of the structures. Any operator found to be leasing EHA units or beds in a licensed EHA Project to occupants other than farmworkers or farmworker families shall be deemed in violation of the County Code pursuant to this section.

(b) EHA Projects are subject to the enforcement provisions of the Act (Section 17050-17062). Violations of the relevant use, occupancy, or maintenance requirements, or conditions of the License, are considered a public nuisance under

the Act, and subject to abatement if not made to conform. The Enforcement Agency may pursue all enforcement actions authorized under the Act to investigate and/or abate violations.

(E) Single-Family Farmworker Housing

Single-Family Farmworker Housing projects as defined in subsection (C) may, at the applicant's option, be proposed pursuant to Section 17021.5 of the Act, in which case they are deemed a residential use and subject to the same permitting requirements and development standards that apply to a single-family dwelling proposed in the applicable zone, rather than being deemed an agricultural use pursuant to subsection (D) above. All Single-Family Farmworker Housing Projects that provide housing for at least five farmworkers shall obtain a License from the Enforcement Agency pursuant to the Act.

(F) Small Farmworker Housing Projects

A Small Farmworker Housing Project of one to four farmworker dwelling units per parcel, in addition to any primary residence and accessory dwelling unit that may exist on the site, shall be processed as follows:

(1) Applicability of the Act.

(a) Small Farmworker Housing Projects proposed to provide housing for at least five individual farmworkers (i.e., one to four dwelling units, with each unit housing at least one farmworker and at least one unit housing more than one farmworker) are considered an EHA project and may be approved pursuant to subsection (D) on a parcel in an agricultural zoning district, subject to all provisions of subsection (D) and the Act, including the requirement to obtain a License.

(b) Small Farmworker Projects proposed to provide housing for four or fewer individual farmworkers (at least one farmworker per proposed unit, not to exceed four farmworkers total in the project) are not EHA Projects and are not subject to the Act. Such projects may be approved in agricultural zones outside the Coastal Zone with an Administrative Site Development Permit (Level III), and inside the Coastal Zone with a Level V Site Development Permit, pursuant to all requirements of subsection (D) above, except for the requirement to obtain or maintain a License. In lieu of a License, such projects shall be subject to annual monitoring by the Planning Department to verify the owner's compliance with the recorded farmworker housing covenant and project conditions of approval. If, upon monitoring or in response to a complaint, any dwelling unit in such project is determined to be non-compliant with the occupancy requirements set forth in the farmworker housing covenant, after reasonable notice and opportunity to correct the violation as set forth in County Code, the project permit may be revoked and the unit(s) subject to enforcement pursuant to SCCC 19.01, possibly including abatement of the structures.

(G) Affordable Rental Farmworker Housing

This subsection provides a discretionary land use approval process for Affordable Rental Farmworker Housing projects as defined above (AFH Project or ARFH Project) which exceed the maximum size of an EHA Project and are not subject to the requirements of the Act.

(1) Development Reserve. A Development Reserve for affordable farmworker housing (ARFH Projects) has been established by the County General Plan. This Reserve allows the County to approve development of up to 200 units of affordable farmworker housing within qualifying unincorporated areas of the Pajaro Valley, outside of the Coastal Zone, as a conditional use in CA and A agricultural zones. The units authorized by this Reserve shall be made available on a first-come, first-served basis to qualified affordable housing providers as set forth below.

(2) Qualified Affordable Housing Developers. In order to apply for a conditional use permit and a development permit pursuant to this section, project applicants shall meet the following criteria:

(a) Project sponsor (developer) and/or site owner is a 501(c)(3) nonprofit housing development organization and/or public agency;

(b) Project will be funded in full or part by public subsidies and/or low-income housing tax credits, or is being developed on land provided by the County or other public or non-profit agency for development of affordable rental farmworker housing;

(c) All rental units in the project, except any property manager's units, will be subject to an affordability restriction of at least 55 years and a requirement that the units be occupied only by farmworkers and/or farmworker families, as defined above or as may be defined by the project financing source(s). In the case of any conflict, the stricter definition shall prevail.

(3) Site Location Criteria. Sites proposed for an ARFH Project shall meet the following site location criteria ("qualifying areas"):

(a) The land is located within the unincorporated areas of the Pájaro Valley within Santa Cruz County (see Figure 13.10.631-1, below), and is in the CA, AP, or A zoning district.

(b) The development site, defined as the proposed development envelope of the project, not the entire agricultural parcel on which it is proposed, is not within any of the following zones or areas:

(i) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(ii) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(iii) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local

agency, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(iv) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(v) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(vi) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(vii) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(viii) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(ix) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(x) Lands under conservation easement, unless the easement allows or can be amended to allow farmworker housing; each easement contains its applicable restrictions.

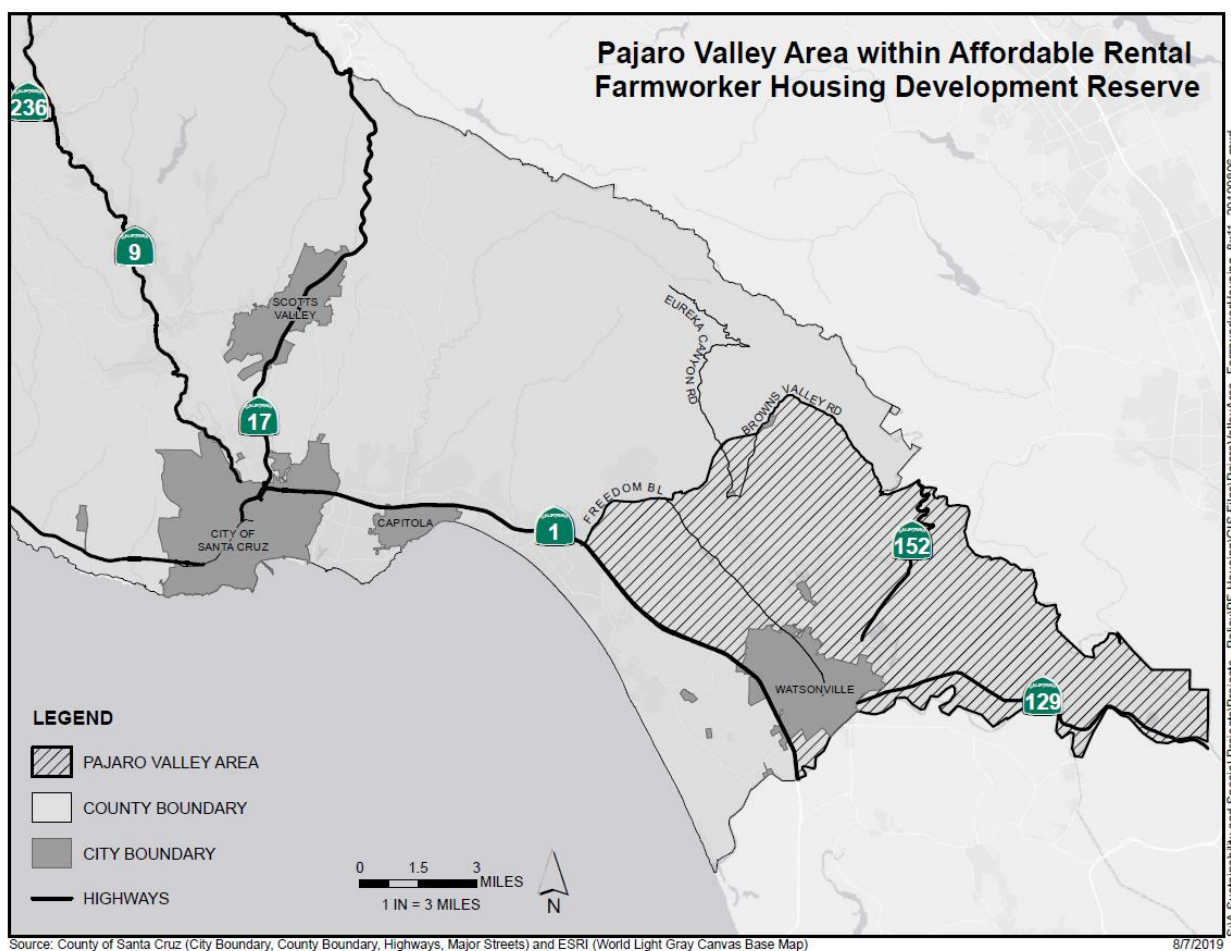
(c) The development shall not be allowed if it would require the demolition of a historic structure that is listed on a national, state, or local historic register.

(d) The site meets the siting criteria of the proposed financing source(s) for the project, including proximity to community amenities such as schools, shopping, and transit service.

**Figure 13.10.631-1**

Map of Unincorporated Area of Pajaro Valley within Development Reserve

(See 13.10.631(G)(3)(a), above)



A higher resolution map is available upon request from the Planning Department.

(4) Discretionary Approval. Projects proposed pursuant to this section are not subject to the Act and not required to obtain a License, but are required to obtain a discretionary conditional use permit and a site development permit (Level VII) from the County, with review by the Agricultural Policy Advisory Committee, Planning Commission, and approval by the Board of Supervisors.

(a) Application Procedures:

(i) Reservation for Units pursuant to Development Reserve. In order to provide for orderly review and consideration of applications and to avoid duplication of effort for the same remaining unit capacity in the reserve, Project sponsor (developer) shall submit a written request for a reservation of the desired number of ARFH units to the Planning Department (Department) with evidence of sponsor's qualifications as an Affordable Rental Housing Developer pursuant to this subsection (G) and evidence of property ownership, or if sponsor is not the property owner, evidence of site control such as a ground lease, or a letter of interest from the current owner of the proposed project site, and designation of developer as an agent of the owner. Upon review by the Department to determine that the sponsor is eligible and site is eligible for an ARFH Project pursuant to this subsection, the Department will issue the Sponsor a reservation letter for the requested number of units, or for the number of units remaining in the Development Reserve, whichever is less. This reservation will preclude any other sponsor from reserving these same units for a period of up to nine months, to allow the sponsor adequate time to submit a complete application for the required land use approvals for the proposed project. Once the sponsor's application has been deemed complete by the Department, the reservation shall be extended by three years, or until any earlier date on which sponsor's ARFH project has been either approved or denied by the County, including applicable appeal periods. At the end of this reservation period, if the project was not approved, or if a lesser number of units was approved than the number reserved, the reservation for any unused units shall expire and become null and void, and other sponsors may request a reservation for those units. The Department Director shall be authorized to extend the three-year expiration date for good cause.

(ii) All applications for permit approval of an ARFH project shall include the Department's reservation letter for at least the number of units proposed in the ARFH Project as evidence that sufficient capacity remains in the Development Reserve for the proposed project, in order to be deemed complete. The ARFH Project application shall otherwise meet all application requirements and follow all required Level VII procedures as set forth in the Zoning Code.

(iii) Site Plan. Applications for an ARFH Project shall include a site plan to define the proposed Site Area, interior circulation patterns within the ARFH Project's site area, exterior site access through the remaining portion of the agricultural parcel to the first public road, fire access, infrastructure improvements, common area location and amenities, and location of other existing development on the parcel(s) on which the Project is proposed.

(5) ARFH Projects are deemed an agricultural land use and are not subject to the residential density limitations of the General Plan or SCCC, including SCCC 13.14.

(6) ARFH Projects are subject to CEQA review and may be considered for any exemptions available in the Public Resources Code that are applicable to the proposed project.

(7) Water and Sanitation Permits. ARFH Projects not connected to community sewer or water shall obtain required County permits for proposed well water and/or septic systems pursuant to SCCC 7.38, 7.70, 7.71 and 7.73 as applicable. EHA Projects on well water that meet the definition of a Public Drinking Water System shall comply with State Water Resources Control Board standards.

(8) Development Standards

ARFH Projects shall comply with the development standards below. For the purpose of this section, “site area” shall be defined as that portion of the property designated on the proposed site plan to be the development envelope for the ARFH Project and to be controlled by the sponsor upon completion of the project, and not the entire agricultural parcel(s) on which the project is proposed to be located. The site area of an ARFH Project shall be at least one acre and not more than five acres, unless an exception to this requirement is granted as part of the development permit for reasons such as unusual topography or the need for a lengthy access road across the parcel. ARFH Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in SCCC 13.10.313, as well as the additional standards and criteria provided below.

(a) Density limitations. ARFH Projects proposed in agricultural zones may be developed at a density of up to thirty units per acre contained within the proposed site area.

(b) Unit Size. The maximum habitable floor area for a dwelling unit in an ARFH Project shall not exceed the following, measured in square feet (SF), unless the guidelines of a proposed public funding source of the project require a slightly larger unit size, in which case the requirements of that funding source shall prevail:

<b><u>Unit Size</u></b>	<b><u>Maximum Floor Area</u></b>
<u>Studio or 1 bedroom</u>	<u>640 SF</u>
<u>2 bedrooms</u>	<u>800 SF</u>
<u>3 bedrooms</u>	<u>1,200 SF</u>
<u>4 or more bedrooms</u>	<u>1,400 SF</u>

(c) Height. Structures shall be limited to a height of 35 feet measured from the preconstruction natural grade and up to three stories, exclusive of subsurface parking. Modifications of these standards may be approved based on unique site and design factors and/or feasibility constraints or requirements associated with the project’s proposed public sector funding sources.

(d) Parking. ARFH Projects shall comply with the parking standards and exception procedures provided in SCCC 13.10.631(D)(2)(e).

(e) Siting. ARFH Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with

agricultural operations on the site or adjacent properties. As an agricultural use, ARFH projects are not subject to SCCC 16.50.095, Agricultural buffer setbacks.

(i) Minimize disturbance. To the extent feasible, ARFH Projects shall be sited on the least viable portion of the original agricultural parcel or in such a way as to disturb the least amount of productive farmland. Depending on the site, this may be achieved by siting the ARFH Project near existing development on the parcel, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the ARFH Project.

(ii) Buffers. Residential structures within an ARFH Project shall be sited at least 100 feet from any active agricultural operations on the subject parcel or adjacent parcels, including areas subject to machine cultivation or pesticide application, measured in a straight line from the exterior wall of the residential structure to the nearest cultivated crops or orchards or other areas subject to agricultural operations. If a 100' buffer is not feasible in one or more directions, upon a recommendation from the Agricultural Policy Advisory Commission, the approving body may approve a lesser distance provided that fencing, vegetative screening, HVAC systems, noise-mitigating windows, or other buffering techniques are used to mitigate any nuisance or health and safety hazards due to the agricultural operations that might impact the occupants of the ARFH Project. If any state laws, codes or requirements provide an alternate means of protecting the occupants from agricultural hazards likely to be present on the property, or otherwise preempt this requirement, such other requirement shall prevail. Housing structures shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry.

(f) Setbacks from Non-Agricultural Properties. If any portion of the site area of the ARFH Project abuts or is within 30 feet of any property that is zoned for residential or commercial uses, any structures within the ARFH Project shall be set back at least 20 feet from the property line of the adjoining non-agricultural parcel. If the adjoining property includes areas in active agricultural operations, the larger buffer required pursuant to (e) above, shall prevail. ARFH Projects shall be designed so to minimize excessive shading of any existing residential or commercial structures on an adjacent property, such as by stepping back upper stories if necessary. Applicant may provide a shading study to illustrate extent of shading caused by the proposed structures.

(g) Maintain standard riparian setback but eliminate 10-foot additional riparian construction buffer.

(h) Developments shall encourage energy and water efficiency, and environmentally sensitive design and building materials.

### **SECTION III**

In SCCC 13.10.313, "Development Standards," Subsection (C), "Minimum Parcel Size," and Subsection (D), "Buffer Requirements," are hereby amended to read as follows:



(C) Minimum Parcel Size.

(1) A District. The minimum average parcel size in net developable acres for new parcels created in the A Zone District outside the urban services line (USL) shall be within the range of two and one-half to 20 or 10 to 40 acres per dwelling unit and shall be consistent with the requirements of the General Plan, the Local Coastal Program Land Use Plan and ~~Chapter SCCC 13.14 SCCC~~ pertaining to rural residential density determinations. Land divisions shall not be allowed within the A Zone District on properties within the USL.

(2) CA District. Parcels within the CA Zone District shall not be divided except for exclusive agricultural purposes pursuant to SCCC 13.10.315.

(3) AP District. Parcels within the AP Zone District shall not be divided except for exclusive agricultural purposes pursuant to SCCC 13.10.315.

(4) In the A, CA, or AP Districts, the minimum parcel size for an Affordable Rental Farmworker Housing (ARFH) Project is one acre.

(D) Buffer Requirements. Nonagricultural uses involving habitable spaces including residential development, ~~farm labor housing~~, commercial or industrial establishments, etc., adjacent to parcels zoned Commercial Agriculture (CA), or Agricultural Preserve (AP) or farm labor housing located on CA or AP zoned land shall provide a buffer setback in accordance with the provisions of SCCC 16.50.095, and shall otherwise comply with the requirement of that section.

## SECTION IV

In SCCC 13.10.315, "CA and AP land division criteria", Subsections (B) and (C) are hereby amended to read as follows:

(B) Type 1 Parcels.

(1) The following findings shall be made prior to the approval of any parcel division in the CA or AP Zone Districts for land designated as Type 1 land pursuant to ~~Chapter SCCC 16.50 SCCC~~:

(a) That the use is for exclusive agricultural use, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project.

(b) That the proposed parcel sizes will not be detrimental to the economic viability of commercial agricultural operations on said parcels, or on adjoining or nearby parcels.

(c) That the division is necessary for continued commercial agricultural use of the subject parcels. In the event a recorded agricultural preserve (Williamson Act) contract existed prior to January 23, 1979, for a parcel proposed to be divided under this section, said contract shall constitute evidence of a long-term commitment to continued agricultural use and shall satisfy the requirement for this finding.

(d) That all parcels shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, except for parcels

created solely for the purpose of an Affordable Rental Farmworker Housing (ARFH) project, pursuant to SCCC 13.10.681, which are not subject to this requirement. With respect to parcels restricted by an Agricultural Preserve contract recorded prior to January 23, 1979, the finding shall be made either that (i) all parcels created shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, or that (ii) the owners of all parcels created have recorded an agreement with the County which guarantees the original owner the right to continue to use the newly created parcel for exclusive commercial agricultural uses. In no case shall the parcel size be less than 10 arable acres. Land subject to an Agricultural Preserve contract which is approved for division shall continue to be restricted in the aggregate to the permitted and discretionary uses which would have been available to the original parcel under the agricultural preserve contract had the original parcel remained undivided.

(e) That no conflicts with adjacent agricultural operations shall result from the division.

(f) That the division is for exclusive agricultural purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project. A recorded agricultural preserve (Williamson Act) contract existing prior to January 23, 1979, for a parcel proposed to be divided under this section shall constitute evidence of an exclusive agricultural purpose.

(2) Agricultural preserve (Williamson Act) contracts shall be recorded, prior to filing final maps, for all parcels created by a division of Type 1A agricultural land.

(C) Type 2 Parcels. The following findings shall be made prior to the approval of any parcel division in the CA Zone District for land designated as Type 2 land pursuant to ~~Chapter SCCC 16.50 SCCC~~:

(1) That the division is for exclusive agricultural purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project.

(2) That the division will result in agriculturally viable parcels; in no case shall the parcel size be less than 20 arable acres, except that parcels created solely for the purpose of an Affordable Rental Farmworker Housing (ARFH) project pursuant to SCCC 13.10.681 are subject to a minimum parcel size of one acre.

(3) That no conflicts with adjacent or nearby commercial agricultural uses will result from the division.

## SECTION V

In SCCC 13.14, "Rural Residential Density Determinations," Section 13.14.040, "Application", Subsection (A) is hereby amended to read as follows:

13.14.040 Application.

(A) This chapter shall apply to the rural areas of the County outside of the urban services line and the rural services line (USL and RSL), and shall include all tentative map approvals for land divisions and all development permits issued pursuant to ~~Chapter SCCC 18.10~~

~~SCCC~~. Included in these categories are all applications to create additional parcels, additional housing units, additional visitor accommodations, or additional organized camp facilities on land designated in the General Plan as suburban residential, rural residential, mountain residential, parks and recreation, resource conservation, or noncommercial agriculture. The development of farmworker housing as defined in SCCC 13.10.631(C) on property in the A (Agriculture) Zone District is an agricultural use and is not subject to the residential density determinations in this chapter. Existing development on a parcel shall be deducted from the intensity of use allowed by this chapter in determining the amount of additional development (if any) to be allowed on the property.

## SECTION VI

Subsections (F) and (G) of SCCC 16.50.095, "Agricultural buffer setbacks," are hereby amended to read as follows:

(F) ~~Notwithstanding the provisions of subsection (B) of this section, f~~Farm worker housing, as an agricultural use, is not subject to this section 16.50.095, but is subject to the buffering provisions in SCCC 13.10.631. The presence of farmworker housing, which is an agricultural use, on an agricultural parcel does not exempt any proposed habitable development on any adjacent parcels from the requirement to provide an agricultural buffer along the edge of the development nearest the farmworker housing, pursuant to this section. ~~developments located on Type 1, Type 2, or Type 3 commercial agricultural land shall provide a buffer between habitable structures and outdoor areas designed for human use and areas engaged in agricultural production located on the same parcel. Said buffer shall be 200 feet if feasible; and if a 200-foot buffer is not feasible, then the maximum buffering possible shall be provided, utilizing physical barriers, vegetative screening and other techniques as appropriate.~~

(G) Proposals to reduce the required 200-foot agricultural buffer setback for additions to existing residential construction (dwellings, habitable accessory structures and private recreational facilities not otherwise exempted by subsections (B)(1) or (F) of this section) ~~and for the placement of agricultural caretakers' mobile homes~~ on agricultural parcels shall be processed as a Level 4 application by Planning Department staff as specified in Chapter 18.10 SCCC with the exception that:

- (1) A notice that an application to reduce the buffer setback has been made shall be given to all members of the Agricultural Policy Advisory Commission at least 10 calendar days prior to the issuance of a pending action on an agricultural buffer determination; and
- (2) Where a reduction in the buffer setback is proposed pursuant to this chapter, the required notice of pending action shall be provided to the applicant, to all members of the Agricultural Policy Advisory Commission, to owners of commercial agricultural land within 300 feet of the project location, and to members of the Board of Supervisors, not less than 10 days prior to the issuance of the permit. There shall not be a minimum number of property owners required to be noticed; and
- (3) Buffer determinations made by Planning Department staff pursuant to this chapter are appealable by any party directly to the Agricultural Policy Advisory Commission. Such appeals shall include a letter from the appellant explaining the reason for the appeal and the current administrative appeal processing fee.

## SECTION VII

SCCC 17.02.060, "Provision of urban services" is hereby amended to read as follows:

### **17.02.060 Provision of urban services.\***

(A) Public water systems, sanitary sewer facilities and urban level fire protection service shall be provided consistent with County or special district capital improvement programs to service areas within the urban services line and may be provided to serve other areas within the rural services line.

(B) Public sanitary sewer facilities shall not be established or extended to serve new development projects outside the urban services line or the rural services line.

(C) Inside the Coastal Zone, public water systems shall not be established or extended to serve new development projects outside the urban services line or rural services line unless such services are necessary for water resource protection and enhancement.

(D) Inside the Coastal Zone, community sewage disposal systems shall not be established or extended to serve new development projects outside the rural services line. Within the rural services line, only such community sewage disposal systems as are approved by the Regional Water Quality Control Board, the County Environmental Health Services ~~Department~~Division of the Health Services Agency and the County Department of Public Works shall be permitted.

(E) Public water and sewer lines other than for agricultural use shall not be placed on Type 1A, 2A, 2B, 2D or 3 agricultural lands as designated in ~~Chapter SCCC 16.50 SCCC~~, except where adequate safeguards are incorporated to ensure that such facilities will not result in the conversion of such agricultural lands to nonagricultural uses. Within the Coastal Zone, this exception shall only be allowed for sewer transmission lines to and from the sewage treatment plant of Watsonville and the untreated water lines from the North Coast water sources of Santa Cruz. For the purposes of this chapter, safeguards shall include, but not be limited to:

- (1) Prohibiting hookups to trunk lines through prime agricultural lands, except to provide sewage treatment service to Affordable Rental Farmworker Housing on agricultural land outside the Coastal Zone; and
- (2) Prohibiting the levying of assessment fees against prime agricultural land for the construction of sewage transmission lines running through them.

\* An exception to the limitations provided in 17.02.060 (A) through (D) above on establishing or extending public water systems, public sanitary sewer facilities, or community sewage disposal systems to serve new development projects outside the urban services line or rural services line may be allowed for Employee Housing Act (EHA) projects and Affordable Rental Farmworker Housing (ARFH) projects as provided in SCCC 13.10.631 subject to the approval of the required discretionary permit and CEQA review. Provision by a district of water or sewage treatment service to a parcel outside the district boundary is subject to approval by the district and by LAFCO.

## SECTION VIII

This ordinance shall take effect outside the Coastal Zone 30 days after adoption by the Board of Supervisors, and inside the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Board of Supervisors of the County of Santa Cruz 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:

\_\_\_\_\_  
Office of the County Counsel

# County of Santa Cruz

## AGRICULTURAL POLICY ADVISORY COMMISSION



BRUCE DAU, Chairperson  
KEN KIMES, Vice Chairperson  
JUAN HIDALGO, Executive Secretary

### MINUTES OF REGULAR MEETING

**August 15, 2019**

**1:30 PM**

Agricultural Extension Auditorium  
1432 Freedom Boulevard  
Watsonville, California

Present: Ellen Rinde, Mike Manfre, Ken Kimes, Bruce Dau, Sam Earnshaw  
Excused Absence: None  
Unexcused Absence: None  
Others: Sheila McDaniel, Juan Hidalgo, David Sanford, Rafael Hernandez, Suzanne Ise, Julie Conway

1. The meeting was called to order at 1:45 p.m.

2. Approval of Minutes and Modifications

(a) Approved minutes from the January 17, 2019 hearing.

MOTION/SECONDED: Kimes/Manfre

AYES: Rinde, Manfe, Kimes, Dau, Earnshaw

NOES: None

ABSTAIN: None

ABSENT: None

3. Review of APAC correspondence: None

4. APAC Commissioner Presentations: None.

5. Staff Presentations:

- (a) Update from Agricultural Commissioner: Industrial hemp production is underway in the County and the Ag Commissioner's Office is registering growers/breeders based on CDFA guidelines.

6. Oral Communications: None.

7. Public hearing to consider amendments to Santa Cruz County General Plan/Local Coastal Program (LCP) and County Code related to agricultural employee housing and provide recommendations to the Board of Supervisors.

**Approve staff recommendations**

MOTION/SECONDED: Kimes/Manfre

AYES: Rinde, Manfe, Kimes, Dau, Earnshaw

NOES: None

ABSTAIN: None

ABSENT: None

The meeting was adjourned at 2:50 p.m.