

ORDINANCE NO. 5349**ORDINANCE AMENDING CHAPTER 16.10 OF THE SANTA CRUZ COUNTY CODE
REGARDING GEOLOGIC HAZARDS**

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

SECTION I

Chapter 16.10 of the Santa Cruz County Code is hereby amended to read:

Chapter 16.10**GEOLOGIC HAZARDS****Sections:**

16.10.010	Purpose.
16.10.020	Scope.
16.10.022	Statutory authorization.
16.10.025	Reserved.
16.10.030	Amendment procedure.
16.10.035	Conflict with existing regulations.
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16.10.040	Definitions.
16.10.050	Requirements for geologic assessment.
16.10.060	Assessment and report preparation and review.
16.10.070	Incorporation of technical recommendations into project.
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16.10.100	Exceptions.
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16.10.110	Appeals.
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16.10.010 Purpose.

The purposes of this chapter are:

- (A) **Policy Implementation.** To implement the policies of the State of California Alquist-Priolo Earthquake Fault Zoning Act, the Santa Cruz County General Plan, and the Land Use Plan of the Local Coastal Program;
- (B) **Public Health and Safety.** To minimize injury, loss of life, and damage to public and private property caused by the natural physical hazards of earthquakes, floods, landslides, and coastal processes;
- (C) **Development Standards.** To set forth standards for development and building activities that will reduce public costs by preventing inappropriate land uses and development in areas where natural dynamic processes present a potential threat to the public health, safety, welfare, and property; and
- (D) **Notice of Hazards.** To ensure that potential buyers are notified of property located in an area of geologic and coastal hazard, and to ensure that those who occupy areas of geologic and coastal hazard assume responsibility for their actions.

16.10.020 Scope.

This chapter sets forth regulations and review procedures for development and construction activities including grading, septic systems installation, development permits, changes of use as specified in SCCC 16.10.040(N)(6), building permits, minor land divisions, and subdivisions throughout the County. These regulations and procedures shall be administered through a system of geologic hazard assessment, technical review, development and building permits.

16.10.022 Statutory authorization.

The State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units the authority to adopt regulations designed to promote public health, safety, and general welfare of its citizenry through the adoption of the geologic hazard regulations of this chapter.

16.10.030 Amendment procedure.

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of SCCC 13.03 and shall be subject to approval by the California Coastal Commission.

16.10.035 Conflict with existing regulations.

This chapter is not intended to repeal, nullify, or impair any existing easements, covenants, or deed restrictions. If this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

16.10.037 Severability.

This chapter and the various parts hereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

16.10.040 Definitions.

For the purposes of this chapter, the following definitions apply:

- (A) "Active fault" means a fault that has had surface displacement within Holocene time (about the last 11,000 years).
- (B) "Active landslide" means a landslide that is presently moving or has recently moved as indicated by distinct topographic slide features such as sharp, barren scarps, cracks, or tipped (jackstrawed) trees.
- (C) "Addition" means improvement to an existing structure that increases its area, measured in square feet. The use of breeze ways, corridors, or other non-integral connections between structures shall not cause separate buildings or structures to be considered additions to an existing structure.
- (D) "Adjacent/contiguous parcel" means a parcel touching the subject parcel and not separated from the subject parcel by a road, street or other property.
- (E) "Beach erosion" means temporary or permanent reduction, transport or removal of beach sand by littoral drift, tidal actions, storms or tsunamis.
- (F) "Coastal bluff" means a bank or cliff along the coast subject to coastal erosion processes, including historic wave erosion. "Coastal bluff" refers to the top edge, face, and base of the subject bluff.
- (G) "Bluff line or edge" means the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff

beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a step like feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

(H) “Coastal dependent uses” means any development or use which would not function or operate unless sited on or adjacent to the ocean.

(I) “Coastal erosion processes” means natural forces that cause the breakdown and transportation of earth or rock materials on or along beaches and bluffs. These forces include, but are not limited to, landsliding, surface runoff, wave action and tsunamis.

(J) “Coastal hazard areas” means areas which are subject to physical hazards as a result of coastal processes such as landsliding, erosion of a coastal bluff, and inundation or erosion of a beach by wave action.

(K) “County geologist” means a County employee who is a California licensed Professional Geologist who has been authorized by the Planning Director to assist in the administration of this chapter, or a California licensed Professional Geologist under contract by the County who has been authorized by the Planning Director to assist in the administration of this chapter.

(L) “County geologic advisor” means an individual who is a California licensed Professional Geologist who may be employed by the County to provide geologic services.

(M) “Critical structures and facilities” means structures and facilities which are subject to specified seismic safety standards because of their immediate and vital public need or because of the severe hazard presented by their structural failure. These structures include hospitals and medical facilities, fire and police stations, disaster relief and emergency operating centers, large dams and public utilities, public transportation and communications facilities, buildings with involuntary occupancy such as schools, jails, and convalescent homes, and high occupancy structures such as theaters, churches, office buildings, factories, and stores.

(N) Development/Development Activities. For the purposes of this chapter, any project that includes activity in any of the following categories is considered to be development or development activity. This chapter does not supersede SCCC 13.20.040 for purposes of determining whether a certain activity or project is considered development that requires a coastal development permit; some activities and projects will require coastal development permits although they do not fall under the following specific definition:

(1) The construction or placement of any habitable structure, including a manufactured home and including a non-residential structure occupied by property owners, employees and/or the public;

(2) Modification, reconstruction or replacement of 50 percent of the major structural components—consisting of the foundation, floor framing, exterior wall framing, and roof framing—of an existing habitable structure within any consecutive five-year period, or modification, reconstruction or replacement of 50 percent of the major structural components of an existing critical structure or facility, as defined by this chapter, within any consecutive five-year period, whether the work is done at one time or as the sum of multiple projects. For the purpose of this chapter, the following are not considered major structural components: exterior siding; nonstructural door and window replacement; roofing material; decks; chimneys; and interior elements including but not limited to interior walls and sheetrock, insulation, kitchen and bathroom fixtures, mechanical, electrical and plumbing fixtures. The extent of alterations to

major structural components will be calculated in accordance with administrative guidelines adopted by resolution of the Board of Supervisors;

- (3) The addition of habitable square footage to any structure, where the addition increases the habitable square footage by more than 50 percent or 500 square feet, whichever is greater, over the existing habitable space within a consecutive five-year period. This allows a total increase of up to 50 percent of the original habitable space of a structure, whether the additions are constructed at one time or as the sum of multiple additions over a consecutive five-year period;
 - (4) An addition of any size to a structure that is located on or adjacent to a coastal bluff, on a dune, or in the coastal hazard area, that extends the existing structure in a seaward direction;
 - (5) A division of land or the creation of one or more new building sites, except where a land division is accomplished by the acquisition of such land by a public agency for public recreational use;
 - (6) Any change of use from nonhabitable to habitable, according to the definition of "habitable" found in this section, or a change of use from any noncritical structure to a critical structure;
 - (7) Any repair, alteration, reconstruction, replacement or addition affecting any structure that meets either of the following criteria:
 - (a) Posted "Limited Entry" or "Unsafe to Occupy" due to geologic hazards;
 - (b) Located on a site associated with slope stability concerns, such as sites affected by existing or potential debris flows; or
 - (c) Defined as a critical structure or facility.
 - (8) Grading activities of any scale in the 100-year floodplain or the coastal hazard area, and any grading activity which requires a permit pursuant to SCCC 16.20;
 - (9) Construction of roads, utilities, or other facilities;
 - (10) Retaining walls which require a building permit, retaining walls that function as a part of a landslide repair whether or not a building permit is required, shoreline and coastal bluff protection structures, sea walls, rip-rap erosion protection or retaining structures, and gabion baskets;
 - (11) Installation of a septic system;
 - (12) Any human-made change to developed or undeveloped real estate in the special flood hazard area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. This is in addition to any activity listed in paragraphs(1) through (11) of this subsection; or
 - (13) Any other project that is defined as development under SCCC 13.20.040, and that will increase the number of people exposed to geologic hazards, or that is located within a mapped geologic hazard area, or that may create or exacerbate an existing geologic hazard, may be determined by the Planning Director to constitute development for the purposes of geologic review.
- (O) "Development envelope" means a designation on a site plan, parcel map or grading plan indicating where buildings, access roads and septic systems, and other development are to be located.
- (P) "Fault zones" are areas delineated by the State Geologist, pursuant to the Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621 et seq.) which encompasses the traces of active faults; as well as a zone or zones of fracture designated in the General Plan or Local Coastal

Program Land Use constraints maps, or other maps and source materials authorized by the Planning Director.

(Q) “Fault trace” is that line formed by the intersection of a fault and the earth’ surface and is the representation of a fault as depicted on a map, including maps of earthquake fault zones.

(R) “Fill” means the deposition of earth or any other substance or material by artificial means for any purpose, or the condition resulting from a fill taking place.

(S) “Flood insurance rate map (FIRM)” means the map adopted by the Board of Supervisors and used for insurance purposes on which the Federal Insurance Administration has delineated the special flood hazard areas, base flood elevations and the risk premium zones applicable to the community. The FIRM became effective on April 15, 1986, for insurance purposes.

(T) “Geologic hazard” means a threat to life, property, or public safety caused by geologic or hydrologic processes such as flooding, wave inundation, landsliding, erosion, surface fault ground rupture, ground cracking, and secondary seismic effects including liquefaction, landsliding, tsunami and ground shaking.

(U) “Geologic hazards assessment” means a summary of the possible geologic hazards present at a site conducted by the County Geologist or a California licensed Professional Geologist.

(V) “Geologic report, full” means a complete geologic investigation conducted by a professional geologist hired by the applicant, completed in accordance with the County geologic report guidelines, and accepted by the County.

(W) “Geotechnical investigation / report” means a report prepared by a Professional Engineer, hired by the applicant, completed in accordance with the requirements of this chapter and County soils (geotechnical) report guidelines, and accepted by the County. This term is synonymous with the term “soils investigation” or “soils report.”

(X) “Grading” means excavating or filling land, or a combination thereof.

(Y) “Habitable” means, for the purposes of this chapter, any structure or portion of a structure, whether or not enclosed, that is usable for living purposes, which includes working, sleeping, eating, recreation, or any combination thereof. The purpose and use of the space, as described above, defines the habitable nature of the space. The term “habitable” also includes any space that is heated or cooled, humidified or dehumidified for the provision of human comfort, and/or is insulated and/or finished in plasterboard, and/or contains plumbing other than hose bibs.

(Z) “Hardship” means, for the purposes of administering SCCC 16.10.100, the exceptional hardship that would result from failure to grant the requested exception. The specific hardship must be exceptional, unusual, and peculiar to the property involved. Economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, personal preferences, or the disapproval of neighbors also cannot qualify as exceptional hardship, as these problems can be resolved through means other than granting an exception, even if those alternative means are more expensive, require a property owner to build elsewhere, or put the parcel to a different use than originally intended or proposed.

(AA) “High and very high liquefaction potential areas” means areas that are prone to liquefaction caused by ground shaking during a major earthquake. These areas are designated on maps which are on file with the Planning Department, and other areas may be identified by a geotechnical report that describes the site conditions.

(BB) “Hydrologic investigation” means a report prepared by a professional geologist or civil engineer with expertise in hydrology which analyzes surface hydrology and/or groundwater conditions.

- (CC) “Littoral drift” means the movement of beach sand parallel to the coast due to wave action and currents.
- (DD) “Liquefaction” means the process whereby saturated, loose, granular materials are transformed by ground shaking during a major earthquake from a stable state into a fluid-like state.
- (EE) “Multiple-residential structure” means a single structure containing four or more individual residential units.
- (FF) “Natural disaster” means any situation in which the force or forces of nature causing destruction are beyond the control of people.
- (GG) “Nonessential public structures” means public structures which are not integral in providing such vital public services as fire and police protection, sewer, water, power and telephone services.
- (HH) “Planning Director” means the Planning Director of the County of Santa Cruz or their designee.
- (II) “Professional Engineer” means an engineer who is licensed by the State of California to practice engineering.
- (JJ) “Professional Geologist” means a geologist who is licensed by the State of California to practice geology.
- (KK) “Public facilities” means any structure owned and/or operated by the government directly or by a private corporation under a government franchise for the use or benefit of the community.
- (LL) “Recent” means a geologic feature (fault or landslide) which shows evidence of movement or activity within Holocene time (about the last 11,000 years).
- (MM) “Shoreline or coastal bluff armoring” means any structure or material, including but not limited to riprap or a seawall, placed in an area where coastal processes operate.
- (NN) “Shoreline Protection Exception Area” (“SPEA”) means the coastal bluffs and beaches between Soquel Point and the Capitola city limit and any other area geographic area that may be designated in an adopted Shoreline Management Plan, and describes locations where shoreline and coastal bluff protection structures are acceptable.
- (OO) “Shoreline and coastal bluff protection structure” means any structure or material, including but not limited to riprap or a seawall, placed in an area where coastal processes operate with the intention of preventing erosion of shoreline and coastal bluff materials.
- (PP) “Soils investigation / report” means a report prepared by a Professional Engineer, hired by the applicant, completed in accordance with the County soils report guidelines, and accepted by the County. This term is synonymous with the term “geotechnical investigation.”
- (QQ) Special Flood Hazard Area (SFHA). The land in a flood plain subject to a 1 percent or greater annual chance of flooding in any given year. Special flood hazard areas are in general shown on a FIRM as Zones A, AO, A1-A30, AE, A99, AH, V1-V30, VE and V, but can also be determined by the Floodplain Administrator to occur where not shown on the FIRM. Also known as the flood hazard area, FHA, area of special flood hazard, or area of the 1% annual chance flood.
- (RR) “Structure” means anything constructed or erected which requires a location on the ground, including, but not limited to, a building, manufactured home, gas or liquid storage tank, or facility such as a road, retaining wall, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission or distribution line.
- (SS) “Subsurface geologic investigation” means a geologic report prepared by a professional geologist that provides information on subsurface materials through trenching, test pits, borings or other methods acceptable to the County Geologist.

16.10.050 Requirements for geologic and geotechnical assessment.

(A) All development is required to comply with the provisions of this chapter.

(B) Hazard Assessment Required. A geologic hazards assessment shall be required for all development activities, and foundation replacements or upgrades, in the following designated areas: fault zones, sites with suspected instability, and coastal hazard areas, except as specified in subsections (D) of this section, where a full geologic report will be prepared according to the County guidelines for engineering geologic reports. The County Geologist may waive the requirement for a hazard assessment based upon a determination that there is adequate information on file. A geologic hazards assessment shall also be required for development located in other areas of geologic hazard, as identified by the County Geologist or designee, using available technical resources, from environmental review, or from other field review.

(C) Geotechnical (Soils) Report Required. A geotechnical report shall be required when determined to be necessary by County civil engineering staff, the County geologist, or the California Building Code (CBC).

(D) Geologic Report Required. A full geologic report shall be required for the following:

- (1) For all proposed land divisions and critical structures and facilities in the areas defined as earthquake fault zones on the State Alquist-Priolo Earthquake Fault Zoning Act maps;
- (2) Whenever a significant potential hazard is identified by a geologic hazards assessment;
- (3) For all new reservoirs to serve major water supplies;
- (4) Prior to the construction of any critical structure or facility in designated fault zones;
- (5) When a property has been identified as “Unsafe to Occupy” due to adverse geologic conditions, no discretionary approval or building permit (except approvals and permits that are necessary solely to mitigate the geologic hazard) shall be issued prior to the review and approval of geologic reports and the completion of mitigation measures, as necessary; and
- (6) For all new water tanks in excess of 10,000 gallons either as a single tank or multiple tanks on a site, which are located in an area of geologic hazards as identified by the County Geologist.

(E) Potential Liquefaction Area. A site-specific soil investigation (with input from a Professional Geologist, when required by County civil engineering staff or the County Geologist) shall be required for all development applications for more than four residential units, in areas of high or very high liquefaction potential, or when required by the California Building Code. Development applications for four units or less, one story structures and nonresidential projects shall be reviewed for liquefaction hazard through environmental review and/or geologic hazards assessment. When a significant hazard may exist, a site-specific soils investigation shall be required.

(F) Additional Report Requirements. Additional information (including but not limited to full geologic, subsurface geologic, hydrologic, geotechnical or other engineering investigations and reports) shall be required when a hazard or foundation constraint requiring further investigation is identified.

16.10.060 Assessment and report preparation and review.

(A) **Timing of Geologic Review.** Any required geologic, soil, or other technical report shall be completed, reviewed and accepted pursuant to the provisions of this section before any public hearing is scheduled for consideration of approval of a proposed project, and before any discretionary development application or building permit is approved or issued. The County Geologist may agree to defer the date for completion, review, or acceptance of any technical report where the technical information is (1) unlikely to significantly affect the size or location of the project, and (2) the project is not in the area of the Coastal Zone where decisions are appealable to the Coastal Commission. In no event shall such be deferred until after the approval or issuance of a building permit.

(1) An application for a geologic hazards assessment shall include a plot plan showing the property boundaries and location of proposed development activities. Any other information deemed necessary by the County Geologist (including but not limited to topographic map, building elevations or grading plans) shall be submitted upon request.

(2) An application for a geologic hazards assessment or a technical report review constitutes a grant of permission for the Planning Director, or agents, to enter the property for the purposes of responding to the application.

(B) **Geologic Hazards Assessment Preparation.** The geologic hazards assessment shall be prepared by County staff. Alternately, the assessment may be conducted by a private Professional Geologist at the applicant's choice and expense. Such privately prepared assessments shall, however, be subject to review and acceptance as specified in this section. Application for review and acceptance of a geologic hazards assessment is not an application for a development permit.

(C) **Report Acceptance.** All geologic, geotechnical/soils, engineering, and hydrologic reports or investigations submitted to the County as a part of any development application must be found by the County to conform to State and County report guidelines and requirements. The Planning Director may require an inspection in the field of all exploratory trenches, test pits, and borings excavated for a technical report.

(D) **Geologic Hazard Assessment and Report Expiration.** A geologic hazards assessment and all recommendations and requirements given therein shall remain valid for three years from the date of completion. Geotechnical and geologic reports shall remain valid and all recommendations therein shall remain in effect for three years from the date of completion of the report unless a shorter period is specified in the report by the preparer. An exception to the three-year period of validity is where a change in site conditions, development proposal, technical information or County policy significantly affects the technical data, analysis, conclusions or requirements of the assessment or report; in which case the Planning Director may require a new or revised assessment or report.

(E) **Change or Cancellation of Professional In Responsible Charge.** When the professional in responsible charge of a report accepted by the County is changed or is no longer involved in the project, notice shall be given by the professional and the property owner to the County within 7 days of such change or cancellation.

16.10.070 Incorporation of technical recommendations into project.

The recommendations of the geologic hazards assessment, full geologic report, and/or the recommendations of other technical reports (if reviewed and accepted by the Planning Director), shall be incorporated into the project plans or included as permit conditions of any permit or approvals subsequently issued for the development. In addition, the requirements described below for specific geologic hazards shall become standard conditions for development, building and land division permits and approvals. No development, building and land division permits, or approvals shall be issued, and no

final maps or parcel maps shall be recorded, unless such activity is in compliance with the requirements of this section.

(A) General. If a project is not subject to geologic review because the structure is nonhabitable and is not otherwise considered to be development under this chapter, a declaration of restrictions for the nonhabitable structure shall be recorded on the property deed that includes an acknowledgment that any change of use to a habitable use, or physical conversion to habitable space, shall be subject to the provisions of this chapter.

(B) Notice and Acknowledgement of Hazards. The developer and/or subdivider of a parcel or parcels in an area of geologic hazards shall be required, as a condition of development approval and building permit approval, to record a Notice of Geologic/Coastal Hazards, Acceptance of Risk, Liability Release, and Indemnification with the County Recorder. The Notice shall be in a form approved by the County of Santa Cruz and shall include a description of the hazards on the parcel, and the level of geologic and/or geotechnical investigation conducted, and shall include acknowledgements and agreements, as applicable to the specific project.

(C) Fault Zones.

(1) Location. Development shall be located away from potentially hazardous areas as identified by the geologic hazards assessment or full geologic report.

(2) Setbacks. Habitable structures shall be set back a minimum of 50 feet from the edge of the area of fault induced offset and distortion of active and potentially active fault traces. This setback may be reduced to a minimum of 25 feet from the edge of this zone, based upon paleoseismic studies that include observation trenches. Reductions of the required setback may only occur when both the consulting Professional Geologist preparing the study and the County Geologist observe the trench and concur that the reduction is appropriate. Critical structures and facilities shall be set back a minimum of 100 feet from the edge of the area of fault induced offset and distortion of active and potentially active fault traces.

(3) Other Conditions. Other permit conditions, including but not limited to project redesign, elimination of building sites, and the delineation of development envelopes, building setbacks and foundation requirements, shall be required as deemed necessary by the Planning Director.

(D) Groundshaking.

(1) New Dams. Dams shall be constructed according to high seismic design standards of the Dam Safety Act and as specified by structural engineering studies.

(2) Public Facilities and Critical Structures and Facilities. All new public facilities and critical structures shall be designed to withstand the expected groundshaking during the design earthquake on the San Andreas fault or San Gregorio fault.

(3) Other Conditions. Other permit conditions including but not limited to structural and foundation requirements shall be required as deemed necessary by the Planning Director.

(E) Liquefaction Potential.

(1) Permit Conditions. Permit conditions including, but not limited to, project redesign, elimination of building sites, delineation of development envelopes and drainage and foundation requirements shall be required as deemed necessary by the Planning Director.

(F) Slope Stability.

(1) Location. All development activities shall be located away from potentially unstable areas as identified through the geologic hazards assessment, full engineering geologic report, soils (geotechnical) report or other environmental or technical assessment.

(2) Creation of New Parcels. Allow the creation of new parcels in areas with potential slope instability as identified through a geologic hazards assessment, full geologic report, soils (geotechnical) report or other environmental or technical assessment only under the following circumstances:

(a) New building sites, roadways, and driveways shall not be permitted on or across slopes exceeding 30 percent grade.

(b) A full engineering geologic report and any other appropriate technical report shall demonstrate that each proposed parcel contains at least one building site and access which are not subject to significant slope instability hazards, and that public utilities and facilities such as sewer, gas, electrical and water systems can be located and constructed to minimize potential for landslide damage and not cause a health or safety hazard.

(c) New building sites shall not be permitted which would require the construction of engineered protective structures such as retaining walls, diversion walls, debris walls or slough walls, or foundations designed to mitigate potential slope instability problems such as debris flows, slumps or other types of landslides.

(3) Drainage. Drainage plans designed to direct runoff away from unstable areas (as identified from the geologic hazards assessment or other technical report) shall be required. New drainage improvements shall not adversely affect slope stability and not increase the danger that any other property or public improvements will be impacted by potentially unstable slopes or landsliding. Drainage plans shall be completed by a Professional Engineer and reviewed by both the Professional Geologist (if required by the County Geologist) and other Professional Engineers as part of the design team. Such plans shall be reviewed and accepted by the County Geologist.

(4) Leach Fields. Septic leach fields shall not be permitted in areas subject to landsliding as identified through the geologic hazards assessment, environmental assessment, or full geologic report.

(5) Road and Driveway Reconstruction. Where washouts or landslides have occurred on public or private roads and driveways, road and driveway reconstruction shall meet the conditions of appropriate geologic, soils (geotechnical) and/or engineering reports and shall have adequate geologic, soils, and other engineering supervision and permits as required by the County Code.

(6) New Road and Driveway Construction. New roads and driveways shall be located away from potentially unstable areas as identified through the geologic hazards assessment, full engineering geologic report, soils (geotechnical) report or other environmental or technical assessment.

(7) Other Conditions. Other permit conditions including but not limited to project redesign, building site elimination and the development of building and septic system envelopes, building setbacks and foundation and drainage requirements shall be required as deemed necessary by the Planning Director.

(G) Floodplains. The provisions of SCCC 16.13 Flood Hazards shall apply to all development, as defined in that chapter, that is wholly within, partially within, or in contact with any flood hazard area, or other areas as identified by the Floodplain Administrator, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, replacement, repair, relocation or demolition of any building or structure; placement, installation, or replacement of manufactured homes; installation or replacement of tanks; placement of temporary structures and temporary storage; installation of swimming pools; and miscellaneous and utility structures.

(H) Coastal Bluffs and Beaches.

(1) Criteria in Areas Subject to Coastal Bluff Erosion. Projects in areas subject to coastal bluff erosion shall meet the following criteria:

(a) All development activities, including those which are cantilevered, and non-habitable structures for which a building permit is required, shall be set back a minimum of 25 feet from the top edge of the bluff as the required geologic setback. A geologic setback greater than 25 feet may be required based on conditions on and adjoining the site. The geologic setback shall be sufficient to provide a stable site for the subject structure over the expected design life of the structure, as determined through geologic, geotechnical, hydrologic, or other engineering reports, unless a geologic setback exception is approved pursuant to SCCC 16.10.100. The standard for a new or redeveloped residential or commercial structure is an expected design life of 75 years and for a critical structure or facility the expected design life is 100 years.

(b) Within a designated Shoreline Protection Exception Area or other area within the Urban and Rural Services Lines otherwise addressed by an adopted Shoreline Management Plan, the determination of the minimum geologic setback are allowed to and will take into consideration the effect of a proposed protection measure, such as shoreline or coastal bluff armoring structures, retaining walls, or deep piers if the armoring is consistent with the requirements of this Chapter and allowed under the adopted Shoreline Management Plan.

(c) For all other areas within the Urban and Rural Services Lines, outside a designation Shoreline Protection Exception Area or other area addressed by an adopted Shoreline Management Plan, the calculation of the 75 or 100-year geologic setback, or reduced geologic setback requested under an exception procedure, is allowed to and will take into consideration the effect of legally established shoreline or coastal bluff armoring. However, armoring installed under an emergency coastal permit will not be factored into the setback calculation unless a regular Coastal Development Permit is issued, and all conditions of the permit are met. In addition, technical reports prepared for sites within the Urban and Rural Services Lines should also include analysis based upon an alternative calculation of the 75 or 100-year setback that neglects any effect of an existing shoreline or coastal bluff armoring, in order to provide information and a measure of the effects of the existing protection measure on the site conditions.

(d) Outside the Urban and Rural Services Lines, the calculation of the 75 or 100-year geologic/coastal hazards setback shall not take into consideration the effect of any existing or proposed shoreline or coastal bluff armoring.

(e) Foundation replacement and/or foundation upgrades involving 50% or more of the existing foundation shall meet the 25-foot minimum or the 75 or 100-year geologic setback requirements. An exception to the setback requirement may be granted for existing structures that are wholly or partially within the setback if the property owner agrees to record a Notice of Geologic/Coastal Hazard prior to issuance of the building permit, and if the Planning Director determines that:

(i) The structure will be relocated to maximize the setback from the coastal bluff or shoreline; or

(ii) The structure cannot be relocated to meet the setback because of inadequate parcel size.

(f) Additions, including second story and cantilevered additions, which extend the existing structure in a seaward direction, shall comply with the minimum 25-foot and 75 or 100-year setback, unless an exception to the 75- or 100-year geologic setback is approved.

(g) Acceptance of drainage and landscape plans for the site by the County Geologist. Drainage plans shall be prepared by a Professional Engineer and reviewed by both the project Professional Geologist and other Professional Engineer when part of the design team to ensure consistency between other technical reports and project design.

(h) Service transmission lines and utility facilities are prohibited unless they are necessary to serve existing development or public facilities.

(i) New swimming pools, spas and similar in-ground and above-ground water recreation or fishpond types of features shall be located landward of the applicable geologic/coastal hazard setback. Any new water-containing features of this nature shall have double-wall construction with leak detection systems and drains to facilities and locations approved by the County.

(j) Accessory structures must include a condition of approval that requires the property owner and all successors in interest to remove the structure if the County Geologist, the Building Official or a Professional Engineer determines that the accessory structure is at risk of failure due to erosion, landslide or other form of bluff collapse or geologic/coastal hazard. In the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner will remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site.

(k) All other required local, State and Federal permits shall be obtained.

(l) Beginning upon adoption of the 2020 Public Safety Element update and its certification by the California Coastal Commission, within the Urban and Rural Services Lines but outside of designated Shoreline Protection Exception Area(s), for structures on coastal bluffs and beaches the following limitations shall not be exceeded more than once

prior to 2040 or prior to any substantial amendment of this Section of this Chapter, whichever is later. After the allowed new or major project, subsequent development shall be in accordance with SCCC 16.10.070(H)(1)(a). More strictly limit, or do not approve, new/replacement/reconstruction projects if structures on the site have been damaged by coastal processes.

(i) Modification, reconstruction or replacement of 50 percent or more of the major structural components - consisting of the foundation, floor framing, exterior wall framing, and roof framing - of an existing habitable structure, or modification, reconstruction or replacement of 50 percent of the major structural components of an existing critical structure or facility, as defined by this chapter.

(ii) The addition of habitable square footage to any structure, where the addition increases the habitable square footage by more than 50 percent over the existing habitable space. This allows a total increase of up to 50 percent of the original habitable space of a structure.

(2) Exemption.

(a) Any project which does not specifically require a building permit pursuant to Section 12.10.315 (exempted work) of the County Code is exempt from subsection (G)(1) of this section, with the exception of: nonhabitable accessory structures that are located within the minimum 25-foot setback from the coastal bluff where there is space on the parcel to accommodate the structure outside of the setback, above-ground pools, water tanks, projects (including landscaping) which would unfavorably alter drainage patterns, and projects involving grading.

For the purposes of this section, “the unfavorable alteration of drainage” is defined as a change that would significantly increase or concentrate runoff over the bluff edge or significantly increase infiltration into the bluff, and “grading” is defined as any earthwork other than minor leveling, of the scale typically accomplished by hand, necessary to create beneficial drainage patterns or to install an allowed structure, that does not excavate into the face or base of the bluff.

Examples of projects which may qualify for this exemption include: decks which do not require a building permit and do not unfavorably alter drainage, play structures, showers (where runoff is controlled), benches, statues, landscape boulders, benches, and gazebos which do not require a building permit.

(b) If a structure that is constructed pursuant to this exemption subsequently becomes unstable due to erosion or slope instability, the threat to the exempted structure shall not qualify the parcel for a coastal bluff retaining structure or shoreline protection structure. If the exempted structure itself becomes a hazard it shall either be removed or relocated, rather than protected in place at the direction of the County.

(3) Shoreline and coastal bluff protection structures shall be governed by the following:

(a) New Shoreline and coastal bluff protection structures requiring a coastal development permit shall only be allowed within the Urban and Rural Services Line on parcels where both adjacent parcels are already similarly protected, or where necessary to protect existing structures from a significant threat, or on vacant parcels which, through

lack of protection threaten adjacent or nearby developed lots, or to protect public roads and infrastructure, critical facilities, public beaches, and coastal dependent uses. Developments on and along beaches and coastal lagoons shall not be protected by new shoreline protection structures. New shoreline or coastal bluff armoring is not allowed outside the Urban and Rural Services Lines.

(b) New shoreline and coastal bluff protection structures shall not be allowed where the existing structure proposed for protection was granted an exemption pursuant to subsection (G)(2) of this section.

(c) For sites located outside of a designated Shoreline Protection Exception Area, and unless authorized by an adopted Shoreline Management Plan, application for shoreline and coastal bluff protective structures shall include thorough analysis by a Professional Engineer or Professional Geologist of all reasonable alternatives to such structures, including but not limited to the following:

- (i) Relocation or partial removal of the threatened structure;
- (ii) Protection of the upper bluff and blufftop (including through planting appropriate native or non-invasive vegetation and removing invasive plant species, and better drainage controls) or the area immediately adjacent to the threatened structure;
- (iii) Natural or “green” infrastructure (like vegetated beaches, dune systems, and wetlands);
- (iv) Engineered shoreline or coastal bluff armoring (such as beach nourishment, revetments, or vertical walls);
- (v) Other engineered systems to buffer coastal areas;
- (vi) Combinations or hybrids of the above; and
- (vii) Consistency with an approved shoreline management plan, if applicable.

(d) Shoreline and coastal bluff protection measures requiring a coastal development permit may be approved within existing developed areas designated as Shoreline Protection Exception Areas, including projects that replace or modify existing measures in order to reduce and mitigate for impacts on coastal resources. Any new or replacement/redeveloped shoreline and coastal bluff protection structures shall be placed as close as possible to the coastal bluff or structure requiring protection and must be designed to minimize adverse impacts. Design considerations include but are not limited to the following:

- (i) Minimize the footprint of the armoring on the beach;
- (ii) Provide for public recreational access;
- (iii) Provide for future access for maintenance of the armoring;
- (iv) Strive for a continuous lateral pedestrian access as physically feasible;

(v) Minimize visual intrusion by using materials that blend with the color or natural materials in the area, contouring to match nearby landforms as much as possible, and using vegetation for screening;

(vi) Meet approved engineering standards and applicable County Code provisions for the site as determined through the coastal development, building, and grading permit process;

(vii) The design must be based on detailed technical studies to accurately define geologic, hydrologic and oceanographic conditions affecting the site;

(viii) Eliminate or mitigate adverse impacts on local shoreline sand supply; and

(ix) All armoring structures shall incorporate permanent survey monuments for future use in establishing a survey monument network along the coast for use in monitoring seaward encroachment or slumping of armoring and erosion trends.

(e) Unless the existing armoring is being appropriately maintained by a Geologic Hazard Abatement District Plan of Control, or other joint maintenance agreement, for development activities protected by existing shoreline and coastal bluff armoring, the coastal permit application shall include:

(i) Re-assessment of the need for the armoring;

(ii) A report on the need for any repair or maintenance of the device (see paragraph (k) below);

(iii) Evaluation of the stability and condition of the armoring and recommendations for maintenance, repair, or modification, and potential for removal based on changed conditions;

(iv) A report on changed geologic and hydrologic site conditions including but not limited to changes relative to sea level rise;

(v) Assessment of impacts to sand supply and public access and recreational resources;

(vi) Recommendation to avoid or mitigate impacts to sand supply and public access and recreational resources; and

(vii) If approved, such development associated with existing shoreline or coastal bluff armoring shall meet all the other applicable requirements of this policy, including with respect to the impact mitigation requirements, which may include payment of in lieu fees.

(f) For proposed development activities involving a new structure or modification or addition to an existing structure protected by existing riprap, require that the applicant submit a report at the time of filing an application for a coastal development permit for development activities, including an evaluation of the stability and condition of the

armoring and recommendations for maintenance, repair, or modification, and potential for removal based on changed conditions. The report shall include a Recovery Plan for the maintenance and repair and potential removal of all or a portion of the existing rip rap revetment, to recover migrated rip rap and to provide for least disturbance of the beach and shoreline while also functioning as necessary to protect the structures on and adjacent to the parcel. The Recovery Plan must incorporate Best Management Practices for maintenance and repair to address potential impacts to sensitive species and environmental resources, as well as Best Management Practices for construction during maintenance and repair activities.

(g) Proposed shoreline or coastal bluff armoring requiring a coastal development permit should be the least environmentally damaging feasible alternative to serve coastal-dependent uses or to protect a structure or a public beach in danger from erosion:

(i) Unless located within a Shoreline Protection Exception Area or as consistent with an approved Shoreline Management Plan, hard armoring (such as seawalls and revetments, etc.) shall only be allowed within the Urban and Rural Services Line if soft alternatives (such as managed retreat/relocation, beach nourishment, vegetative planting, and drainage control, etc.) are not feasible, or are not the least environmentally damaging feasible alternative;

(ii) Permit shoreline or coastal bluff armoring only if non-structural measures are infeasible from an engineering standpoint or not economically viable;

(iii) Hard armoring by new shoreline and coastal bluff protection measures is not allowed on sites located outside of the Urban and Rural Services Line.; and

(iv) An approved Shoreline Management Plan or projects within a designated Shoreline Protection Exception Area, may authorize hard armoring for identified sections of the coast.

(h) No coastal development permit application for shoreline or coastal bluff armoring shall be approved for the sole purpose of protecting an accessory structure.

(i) All proposed shoreline and coastal bluff armoring shall be sited and designed to eliminate or mitigate adverse impacts on coastal resource. All unavoidable coastal resource impacts shall be appropriately mitigated. Any approved new, replacement, reconstructed or redeveloped shoreline protection structure must not result in unmitigated impacts to coastal resources including:

(i) Reduced or restricted public beach access;

(ii) Adverse effects on shoreline processes and sand supply;

(iii) Increased erosion or flooding on adjacent properties; and

(iv) Adverse impacts on coastal visual or recreational resources, or harmful impacts on wildlife and fish habitats or archaeological or paleontological resources.

(j) Mitigation Programs. Require mitigation of unavoidable adverse impacts on coastal resources, including payment of in lieu fees where on-site and/or in-kind options are not possible.

(k) All shoreline and coastal bluff armoring requiring a coastal development permit shall include a permanent, County approved, monitoring, maintenance, and repair program. The program shall include, but is not limited to the following elements:

(i) Monitoring by a professional engineer or geologist familiar and experienced with coastal structures and processes;

(ii) Report to the County upon completion of construction of the armoring and every five years or less thereafter, as determined by either the County Geologist or a qualified professional, for as long as the armoring remains authorized. Reports shall be reviewed and accepted by the County;

(iii) The report shall detail the condition of the structure and list any recommended maintenance and repair work;

(iv) The monitoring plan and periodic report shall address impacts to shoreline processes and beach width, public access, and availability of public trust lands for public use;

(v) The monitoring, maintenance and repair program shall be recorded on the title/deed of the property;

(vi) The program shall allow for County removal or repair of shoreline or coastal bluff armoring, at the owner's expense, if its condition creates a public nuisance or if necessary to protect the public health and safety;

(vii) The program shall include any other monitoring, maintenance, and repair activities the County determines necessary to avoid or mitigate impacts to coastal resources; and

(viii) The initial term of the monitoring, maintenance, and repair program shall be 20 years. Extension beyond 20 years will require an application to amend the conditions of approval of the Coastal Development Permit to extend the monitoring, maintenance, and repair program at which time the program shall be updated if necessary, to address changed shoreline conditions, and may include additional and/or renewed requirements for mitigation of then-existing impacts of the project on coastal resources for the requested term of extension.

(l) Applications for shoreline or coastal bluff armoring shall include a construction and staging plan that minimizes disturbance to the beach, specifies the access and staging areas, and includes a construction schedule that limits presence on the beach, as much as possible, to periods of low visitor demand. The plan for repair projects shall include recovery of rock and other material that has been dislodged onto the beach.

(m) All other required local, State and Federal permits shall be obtained.

(n) Within a designated Shoreline Protection Exception Area new shoreline and coastal bluff protection structures shall be allowed on all parcels to protect existing structures, or on vacant parcels which, through lack of protection, threaten adjacent or nearby developed lots, or to protect public roads and infrastructure, public beaches, and coastal dependent uses subject to the following criteria:

(i) Compliance with all applicable provisions of this chapter; and

(ii) New protection structures shall follow the pattern in terms of engineering design, aesthetics, and public access established by the County projects to armor East Cliff Drive at Pleasure Point and the Hook. New protection structures may integrate existing protection materials or structures if approved by the County.

(o) For purposes of determining what repair and maintenance activities require a coastal development permit, use the following criteria found in Title 14, Section 13252, of the California Code of Regulations.

Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(i) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(ii) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

(iii) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

(iv) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

(p) For purposes of this section the replacement of 50 percent or more of an existing shoreline or coastal bluff protection structure constitutes a new structure.

(4) Modification, Reconstruction, or Replacement of Damaged Structures on Coastal Bluffs. If structures located on or at the top of a coastal bluff are damaged as a result of coastal hazards, including slope instability and seismically induced landslides, and where the loss involves 50 percent or more of Major Structural Components, allow repair (development activities) if all applicable regulations can be met, including the minimum 25-foot and the applicable 75 or 100-year geologic/coastal setbacks, or alternate setback authorized by an approved setback exception.

For structures involuntarily damaged by other than coastal hazards (fire, for example), where the loss involves 50 percent or more of the Major Structural Components, allow repair in kind, but encourage relocation to increase the setback if feasible.

Allow other than in-kind reconstruction or replacement of involuntarily damaged structures in accordance with all applicable LCP policies and regulations.

Exemption: Public beach facilities and replacements consistent with Coastal Act Policy 30610(g).

(5) Reconstruction or Replacement of Damaged Structures due to Storm Wave Inundation. If structures located in areas subject to storm wave inundation are damaged as a result of any cause and the loss meets or exceeds 50 percent of the value of the structure before the damage occurred (substantial damage), allow such repair (substantial improvement) only if all applicable regulations in SCCC 16.13 Floodplain Management Regulations and all applicable LCP policies can be met.

Exceptions: Public beach facilities and replacements

(6) Coastal High Hazard Area Development Criteria. The provisions of SCCC 16.13 Flood Hazards shall apply to all development, as defined in that chapter, that is wholly within, partially within, or in contact with any coastal high hazard area, or other areas as identified by the Floodplain Administrator, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, replacement, repair, relocation or demolition of any building or structure; placement, installation, or replacement of manufactured homes; installation or replacement of tanks; placement of temporary structures and temporary storage; installation of swimming pools; and miscellaneous and utility structures.

(7) New and Expanded Critical Structures and Facilities. Construction of critical structures and facilities, including the expansion of existing critical structures and facilities, and nonessential public structures shall be located outside areas subject to coastal hazards; unless such facilities are necessary to serve existing uses, there is no other feasible location, and construction of these structures will not increase hazards to life and property within or adjacent to coastal inundation areas.

(8) Creation of New Parcels and Location of New Building Sites. New parcels or building sites created by minor land divisions, subdivisions or development approvals or permits, and multi-residential structures in coastal hazard areas shall conform to the following criteria:

- (a) Demonstration by a full geologic report that each proposed building site on the parcel is not subject to any potential hazards and that each site meets the minimum setback given in subsection (G)(1) of this section;
- (b) Determination by the Planning Director based on the geologic report that the long-term stability and safety of the development does not depend on or require shoreline or coastal bluff armoring;
- (c) The proposed development does not reduce or restrict public access and the proposed development does not require the construction of public facilities, structures, or utility transmission lines in coastal hazard areas or within the 25-foot or 75 or 100-year stability (whichever is greater) setback; and
- (d) The developer and/or the subdivider of a parcel or parcels in an area subject to geologic hazards shall be required, as a condition of development approval and building

permit approval, to record on the property title/deed a Notice of Geologic/Coastal Hazards. Acceptance of Risk, Liability Release, and Indemnification with the County Recorder. The Notice shall include a description of the hazards on the parcel and the level of geologic and/or geotechnical investigation conducted, and additional acknowledgements and agreements as applicable to the specific project.

(9) Removal Conditions/Development Duration. Development/development activities on private property located in areas subject to coastal hazards shall be conditioned to indicate that it may be required that improvements be removed, and the affected area restored if:

(a) the Building Official and/or the County Geologist has issued a final Notice and Order that the structure has become permanently unsafe to occupy due to bluff failure, erosion of the bluff, or coastal hazards;

(b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads);

(c) removal is required pursuant to implementation of an adopted Shoreline Management Plan; or

(d) as provided by conditions of approval for a permit that has been accepted and implemented by an owner of the property.

Such condition shall be recorded on a deed restriction against the subject property.

(10) Abatement of Unsafe Site or Structure. If coastal hazards result in an unsafe site or unsafe structure, dangerous conditions shall be abated in accordance with County regulations and Notice and Orders of the Chief Building Official. If all or any portion of improvements are deemed uninhabitable, the improvements shall be removed and the affected area restored, unless an alternative response is approved by the County of Santa Cruz, and by the California Coastal Commission if the project is within the Coastal Commission's primary jurisdiction. Alternative responses to coastal hazards may include (1) pursuit of a Coastal Development Permit consistent with SCCC 13.20 (Coastal Zone Regulations) and SCCC 16.10 (Geologic Hazards); and/or (2) pursuit of an alternative consistent with an adopted shoreline management plan or plan of control of a Geologic Hazard Abatement District.

(11) If the mean high tide line or the blufftop edge migrates to within 15 feet of a principal, habitable structure to a point where the site or structure is deemed potentially unsafe by County regulations and/or the County Geologist, Civil Engineer, or Chief Building Official, the property owner shall retain a Professional Engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation and Coastal Hazards Report (with input from a Professional Geologist, when required by civil engineering staff or the County Geologist) that addresses whether all or any portions of the residence and related development are threatened by coastal hazards, and that identifies actions that should be taken to ensure safe use and occupancy, which may include removal or relocation of all or portions of the threatened development and improvements, or other alternate responses. The property owner shall undertake activities to pursue an appropriate response in accordance with adopted and applicable County of Santa Cruz and California Coastal Commission regulations. The geotechnical investigation and Coastal Hazards Report shall be submitted to the Executive Director of the California Coastal Commission, and to the Planning Director, Chief Building Official and County Geologist of

Santa Cruz County. If the residence or any portion of the residence is proposed to be removed, the Applicant shall submit a Removal and Restoration Plan.

(12) If an appropriate government agency so orders, or as a result of the above-referenced geotechnical investigation and Coastal Hazards Report, it is determined that any portion of the approved development must be removed due to coastal hazards, a Removal and Restoration Plan shall be submitted to the County for review and approval. No removal activities shall commence until the Removal and Restoration Plan and all other required plans and permits are approved. The Plan shall specify that in the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner will remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site. If it is determined that separate grading and coastal development permits are required in order to authorize the activities, the application shall be submitted as soon as immediately feasible, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon County approval, or County approval of required permit applications, as may be required.

(13) Repetitive loss properties shall be subject to the requirements of SCCC 16.10.070(H)(5) regarding damage due to flooding, storm wave impacts, and inundation. Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

(14) Other Conditions. Other permit conditions including, but not limited to, project redesign, building site elimination, delineation of building and septic system envelopes, building elevation, foundation requirements and drainage plans shall be required as deemed necessary by the Planning Director, or other decision-making body.

16.10.080 Project density limitations.

The following requirements shall apply to density calculations for new building sites created through minor land division, subdivision, or other development approval or permit:

(A) Fault Zones.

(1) Exclusion from Density Calculations. The portion of a property within 50 feet of the edge of the area of fault induced offset and distortion of an active or potentially active fault trace shall be excluded from density calculations.

(2) Creation of New Parcels and/or New Building Sites. The following standards shall apply to the creation of new parcels and/or building sites within State Alquist-Priolo earthquake fault zones and County seismic review zones:

(a) All new structures shall meet setbacks as specified in SCCC 16.10.070(B)(2).

(b) Outside of the urban services line and the rural services line, a 20-gross-acre minimum parcel size shall be required, and a 10-gross-acre minimum parcel size shall be required for parcels within the portions of the County seismic review zones that are not also part of a State Alquist-Priolo earthquake fault zone, and are outside the Coastal

Zone, if at least 25 percent of the perimeter of the original parcel to be divided is bounded by parcels of one acre or less in size.

(B) Landslides and Steep Slopes. The portion of a property with slopes over 30 percent in urban areas and 50 percent in rural areas, and the portion of a property within recent or active landslides, shall be excluded from density calculations. Landslide areas determined by a geologic report to be stable and suitable for development shall be granted full density credit.

(C) Special Flood Hazard Area. The portion of a parcel within the special flood hazard area shall be excluded from any density calculations.

(D) Coastal Hazards. The portions of a property subject to coastal inundation, as determined by a geologic hazards assessment, geologic report, or adopted flood insurance rate map (FIRM), as well as bluff faces, sandy beach areas, and areas subject to the public trust, shall be excluded from density calculations.

16.10.090 Project denial.

A development permit or the location of a proposed development shall be denied if the Planning Director determines that geologic hazards cannot be adequately mitigated, or the project would conflict with National Flood Insurance Program regulations. Development proposals shall be approved only if the project density reflects consideration of the degree of hazard on the site, as determined from the technical information as reviewed and accepted by the Planning Director or the decision-making body.

16.10.100 Exceptions.

(A) Request for Exception. A request for an exception to the provisions of this chapter including but not limited to an exception to the applicable geologic setback requirement, or the permit conditions, may be considered by the Planning Director, or decision making body, if the exception is necessary to mitigate a threat to public health, safety and welfare or if the exception is necessary to avoid an unconstitutional taking of private property without just compensation pursuant to Policy 6.4.10.

(B) Reason for Request. A request for an exception shall state in writing the reason why the exception is requested, the proposed substitute provisions, when the exception would apply, or the threat to public health, safety, or welfare that would be mitigated.

(C) Required Findings. In granting an exception, the Planning Director or decision-making body shall make the following findings:

- (1) That hardship, as defined in SCCC 16.10.040(27), exists;
- (2) The project is necessary to mitigate a threat to public health, safety, or welfare or to avoid an unconstitutional taking of private property without just compensation pursuant to Policy 6.4.10;
- (3) The request is for the smallest amount of variance from the provisions of this chapter as possible;
- (4) Measures will be taken to ensure consistency with the purposes of this chapter and the County General Plan to the maximum extent feasible; and
- (5) Any approval of a geologic setback less than the applicable 75- or 100-year standard expected design life is acknowledged and accepted by the property owner and properly

characterized and reflected within the Notice of Geologic Hazards to be recorded on the title to the subject property.

16.10.105 Notice of geologic hazards in cases of dangerous conditions.

(A) Whenever a site inspection, geologic hazards assessment or full geologic report identifies the presence of a geologic hazard that causes a site, building, structure, or portions thereof to be rendered unsafe or dangerous, then pursuant to the Uniform Code for the Abatement of Structural and Geologic Hazards as amended by SCCC 12.10.425, the Planning Director may issue a notice of geologic hazard and order thereon, and may record a notice of geologic hazard with the County Recorder.

(B) The Planning Director may initiate abatement procedures pursuant to the Uniform Code for the Abatement of Structural and Geologic Hazards as amended by SCCC 12.10.425.

16.10.110 Appeals.

Except as otherwise provided herein, appeals taken pursuant to the provisions of this chapter shall be made in conformance with the procedures of SCCC 18.10, including appeal of the requirement for geologic hazard assessment or technical report. All appeals taken concerning the decision to issue and record a notice of geologic hazard pursuant to the provisions of SCCC 16.10.105 shall be governed by the procedures commencing with Section 501 of the Uniform Code for the Abatement of Structural and Geologic Hazards as amended by SCCC 12.10.425.

16.10.120 Violations.

(A) Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with all the provisions of this chapter and other applicable regulations. Nothing herein shall prevent the taking of lawful action as necessary to prevent or remedy any violation.

(B) Actions Constituting Violation. In the event of a violation of this chapter or of the provisions of permit conditions as specified in this chapter, or if the permit has been exercised in a manner which creates a nuisance or is otherwise detrimental to the public health, safety and welfare, the permittee shall be given notice of such violation, and a reasonable time shall be specified for its correction.

16.10.130 Fees.

Fees for the geologic hazards assessment, other field reviews, applications for exceptions, and the review of technical reports shall be set by resolution by the Board of Supervisors.

SECTION II

This Ordinance shall take effect on the 31st day following adoption outside the Coastal Zone and shall take effect on the 31st day following adoption or upon certification by the California Coastal Commission, whichever is later, inside the Coastal Zone.

PASSED AND ADOPTED this 6th day of October, 2020 by the Board of Supervisors and the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS	Leopold, McPherson, Friend, Coonerty, Caput
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

GREG CAPUT

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: **SUSAN GALLOWAY** _____
Clerk of the Board

APPROVED AS TO FORM:

_____ 8/29/2020 (AMS# 9507)
Office of the County Counsel

DISTRIBUTION: County Counsel
Planning Department