

## 4.11 Land Use and Planning

This section describes the existing land use and planning conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential project and cumulative impacts, and identifies mitigation measures for any significant impacts related to implementation of the of the Laguna Creek Diversion Retrofit Project (Proposed Project). The analysis is based on a review of the Proposed Project's consistency with applicable plans, policies, and regulations.

A summary of the comments received during the scoping period for this environmental impact report (EIR) is provided in Table 2-1 in Chapter 2, Introduction, and a complete list of comments is provided in Appendix A. There were no comments related to land use and planning.

### 4.11.1 Existing Conditions

The project site is located in the unincorporated community of Bonny Doon within Santa Cruz County on a portion of Assessor's Parcel Number 062-101-03, which is privately owned land. The City was deeded access and rights for operation of the Facility per an agreement from January 1889 (Henneuse 1889). Laguna Creek bisects the project site, which is densely forested and contains the existing Laguna Creek Diversion Facility (Facility). The project site is within the Bonny Doon Planning Area of the County of Santa Cruz General Plan.

The land use designation of the site is Mountain Residential (R-M). The objectives of the R-M designation are to provide for very-low-density residential development (10 to 40 net developable acres per dwelling unit) in areas which are unsuited to more intensive development due to the presence of physical hazards and development constraints, the necessity to protect natural resources, and the lack of public services and facilities required to support higher densities; as well as to maintain a large proportion of the County in open space to retain the existing rural scenic character and a sustainable environment (County of Santa Cruz 2020).<sup>1</sup> The project site is zoned Timber Production (TP), allowing for the growing and harvesting of timber and other forest products. Additionally, the TP zone allows one single-family dwelling on the property (County of Santa Cruz 2019). The project site is located within the coastal zone and, thus, is subject to regulation by the California Coastal Act or applicable Local Coastal Program (LCP). In Santa Cruz County, coastal permitting authority is administered by the County pursuant to its certified Local Coastal Program, as further described in Section 4.11.2, Regulatory Framework, below.

The project site is surrounded by undeveloped, heavily forested land, with scattered, low-density residential development to the east, south, and west. The nearest residence to the project site is across Smith Grade, approximately 100 feet south of the site boundary. Surrounding parcels are designated R-M and Rural Residential (R-R) and zoned TP, Residential Agricultural (RA), and Special Use (SU). The objectives of the R-R designation are to provide low-density residential development (2.5 to 20 net developable acres per unit) on lands suitable for rural development which have access from roads maintained to rural road standards and adequate fire protection, and where limited public services and facilities, physical hazards and development constraints including water

<sup>1</sup> The net developable area is the portion of a parcel used for density calculations and consists of the amount of developable land minus public or private road rights-of-way and land that is not developable. Land that is not developable includes the following: (1) land with slope greater than 30 percent and coastal bluffs; (2) riparian corridors, wooded arroyos, canyons, stream banks, areas of riparian vegetation and areas within a 50 foot riparian buffer setback from the riparian corridor; (3) lakes, marshes, sloughs, wetlands, water areas, beaches, and areas within the 100-year floodplain, and any associated buffer setback established by federal, state or County regulations; (4) areas of recent or active landslides; (5) land within 50 feet of an active or potentially active fault trace; (6) commercial agricultural land and mineral resource areas; and (7) areas subject to coastal inundation as defined by geological hazards assessment or full geologic report.

availability and septic capability, and the desire to maintain rural character restrict more intensive development of these areas (County of Santa Cruz 2020). Allowed uses on lands zoned as RA include one single-family dwelling, one second dwelling unit, home occupations, small-scale agriculture, greenhouses, wineries, private stables and paddocks, schools, community facilities, open space, and recreational uses (County of Santa Cruz 2019). The SU zoning district allows all uses permitted in the RA zoning district, provided the use is consistent with the General Plan, all other permitted or conditionally permitted uses are consistent with the General Plan, and Level 5 use approval is obtained (County of Santa Cruz 2019).<sup>2</sup>

### 4.11.2 Regulatory Framework

#### 4.11.2.1 Federal

##### Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) of 1972 provides the management of the nation's coastal resources, including the Great Lakes. CZMA provides management to balance economic development with environmental conservation. The California Coastal Commission (CCC) has jurisdiction for CZMA implementation through the state, except within the San Francisco Bay-Delta where the Bay Conservation and Development Commission has authority for implementation of CZMA within its jurisdiction area. The CCC will apply additional land use policies when reviewing federally licensed and permitted activities, ensuring consistency with California's coastal management programs in accordance with the CZMA federal consistency provision.

#### 4.11.2.2 State

##### California Coastal Act

In 1976, the California State Legislature enacted the California Coastal Act (Public Resources Code Section 30000 et seq.) to provide long-term protection of the state's 1,100-mile coastline for the benefit of current and future generations. The California Coastal Act provides for the management of lands within California's coastal zone boundary, as established by the Legislature and defined in the California Coastal Act (Section 30103). The boundary of the coastal zone varies across the state and varies from a couple hundred feet to 5 miles inland of the shore. The coastal zone boundary also extends approximately 3 miles off shore.

The goals of the California Coastal Act, per Public Resources Code Section 30001.5, are to:

- a. Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- b. Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sounds resources conservation principles and constitutionally protected rights of private property owners.

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<sup>2</sup> A Level 5 development permit approval applies to certain types of projects that must go through the County's Zoning Administrator. These projects require a public noticing process and a public hearing. Additionally, required findings specified in Section 18.10.230(a) of the Santa Cruz County Code must be made as part of the approval.

- d. Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- e. Encourage state and local initiative and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Furthermore, the California Coastal Act includes specific policies to achieve these goals within the coastal zone (see Division 20 of the Public Resources Code). These policies include the legal standards applied to coastal planning and regulatory decisions made by the CCC pursuant to the California Coastal Act. The California Coastal Act requires that individual jurisdictions adopt a LCP to implement the California Coastal Act at the local level. After the CCC certifies an LCP, the local government becomes the coastal development permit (CDP) permitting authority. As indicated previously, coastal permitting authority is administered by the County pursuant to its certified LCP, as further described below.

### California Government Code

California Government Code Section 53091 (d) and (e) provides that facilities for the production, generation, storage, treatment, and transmission of water supplies are exempt from local (i.e., county and city) building and zoning ordinances. The Proposed Project evaluated in this EIR meets these criteria and, thus, is legally exempt from Santa Cruz County building and zoning ordinances.

### California State Lands Commission

The State Lands Commission has regulatory management and authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The State Lands Commissions may also have residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. All granted and ungranted, tidelands, submerged lands, and navigable lakes and waterways are subjected to the protections of the Common Law Public Trust. The project site does not include lands under the jurisdiction of the State Lands Commission.

### 4.11.2.3 Local

#### City of Santa Cruz General Plan and Local Coastal Program

The project site is located in unincorporated Santa Cruz County, and therefore, the City of Santa Cruz General Plan and LCP do not apply to the Proposed Project. As such, the policies of these plans are not summarized or further evaluated in this section.

#### County of Santa Cruz General Plan and Local Coastal Program

The County of Santa Cruz (County) has a CCC-certified LCP and is therefore the authority to issue a CDP for the Proposed Project. The *1994 General Plan and Local Coastal Program* for the County is a comprehensive, long-term planning document for the unincorporated areas of the County. The County's LCP was certified by the California Coastal Commission in 1994. The Land Use Element in the General Plan/LCP provides for the designation and location of land uses throughout the unincorporated areas in the County.

The County's certified LCP that applies to activities within the coastal zone is administered by the County Planning Department, pursuant to the California Coastal Act, and includes: (1) the LCP land use plan consisting of the policies and adopted land use, resource, constraint and shoreline access maps and charts contained in the General Plan/LCP document; and (2) the implementing ordinances.

As the Proposed Project is within the coastal zone and is not exempt from the LCP, it would require compliance with the LCP, including LCP policies and standards contained LCP implementing ordinances. The LCP implementing ordinances in Santa Cruz County Code (SCCC) Chapter 13.03 include the following sections that are relevant to the Proposed Project:

- Zoning Regulations (Chapter 13.10)
- Coastal Zone Regulations (Chapter 13.20)
- Geologic Hazards (Chapter 16.10)
- Grading Regulations (Chapter 16.20)
- Erosion Control (Chapter 16.22)
- Riparian Corridor and Wetlands Protection (Chapter 16.30)
- Sensitive Habitat Protection (Chapter 16.32)
- Significant Trees Protection (Chapter 16.34)
- Native American Cultural Sites (Chapter 16.40)
- Paleontological Resource Protection (Chapter 16.44)
- Timber Harvesting Regulations (Chapter 16.52)
- Permit and Approval Procedures (Chapter 18.10)

While some of these ordinances require separate approvals or permits (e.g., Riparian Exception, Significant Tree Permit), such approvals are not required for the Proposed Project, as it falls under California Government Code Section 53091 (d) and (e) and is legally exempt from County building and zoning ordinances, as discussed above. The relevant LCP policies and ordinances are addressed through the CDP findings made by the County. The SCCC requires the following CDP findings for approval of a CDP in accordance with Chapter 18.10:

- (A) That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.
- (B) That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.
- (C) That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.
- (D) That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.
- (E) That the project conforms to all other applicable standards of the certified LCP.
- (F) If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the coastal zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.
- (G) In the event of any conflicts between or among the required findings, required findings in subsections (E) and (F) of this section shall prevail. [Ord. 5182 § 1, 2014; Ord. 4346 §§ 54, 55, 1994; Ord. 3435 § 1, 1983].

The Proposed Project's consistency with relevant LCP policies and implementing ordinances is analyzed below.

### 4.11.3 Impacts and Mitigation Measures

This section contains the evaluation of potential environmental impacts associated with the Proposed Project related to land use and planning. The section identifies the standards of significance used in evaluating the impacts, describes the methods used in conducting the analysis, and evaluates the Proposed Project's impacts and contribution to significant cumulative impacts, if any are identified.

#### 4.11.3.1 Thresholds of Significance

The standards of significance used to evaluate the impacts of the Proposed Project related to land use and planning are based on Appendix G of the CEQA Guidelines, as listed below. A significant impact would occur if the Proposed Project would:

- A. Physically divide an established community.
- B. 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.

#### 4.11.3.2 Analytical Methods

The methodology applied to assess and evaluate impacts related to land use and planning is based on information obtained from review of existing and proposed land uses and development on the project site, review of existing surrounding land uses and development, and review of the Proposed Project's potential for conflicts with the relevant portions of the Santa Cruz County General Plan/LCP and SCCC.

#### 4.11.3.3 Project Impact Analysis

##### Areas of No Impact

The Proposed Project would not **physically divide an established community (Significance Standard A)**. The Proposed Project would involve upgrades and modifications to existing water supply infrastructure and would continue the existing land use on the project site. The Proposed Project would not introduce a new linear element within the landscape, such as a freeway or other type of barrier that could divide an existing community. Therefore, the Proposed Project would have no impact related to physically dividing an established community and this standard is not further evaluated.

##### Impacts

This section provides a detailed evaluation of land use and planning impacts associated with the Proposed Project.

**Impact LU-1: Conflicts with Land Use Plans, Policies, or Regulations (Significance Standard B).** The Proposed Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (*Less than Significant*)

This discussion focuses on land use plans, policies, and regulations that relate to avoiding or mitigating environmental effects, and whether any conflict could create a significant physical impact on the environment. As described above, land use plans and policies applicable to the Proposed Project include the County of Santa Cruz

General Plan/LCP and SCCC. Table 4.11-1 includes an analysis of the Proposed Project's potential for conflicts with specific General Plan/LCP policies and implementing ordinances contained in the SCCC relevant to the Proposed Project.

**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
<b>Chapter 2, Land Use Element</b>		
<b>Objective 2.23, Conservation of Coastal Land Resources</b>		
<b>2.23.2 Designation of Priority Sites.</b> Reserve the sites listed in Figure 2-5 for coastal priority uses. Apply use designations, densities, development standards, access, and circulation standards.	Section 13.20.110(D)	<b>No Conflict.</b> The project site is not located in a coastal priority area identified in Figure 2-5 of the General Plan.
<b>Chapter 5, Conservation and Open Space Element</b>		
<b>Objective 5.1, Biological Diversity</b>		
<b>5.1.6, Development Within Sensitive Habitats.</b> Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternatives exist, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.	Section 16.32.050(B)	<b>No Conflict.</b> Any development activity that has received a riparian exception according to the provisions of Chapter 16.30 would not likely be subject to this chapter according Section 16.32.105, if the Planning Director determines that the project received an equivalent review in granting a riparian exception. Given that a riparian exception is expected to apply to the Proposed Project, it is expected that the Sensitive Habitat Protection Ordinance and related policies will not apply.  Regardless, the Proposed Project improvements would restore natural fluvial functions in Laguna Creek by allowing for the movement of sediment past the existing dam, as well as provide appropriate fish screening consistent with regulatory requirements, which would enhance the functional capacity of downstream fisheries and aquatic habitats. Temporary impacts that could occur to sensitive habitats during construction would be offset by the net benefits to sensitive habitats that would occur during project operation. As indicated in Section 4.4, Biological Resources, all temporary impacts would be reduced to a less-than-significant level with the implementation of mitigation measures.

**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
<b>5.1.8, Chemicals Within Sensitive Habitats.</b> Prohibit the use of insecticides, herbicides, or any toxic chemical substance in sensitive habitats, except when an emergency has been declared, when the habitat itself is threatened, when a substantial risk to public health and safety exists, including maintenance for flood control by Public Works, or when such use is authorized pursuant to a permit issued by the Agricultural Commissioner.	Section 16.32.050(A)	<b>No Conflict.</b> The Proposed Project would not include the use of insecticides or herbicides, and generally would not include toxic chemical substances. Fuels would temporarily be used during project construction. As indicated in Section 4.9, Hazards and Hazardous Materials, propane for the emergency backup generator would continue to be stored on the site (250-gallon aboveground tank), as under existing conditions, and such storage would continue to comply with applicable regulations for the use and storage of such material. No other fuels, gas, oil, solvents, petroleum products, etc., are stored on site.
<b>5.1.9, Biotic Assessment.</b> Within the following areas, require a biotic assessment as part of normal project review to determine whether a full biotic report should be prepared by a qualified biologist: (a) Areas of biotic concern, mapped; (b) Sensitive habitats, mapped & unmapped.	Sections 16.32.060 – 16.32.070	<b>No Conflict.</b> The County did not specifically require a biotic assessment for the Proposed Project. Regardless, a Biological Resources Assessment for the Proposed Project was prepared by a qualified biologist and is provided in Appendix C of this EIR.
<b>Objective 5.2, Riparian Corridors and Wetlands</b>		
<b>5.2.2, Riparian Corridor and Wetland Protection Ordinance.</b> Implement the protection of Riparian Corridors and Wetlands through the Riparian Corridor and Wetland Protection ordinance to ensure no net loss of riparian corridors and riparian wetlands. The ordinance identifies and defines riparian corridors and wetlands, determines the uses which are allowed in and adjacent to these habitats, and specifies required buffer setbacks and performance standards for land in and adjacent to these areas. Any amendments to this ordinance shall require a finding that riparian corridors and wetlands shall be afforded equal or greater protection by the amended language.	Section 16.30.040	<b>No Conflict.</b> In accordance with SCCC Section 16.30.060, the Proposed Project qualifies as a riparian exception considering the unique circumstances of its design, function, and net benefit to natural resources (see Section 4.4, Biological Resources, for additional information). Therefore, the Proposed Project is exempt from the provisions of the Riparian Corridor and Wetland Protection Ordinance and related General Plan/LCP policies.
<b>5.2.3, Activities Within Riparian Corridors and Wetlands.</b> Development activities, land alteration and vegetation disturbance within riparian corridors and wetlands and required buffers shall be prohibited unless an exception is granted per the Riparian Corridor and Wetlands Protection ordinance. As a condition of riparian exception, require evidence of approval for development from the U.S. Army Corps of Engineers, California Department of Fish and Game, and other federal or	Sections 16.30.040 – 16.30.070	<b>No Conflict.</b> As described above, the Proposed Project would qualify for a riparian exception. The City would provide the County with evidence of permit approvals as indicated, as part of the CDP approval process.

**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
state agencies that may have regulatory authority over activities within riparian corridors and wetlands.		
<b>Objective 5.6, Maintaining Adequate Streamflows</b>		
<b>5.6.2, Designation of Critical Water Supply Streams.</b> Designate the following streams, currently utilized at full capacity, as Critical Water Supply Streams: Laguna. Majors, Liddell, San Vicente, Mill and Reggiardo Creeks; San Lorenzo River and its tributaries above the City of Santa Cruz; Soquel Creek and its tributaries; Corralitos Creek and Browns Valley Creek and their tributaries upstream of the City of Watsonville diversion points. Oppose or prohibit as legal authority allows, new or expanded water diversion from Critical Water Supply Streams. Prohibit new riparian or off stream development, or increases in the intensity of use, which require an increase in water diversions from Critical Water Supply Streams. Seek to restore in-stream flows where full allocation may harm the full range of beneficial uses.	—	<b>No Conflict.</b> The Proposed Project would not result in an increase in water diversion from Laguna Creek, as indicated in Chapter 3, Project Description. The Proposed Project would maintain beneficial in-stream flows suitable for various salmonid life stages within the downstream anadromous reaches of Laguna Creek.
<b>Objective 5.7, Maintaining Surface Water Quality</b>		
<b>5.7.3, Erosion Control For Stream and Lagoon Protection.</b> For all new and existing development and land disturbances, require the installation and maintenance of sediment basins, and/or other strict erosion control measures, as needed to prevent siltation of streams and coastal lagoons.	Sections 16.22.060 – 16.22.070	<b>No Conflict.</b> The Proposed Project includes erosion control best management practices, described in Section 3.6.3 of this EIR.
<b>Objective 5.9, Hydrological, Geological, and Paleontological Resources</b>		
<b>5.9.1, Protection and Designation of Significant Resources.</b> Protect significant geological features such as caves, large rock outcrops, inland cliffs and special formations of scenic or scientific value. hydrological features such as major waterfalls or springs, and paleontological features, through the environmental review process. Designate such sites on the General Plan and LCP Resources and Constraints Maps where identified. Currently identified sites of Significant Hydrological, Geological and Paleontological Features are as follows: Bonny Doon Planning Area: (a) Majors Creek Canyon: The cliffs and exposed rocks of this canyon to the east of Highway 1 are outstanding scenic features.	Chapter 16.44	<b>No Conflict.</b> As described in Section 4.7, Geology and Soils, the project site is not located in an area of known significant hydrological, geological, and paleontological resources. However, the site is underlain by middle to late Miocene Monterey Formation, which has produced scientifically significant fossils and is considered to have high paleontological resources sensitivity. As indicated in the above section, impacts to unique paleontological resources would be reduced to a less-than-significant level with identified mitigation measures.



**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
<p>(b) Martin Road: East and west of Martin Road, encompassed in the botanical sites, are unusual sandhill outcroppings.</p> <p>(c) Wilder Creek: This area contains a concentration of limestone caves worth protecting.</p> <p>(d) Table Rock: Highly scenic coastal rock formations (sedimentary intrusive bodies) can be found in the vicinity of Table Rock and Yellow Bank Creek.</p>		
<b>Objectives 5.10a, Protection of Visual Resources, and 5.10b, New Development in Visual Resource Areas</b>		
<p><b>5.10.2, Development Within Visual Resource Areas.</b> Recognize that visual resources of Santa Cruz County possess diverse characteristics and that the resources worthy of protection may include, but are not limited to, ocean views, agricultural fields, wooded forests, open meadows, and mountain hillside views. Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section. Require discretionary review for all development within the visual resource area of Highway One, outside the Urban/Rural boundary, as designated on the GP/LCP Visual Resources Map and apply the design criteria of Section 13.20.130 of the County's zoning ordinance to such development.</p>	Section 13.20.130	<p><b>No Conflict.</b> The Proposed Project does not provide ocean views, agricultural fields, open meadows, and mountain hillside views. While the project site is located in a wooded forest and is in an area identified as “scenic” in the County's Geographic Information System, public views of the site are limited to views from Smith Grade of dense tree cover along the road. The entrance points of existing unimproved access roads and the Facility fencing and gates are also visible from Smith Grade.</p> <p>The Proposed Project would entail retrofitting the existing dam that is set back from the road and may also include limited tree removal to accommodate road improvements to facilitate access to the site for construction equipment. As described in Section 4.2, Impacts Not Found to be Significant, once complete these project modifications would not likely be visible from Smith Grade or otherwise have a negative impact on the scenic views or characteristics along Smith Grade near the site.</p>
<p><b>5.10.3, Protection of Public Vistas.</b> Protect significant public vistas as described in policy 5.10.2 from all publically used roads and vista points by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design. Provide necessary landscaping to screen development which is unavoidably sited within these vistas.</p>	Section 13.20.130	<p><b>No Conflict.</b> As indicated above for Policy 5.10.2, the Proposed Project would entail retrofitting the existing dam that is set back from the road and limited tree removal. The Proposed Project would not disrupt landform or aesthetic character as once complete these project modifications would not likely be visible from Smith Grade or otherwise have a negative impact on the scenic characteristics along Smith Grade near the site.</p>

**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
<b>5.10.8, Significant Tree Removal Ordinance.</b> Maintain the standards in the County's existing ordinance which regulates the removal of significant trees and other major vegetation in the Coastal Zone, and provide appropriate protection for significant trees and other major vegetation in areas of the County located within the Urban Services Line.	Chapter 16.34	<b>No Conflict.</b> The Proposed Project would be required to obtain a CDP, which would address removal of any significant trees located within the coastal zone.
<b>5.10.10, Designation of Scenic Roads.</b> The following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection. [Smith Grade is included on the list of County scenic roads.]	Section 13.20.130	<b>No Conflict.</b> See the discussion above for Policies 5.10.2 and 5.10.3
<b>Objective 5.12, Timber Production</b>		
<b>5.12.2, Uses Within Timber Production Zones.</b> Allow the following types of uses compatible with Timber Production zoned land (TP) in accordance with the Timber Production ordinance: <ul style="list-style-type: none"> <li>(a) The growing and harvesting of timber and other forest products, including Christmas trees, in conformance with the provisions of the Timber Production Zoning ordinance and the Forest Practice Act.</li> <li>(b) Watershed management.</li> <li>(c) Fish and wildlife habitat.</li> <li>(d) Grazing and other agricultural uses on that portion of the land not under timber production.</li> <li>(e) One single-family dwelling, with accessory structures and utilities, on a separate legal parcel of record, subject to the policies of this section.</li> <li>(f) Timber removal as necessary for the safe operation of public utility facilities.</li> </ul>	Section 13.10.372	<b>No Conflict.</b> The Proposed Project would be considered an allowed use (Utilities) under SCCC Section 13.10.372(B).
<b>5.12.3, Conditional Uses Within Timber Production Zones.</b> Allow the following types of uses if conditionally approved in accordance with the Timber Production ordinance. Conditional uses must be consistent with the growing of a sustained yield tree crop, with the purposes of the Forest Taxation Reform Act of 1976 and the Timber Production zone district, and should be supported by a timber management plan.	Section 13.10.372	<b>No Conflict.</b> The Proposed Project would be considered an allowed use (Utilities) under SCCC Section 13.10.372(B).

**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
<ul style="list-style-type: none"> <li>(a) Mineral production and mining operations, in conformance with the provisions of the Mining Regulations ordinance.</li> <li>(b) Erection, construction, alteration and maintenance of water and transmission facilities.</li> <li>(c) Outdoor recreation, educational or religious activities, in conformance with the provisions of the County's organized camp zoning regulations which do not conflict with the management of the parcel's timber resources.</li> <li>(d) Conversion to agricultural uses not exceeding ten percent of the total of the timber area on the parcel.</li> <li>(e) One habitable accessory structure on a legal parcel of record with a minimum size of 40 gross acres in the Coastal Zone and 10 gross acres in other areas of the County where the guest house will be located in close proximity to the principle residence.</li> <li>(f) Timber processing and other related facilities.</li> <li>(g) Commercial cannabis activities, within non-timbered portions of a site, subject to discretionary review and approval pursuant to all requirements of the non-retail commercial cannabis licensing ordinances, zoning ordinance, environmental regulations, coastal regulations, building code, and other applicable regulations, which shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Disallow commercial cannabis cultivation on lands zoned Timber Production (TP) within the Coastal Zone. <i>(Added by Resolution 88-2018)</i></li> </ul>		
<p><b>5.12.5, General Conditions for All Development Proposals on Timber Production Zoned Lands.</b> Require the following conditions be met in connection with any permitted development on Timber Production zoned lands:</p> <ul style="list-style-type: none"> <li>(a) A Timber Management Plan, prepared by a Registered Professional Forester, shall be submitted to and approved by the County for the entire land holding.</li> </ul>	Section 16.52.195	<p><b>No Conflict.</b> Chapter 16.52.195 of the SCCC indicates that minor conversions are conversions of 3 acres or less and are evaluated by the County within the regulatory process administered by the Department of Forestry under the authority granted in the California Code of Regulations Section 1104(a)(4), which do not require a timber harvesting plan, as described below. It should be noted that this chapter does not</p>

**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
<p>(b) The individual designated as possessor of timber rights on the property shall enter into a binding contract with the Board of Supervisors to manage and harvest timber on the timberland and to abide by the provisions of the Timber Management Plan.</p>		<p>make reference to “Timber Management Plans.”</p> <p>As indicated in Section 4.4, Biological Resources, the Proposed Project would require the removal of up to 14 trees, including redwoods. The removal of these trees and replacement with developed uses would constitute a Minor Conversion as defined in Chapter 16.52.195 of the SCCC. Minor Conversions permits are administered by CAL FIRE (14 CCR Section 1104[a][4]). As such, a tree inventory and protection plan has been developed for the Proposed Project and would require a minor conversion permit exemption prior to tree removal. The City has retained a Registered Professional Forester to assist with the minor conversion exemption process.</p> <p>It is anticipated that a less than 3-acre conversion exemption (14 CCR Section 1104.1[a]) approved by CAL FIRE would be required to remove these redwood trees. Timber operations conducted under an exemption are exempt from conversion permit and timber harvesting plan requirements of the California Forest Practice Rules, although they are still required to comply with all other applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations of the Board of Forestry, and currently effective provisions of county general plans, zoning ordinances and any implementing ordinances.</p>
<b>Objective 5.19, Archaeological Resources</b>		
<p><b>5.19.1, Evaluation of Native American Cultural Sites.</b> Protect all archaeological resources until they can be evaluated. Prohibit any disturbance of Native American Cultural Sites without an appropriate permit. Maintain the Native American Cultural Sites ordinance.</p>	<p>Chapter 16.40</p>	<p><b>No Conflict.</b> As described Section 4.5, Cultural Resources and Tribal Cultural Resources, there are no known archaeological resources, including Native American resources, within the project site which would be subject to project impacts, and the likelihood of encountering archaeological resources on the project site is low. The Proposed Project would include mitigation measures to avoid disturbance to resources in the event of unanticipated discovery of archaeological resources or human remains during construction.</p>

**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
<b>Chapter 6, Public Safety Element</b>		
<b>Objective 6.1, Seismic Hazards</b>		
<b>6.1.1, Geologic Review for Development in Designated Fault Zones.</b> Require a review of geologic hazards for all discretionary development projects in designated fault zones.	Chapter 16.10	<b>No Conflict.</b> This policy and SCCC chapter, as applicable, will be addressed through the CDP process. As indicated in Section 4.7, Geology and Soils, the Proposed Project is not located in a designated fault zone.
<b>Objective 6.3, Erosion</b>		
<b>6.3.4, Erosion Control Plan Approval Required for Development.</b> Require approval of an erosion control plan for all development, as specified in the Erosion Control ordinance. Vegetation removal shall be minimized and limited to that amount indicated on the approved development plans, but shall be consistent with fire safety requirements.	Section 16.22.060	<b>No Conflict.</b> The Proposed Project would install erosion control best management practices in areas of disturbed soils, as described in Section 3.6.3, Standard Construction Practices, of this EIR.
<b>6.3.8, On-site Sediment Containment.</b> Require containment of all sediment on the site during construction and require drainage improvements for the completed development that will provide runoff control, including onsite retention or detention where downstream drainage facilities have limited capacity. Runoff control systems or Best Management Practices shall be adequate to prevent any significant increase in site runoff over pre-existing volumes and velocities and to maximize on-site collection of non-point source pollutants.	Section 16.22.070	<b>No Conflict.</b> The Proposed Project would include the City's Standard Construction Practices, which include sediment and runoff control measures, as described in Section 3.6.3, Standard Construction Practices, of this EIR. Project construction would occur during the dry season and would comply with all applicable regulatory requirements related to erosion control.
<b>6.3.9, Site Design to Minimize Grading.</b> Require site design in all areas to minimize grading activities and reduce vegetation removal based on the following guidelines: (a) Structures should be clustered; (b) Access roads and driveways shall not cross slopes greater than 30 percent; cuts and fills should not exceed 10 feet, unless they are wholly underneath the footprint and adequately retained; (c) Foundation designs should minimize excavation or fill; (d) Building and access envelopes should be designated on the basis of site inspection to avoid particularly erodable areas; (e) Require all fill and sidecast material to be recompacted to engineered standards, reseeded, and mulched and/or burlap covered.	Section 16.20.050(F)	<b>No Conflict.</b> Pursuant to SCCC Section 16.20.050(F), the Proposed Project is exempt from the provisions of the grading regulations ordinance as a utility.

**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
<b>6.3.11, Sensitive Habitat Considerations for Land Clearing Permits.</b> Require a permit for any land clearing in a sensitive habitat area and for clearing more than one quarter acre in Water Supply Watershed, Least Disturbed Watershed, very high and high erosion hazard areas no matter what the parcel size. Require that any land clearing be consistent with all General Plan and LCP Land Use policies.	Chapter 16.22	<b>No Conflict.</b> The Proposed Project would be required to obtain a CDP which would address land clearing.
<b>Chapter 7, Parks, Recreation and Public Facilities Element</b>		
<b>Objectives 7.7b/7.7c, Shoreline and Beach Access</b>		
<b>7.7.4, Maintaining Recreation Oriented Uses.</b> Protect the coastal blufftop areas and beaches from intrusion by nonrecreational structures and incompatible uses to the extent legally possible without impairing the constitutional rights of the property owner.	Sections 13.20.110(D) and (E)	<b>No Conflict.</b> The Proposed Project is approximately 4 miles inland from the shoreline and is not located between the ocean and the nearest public road. Therefore, the Proposed Project would not interfere with coastal blufftop areas and beaches.
<b>7.7.6, Hiking and Biking Trail Network.</b> Establish a system of hiking and bicycle trails and bridges which provides access to and connects the various parks, recreation areas, beaches, and urban area.	Sections 13.20.110(D) and (E)	<b>No Conflict.</b> The Proposed Project is approximately 4 miles inland from the shoreline and is not located near public hiking or bicycle trails and bridges and therefore would not interfere with such facilities.
<b>7.7.10, Protect Existing Beach Access.</b> Protect existing pedestrian, and, where appropriate, equestrians and bicycle access to all beaches to which the public has a right of access, whether acquired by grant or through use, as established through judicial determination of prescriptive rights, and acquisition through appropriate legal proceedings.	Sections 13.20.110(D) and (E)	<b>No Conflict.</b> The Proposed Project is approximately 4 miles inland from the shoreline and is not located between the ocean and the nearest public road. Therefore, the Proposed Project would not interfere with pedestrian, equestrian or bicycle access to beaches.
<b>Chapter 8, Community Design Element</b>		
<b>Objective 8.6, Building Design</b>		
<b>8.6.6, Protecting Ridgetops and Natural Landforms.</b> Protect ridgetops and prominent natural landforms such as cliffs, bluffs, dunes, rock outcroppings and other significant natural features from development. In connection with discretionary review, apply the following criteria: (a) Development on ridgetops shall be avoided if other developable land exists on the property. (b) Prohibit the removal of tree masses when such removal would erode the silhouette of the ridgeline form. Consider the cumulative effects of tree removal on the ridgeline silhouette.	Sections 13.20.110(D) and (E)	<b>No Conflict.</b> The Proposed Project would not be located on a ridgetop or prominent natural landform. Anticipated tree removal would not erode the silhouette of ridgeline forms that may be present elsewhere in the Laguna Watershed.

**Table 4.11-1. Review of County of Santa Cruz General Plan/Local Coastal Program and Implementing Ordinances**

General Plan/LCP Policy	Implementing Ordinance	Potential for Proposed Project to Conflict
(c) Restrict the height and placement of buildings and structures to prevent their projection above the ridgeline or treeline. Restrict structures and structural projections adjacent to prominent natural land forms. Prohibit the creation of new parcels which would require structures to project above the ridgeline, treeline or along the edge of prominent natural landforms. (d) Require exterior materials and colors to blend with the natural landform and tree backdrops.		

As summarized in Table 4.11-1, the Proposed Project would not conflict with the applicable General Plan/LCP policies and implementing ordinances. Therefore, the Proposed Project would have a less-than-significant impact related to conflicts with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

#### 4.11.3.4 Cumulative Impacts Analysis

This section provides an evaluation of cumulative land use and planning impacts associated with the Proposed Project and other reasonably foreseeable future projects, as identified in Table 4.1-1 in Section 4.1, Introduction to Analysis, and as relevant to this topic. The geographic area of analysis for cumulative land use impacts is the Laguna Watershed.

The Proposed Project would not contribute to cumulative impacts related to physical division of an established community (Significance Standard A) because it would have no impact related to this standard, as described above. Therefore, this significance standard is not further evaluated.

**Impact LU-2: Cumulative Land Use Impacts (Significance Standard B).** The Proposed Project, in combination with past, present, and reasonably foreseeable future development, would not result in a significant cumulative impact related to conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. *(Less than Significant)*

The known cumulative projects planned within the Laguna Watershed include the Santa Cruz Water Rights Project (SCWRP), the Laguna Pipeline portion of the North Coast System Repair and Replacement Project, and the Reggiardo Diversion upgrade identified in the Anadromous Fisheries Habitat Conservation Plan. No construction or development within the Laguna Watershed is proposed as part of the SCWRP and therefore this project would not contribute to cumulative impacts in the watershed.

As indicated in Section 4.1, there are not any known substantive proposed or pending development projects in the Laguna Watershed that would be under the jurisdiction of the County. However, if any such projects are proposed they would be subject to County approval; such projects that require discretionary approval are assumed to be designed or otherwise conditioned to avoid and minimize conflicts with adopted land use plans and ordinances.

Although these cumulative projects could have conflicts with established land use and planning documents and land use policies, they would be subject to review and approval by the City of Santa Cruz and the County of Santa Cruz, as applicable. During the review and approval process, each of these projects would be required to be designed or otherwise conditioned to avoid conflicts with adopted land use plans and ordinances. In addition, as discussed above, the Proposed Project would not conflict with the relevant policies and implementing ordinances of the LCP. Therefore, the Proposed Project, in combination with the past, present, and reasonably foreseeable future projects in Santa Cruz County, would result in less-than-significant cumulative impacts related to conflicts with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and no further mitigation measures are required.

### 4.11.3.5 Mitigation Measures

As described above, the Proposed Project would not result in significant land use and planning impacts, and therefore, no mitigation measures are required.

### 4.11.4 References

County of Santa Cruz. 2019. *Basic Zone Districts – Summary of Uses*. September 20, 2019. Accessed May 7, 2020 at <http://www.sccoplanning.com/Portals/2/County/Planning/zoning/Zone%20District%20Summary.pdf?ver=2019-09-20-094332-393>.

County of Santa Cruz. 2020. *1994 General Plan and Local Coastal Program for the County of Santa Cruz, California*. Chapter 2, Land Use. Effective December 19, 1994; updated February 18, 2020.