

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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**ADOPTED**

Th15b

Prepared August 20, 2021 (for September 9, 2021 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Rob Moore, Coastal Planner

**Subject: Santa Cruz County LCP Amendment Number LCP-3-SCO-21-0050-1-
Part A (Park Fees/Dedication)**

Proposed Amendment

Santa Cruz County proposes to modify the Implementation Plan (IP) component of its LCP related to park fees and dedications, and trail dedications and coastal access. Specifically, the proposed amendment would: 1) create separate sections covering park dedication and in-lieu fees (IP Section 15.01) and park impact fees (IP Section 15.03) to better conform with the Quimby Act and Mitigation Fee Act, respectively; 2) adjust fee determination formulae and criteria to better match present park acquisition, development, and maintenance costs; and 3) move existing language covering coastal access and trail dedication to a standalone section (IP Section 15.05).

Overall, the proposed amendments are relatively minor in scope and primarily serve to update the County's park development impact fees (i.e., fees associated with new development) to reflect the present cost of park acquisition, development, and maintenance, and to conform with state laws governing these issues. See **Exhibit 1** for the proposed amendment text.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

***14 CCR Section 13554(a).** Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.*

LCP-3-SCO-21-0050-1-Part A (Park Fees/Dedication)

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved and it becomes a certified part of the LCP.

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed LCP amendment alters the way park fees and dedications are assessed and adds specificity to the types of development that different fees apply to without any fundamental changes to underlying regulations for park standards. Particularly, the changes are being proposed to bring park development fees and land dedication into compliance with state laws regulating how and what types of fees can be assessed, and to direct the County Board of Supervisors to annually adjust fee amounts via the unified fee schedule—which has not been adjusted in relation to park fees since 1998—to better reflect present costs of park acquisition, maintenance, and facilities. The new separate sections on park dedication/in-lieu fees and park impact fees are designed to cover subdivisions and new development, respectively. And the park dedication/in-lieu fees and park impact fee sections are designed to conform with the requirements of the Quimby Act and Mitigation Fee Act, respectively. This updated language is required as it has not been updated since passage of the Mitigation Fee Act, which allows for park impact fees for all types of development, whereas the Quimby Act (which existing IP Section 15.01 is based upon) is specific to residential subdivision projects and allows for dedication and in-lieu fees. These changes will allow the County to improve existing parks and acquire land to develop new parks, including in the Coastal Zone. Importantly, the new sections covering park dedication and in-lieu fees, and park impact fees make it clear that the required dedications and fees are not a substitute for the mitigation required for coastal development impacts, and thus do not interfere with the CDP process or conditions on new development (i.e., the proposed amendment does not in any way alter the County's ability to require mitigation to address a project's coastal resource impacts). The changes, rather, simply alter the formulae and criteria by which park fees and dedications are assessed and allow the County to better provide open space and recreational facilities for the public in conformance with the Quimby and Mitigation Fee Acts. Other than increasing the minimum required width of shoreline access easements from 5 feet to 10 feet, which will serve to enhance coastal access and recreational opportunities, the language within the new section that exclusively addresses trail dedication and coastal access is fundamentally unchanged from the existing IP language. As such, the proposed amendment does not change the kind, location, intensity, or density of use of land, and qualifies under the regulatory definition of a minor LCP amendment.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures

LCP-3-SCO-21-0050-1-Part A (Park Fees/Dedication)

available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the County exempted the proposed amendment from environmental review (citing CEQA Section 15378(b)) on June 8th, 2021.

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its virtual meeting on September 9, 2021. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Rob Moore at the Coastal Commission's Central Coast District Office via email at Robert.Moore@coastal.ca.gov. If you wish to comment on the proposed amendment and/or object to the proposed minor LCP amendment determination, please do so via regular mail (directed to the Central Coast District Office) or email (by emailing centralcoast@coastal.ca.gov) by 5:00 p.m. on Friday September 3, 2021.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on July 28, 2021. The proposed amendment affects the LCP's IP only, and the 60-working-day deadline for the Commission to take action on it is October 21, 2021. Thus, unless the Commission extends the action deadline (it may be extended by up to one year by the Commission per the Coastal Act), the Commission has until October 21, 2021 to take a final action on this LCP amendment.

Exhibit 1: Proposed Amendment Text

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LCP-3-SCO-21-0050-1-PART A (PARK FEES/DEDICATION) SEPTEMBER 9, 2021 HEARING EXHIBITS

Table of Contents

Exhibit 1: Ordinance Amendment Redline

ORDINANCE AMENDMENTS REDLINE

SECTION 13.03.050

13.03.050 Local Coastal Program adoption.

(A) Program Adoption. The Planning Department shall prepare, the Planning Commission shall review, develop and recommend, and the Board of Supervisors shall adopt a Local Coastal Program for the Coastal Zone of the County in fulfillment of the requirements of the California Coastal Act (California Public Resources Code Section [30000](#) et seq.).

(B) Program Components. The Santa Cruz County Local Coastal Program shall consist of the following components:

(1) The land use plan consisting of the policy text and the adopted land use, resource, constraint and shoreline access maps and charts. The land use plan, including all adopted tables, maps and definitions, shall be adopted as an element of the County General Plan and become an integral part thereof pursuant to Chapter [13.01](#) SCCC. The land use plan policies and maps shall take precedence over any previously adopted for the Coastal Zone portion of the County.

(2) The implementing ordinances consisting of the following County Code chapters:

Chapter [7.38](#) SCCC Sewage Disposal

Chapter [7.70](#) SCCC Water Wells

Chapter [7.73](#) SCCC Individual Water Systems

Chapter [7.78](#) SCCC Preservation of Monterey Bay and Coastal Water
Quality: Regulation of Wastewater Discharge

Chapter [12.01](#) SCCC Building Permit Regulations

Chapter [12.06](#) SCCC Demolition or Conversion of Residential Structures

Chapter [13.01](#) SCCC General Plan Administration

Chapter [13.02](#) SCCC Specific Plan Administration

Chapter [13.03](#) SCCC Local Coastal Program Administration

Chapter [13.10](#) SCCC Zoning Regulations

Chapter [13.11](#) SCCC Site, Architectural and Landscape Design Review

Chapter [13.14](#) SCCC Rural Residential Density Determinations

Chapter [13.20](#) SCCC Coastal Zone Regulations

Chapter [13.36](#) SCCC Development Agreements

Chapter [14.02](#) SCCC Condominium and Townhouse Conversion Regulations

Chapter [15.01](#) SCCC Park Land Dedication or Fees In Lieu Thereof ~~and~~
~~Public Access Requirements~~

Chapter 15.05 SCCC Trail and Coastal Access Dedication, Standards and Review

Chapter [15.10](#) SCCC Roadway and Roadside Improvements

Chapter [16.10](#) SCCC Geologic Hazards

Chapter [16.20](#) SCCC Grading Regulations

Chapter [16.22](#) SCCC Erosion Control

Chapter [16.30](#) SCCC Riparian Corridor and Wetlands Protection

Chapter [16.32](#) SCCC Sensitive Habitat Protection

Chapter [16.34](#) SCCC Significant Trees Protection

Chapter [16.40](#) SCCC Native American Cultural Sites

Chapter [16.44](#) SCCC Paleontological Resource Protection

Chapter [16.50](#) SCCC Agricultural Land Preservation and Protection

Chapter [16.52](#) SCCC Timber Harvesting Regulations

Chapter [16.54](#) SCCC Mining Regulations

Chapter [17.02](#) SCCC Urban Services Line and Rural Services Line

Chapter [17.04](#) SCCC Annual Population Growth Goal for Santa Cruz County

Chapter [18.10](#) SCCC Permit and Approval Procedures

(3) Any specific plan affecting portions of the Coastal Zone as may be adopted by the County.

CHAPTER 15.01

~~Chapter 15.01
PARK DEDICATION AND PUBLIC ACCESS REQUIREMENTS~~

Sections:

- ~~15.01.010 Purpose.~~
- ~~15.01.020 Scope.~~
- ~~15.01.030 Amendment.~~
- ~~15.01.040 Definitions.~~
- ~~15.01.050 Conformance with General Plan and Local Coastal Program.~~
- ~~15.01.060 Dedication requirements.~~
- ~~15.01.070 Park dedication and public access standards.~~
- ~~15.01.080 In-lieu fees.~~
- ~~15.01.090 Review procedures.~~
- ~~15.01.100 Conveyance of land and fees.~~
- ~~15.01.110 Trust, administration.~~

CHAPTER 15.01

PARK LAND DEDICATION OR FEES IN LIEU THEREOF

Sections

- 15.01.010 Purpose and Findings
- 15.01.020 Definitions
- 15.01.030 Amendment
- 15.01.040 Conformance with General Plan and Local Coastal Program
- 15.01.050 General Requirements
- 15.01.060 Formula for Dedication of Land
- 15.01.070 Park Dedication Standards

15.01.080 Park Site Review Process

15.01.090 Fees In Lieu of Land Dedication

15.01.100 Formula for Calculation of Fees in lieu of Land Dedication

15.01.110 Procedure for Land Dedication or In Lieu Fee Determination

15.01.120 Schedule for Land Dedication and Payment of In-Lieu Fee

15.01.130 Use of In-Lieu Fees

15.01.140 Exemptions

15.01.150 Change of Site

15.01.010 Purpose.

~~(A) The purpose of this chapter is to implement the park, recreation, open space and public access policies of the General Plan and Local Coastal Program Land Use Plan by providing for the orderly development of local park and recreation facilities to serve the residential communities of the County and public access facilities to serve local residents and visitors to the County. It is the intent of the County to assure the continued availability of adequate recreational land and facilities concurrent with the anticipated population increases and the reduction in other forms of open space lands in the urban and rural areas of the County.~~

~~(B) This chapter provides an important element in the County programs to provide neighborhood parks conveniently located and accessible to serve local urbanized neighborhoods and centers of rural settlement; to establish a Countywide system of hiking and equestrian trails to provide access to various parks, recreation areas, riparian corridors, beaches, and open space areas; to provide for public access and use of the coastal beach and bluff areas; and to protect existing accessways and trails that have been used by the public. [Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982].~~

15.01.010 Purpose and Findings.

(A) The purpose of this chapter is to implement the park and recreation policies of the General Plan and Local Coastal Program by providing for the orderly development of local park and recreation facilities to serve the residential communities of the County.

(B) This chapter is adopted pursuant to the authority granted by Section 66477 of the Government Code of the State of California. The park and recreational facilities for which

dedication of land and/or payment of a fee is required by this chapter are in accordance with the “Parks, Recreation and Public Facilities” element of the general plan of the county.

(C) This chapter provides an important element in the County programs to provide neighborhood and community parks conveniently located and accessible to serve local urbanized neighborhoods and centers of rural settlement.

15.01.020 Scope.

~~This chapter requires as a condition of approval of a building, zoning or subdivision permit the dedication of land and/or payment of in-lieu fees for park and recreation purposes or the dedication of an easement for public access purposes where required to implement the recreational policies of the General Plan and Local Coastal Program Land Use Plan. Residential projects are required to contribute to neighborhood park development; both residential and nonresidential projects are required to dedicate trail and beach access easements where project sites include such easement dedication and determination of in-lieu fees, review procedures to determine where land and easements should be dedicated, and trust funds to collect and administer in-lieu fees for recreation facilities to serve the local communities. [Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982].~~

15.01.020 Definitions

All terms used in this chapter shall be defined in the General Plan and Local Coastal Program.

15.01.030 Amendment.

(A) 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.

(B) 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 Chapter [13.03](#) SCCC and shall be subject to approval by the California Coastal Commission.

~~15.01.040 Definitions.~~

~~All terms used in this chapter shall be as defined in the General Plan and Local Coastal Program Land Use Plan glossaries. [Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982].~~

15.01.0450 Conformance with General Plan and Local Coastal Program.

The park, recreation, and public access facilities hereby required shall conform to the Santa Cruz County General Plan including its various elements, and the Local Coastal Program Land Use Plan, as adopted and amended at the time of decision on dedication or fees.

15.01.050 General Requirements

(A) As a condition of approval of a tentative subdivision map, the subdivider shall be required to dedicate land, pay a fee in-lieu thereof, or both for community, neighborhood and rural park or recreational purposes at the time and according to the standards and formula contained in this chapter. The requirement shall be determined by the Planning Director or the Board of Supervisors, as appropriate.

(B) The Santa Cruz County General Plan and Local Coastal Program establishes the following standards for functional parkland:

- In urban areas: 3 acres of Neighborhood Parks and 2 to 3 acres of Community Parks per 1,000 residents;
- In rural areas: 5 to 6 acres of Rural Park Land per 1,000 residents

(C) Government Code Section 66477 limits the ability of the county in approving a subdivision map to requiring dedication of land, payment of in-lieu fees, or a combination of both, to the amount necessary to provide three (3) acres of parkland per one thousand persons unless existing park area within the county exceeds that standard in which case a higher standard not to exceed five acres per one thousand persons may be applied. Functional parkland within the County of Santa Cruz exceeds five acres per one thousand persons. Accordingly, the formula for dedication of land and the calculation of in-lieu fees set forth in this Chapter shall be based on the standard of providing five acres of community/neighborhood parkland in urban areas and five acres of parkland in rural areas.

~~15.01.060 Dedication requirements.~~

~~(A) Park Dedication.~~

~~(1) As a condition of approval of any permit to build a single unit structure, or multiple unit structure, or visitor accommodation structure, or mobile home park, or to construct an addition to an existing dwelling unit which will create additional bedrooms as defined in~~

~~SCCC 13.10.700-B, and as a condition of approval of a tentative map of any land division, an owner shall be required to dedicate land, pay a fee in lieu thereof, or do a combination of both, for park and recreational purposes. Fees shall be determined and paid as of the date of the issuance of a building permit, or, in case of land division, at the time the final map or parcel map is filed. Fees shall be adopted by resolution of the Board of Supervisors.~~

~~(2) Park and recreation fees and dedications required by this section shall not apply to reconstruction or replacement of a residential structure destroyed by a natural disaster, provided the replacement structure is the same type of unit and has the same number of bedrooms as the structure it replaces.~~

~~(B) Trail and Beach Access Dedication. As a condition of approval for any permit for a residential, commercial, or industrial project, an owner shall be required to dedicate an easement for trail or beach access if necessary to implement the General Plan or the Local Coastal Program Land Use Plan, and only if the requirement for dedication complies with California Government Code Sections 65909(a) and 66475.4(b), and 66478.1 et seq. for land divisions. [Ord. 4836 § 119, 2006;* Ord. 4396 § 3, 1995; Ord. 4346 § 64, 1994; Ord. 4318 § 1, 1994; Ord. 3684 § 1, 1985; Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982; Ord. 3186 § 1, 1982; Ord. 3183 § 1, 1981; Ord. 3064, 1981; Ord. 2822, 1979; Ord. 2800, 1979; Ord. 2673, 1979; Ord. 2600, 1978; Ord. 2506, 1977; Ord. 2341, 1976; Ord. 1853, 1973].~~

~~* Code reviser's note: Ord. 4836 had two sections numbered "119."~~

15.01.060 Formula for Dedication of Land.

(A) Where a park or recreation facility has been designated in or is consistent with policies and standards in the parks and recreation element of the General Plan of the County, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for neighborhood/community parks in urban areas or rural parks in rural areas that is sufficient in size and topography to meet that purpose.

(B) The amount of land per dwelling unit to be provided shall be determined pursuant to the following standards and formula:

$$A = 5 \times N / 1,000$$

Where "A" is the park area required to be dedicated in acres and "N" is the average number of persons per household or unit according to the most recent available federal census or a

census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4. (California Government Code Section 66477).

As an example, based on the 2016 American Community Survey 1-year Estimates, the average household size per residential unit in the County is 2.48. Therefore, the dedication requirement is .0124 acres or 540 square feet of parkland per dwelling unit.

(C) For purposes of this section, the number of proposed dwelling units shall be determined as follows: In areas zoned for one dwelling unit per lot or parcel, the number of dwelling units shall equal the number of parcels indicated on the tentative map. When all or part of the subdivision is located in an area zoned for multiple dwelling units per parcel, the number of dwelling units in the area so zoned shall equal the maximum number of dwelling units allowed under that zone.

(D) For residential condominium projects, the number of dwelling units shall equal the number of condominium units indicated on the tentative map.

(E) For planned Development Projects, the number of dwelling units shall equal the number of dwelling units indicated on the approved final development plan. The term “new dwelling unit” does not include dwelling units lawfully in place prior to the date on which the tentative map is approved.

(F) Planned developments, as defined in Business and Professions Code Sections 11003 and any successor provisions of the Business and Professions Code, which contain common open space areas usable for active recreation purposes may receive park dedication credit to the extent that this land exceeds the normal common open space requirements for such Development Projects, the land meets the County’s standards for usable public community, neighborhood or rural parkland as determined in the sole discretion of the Parks Director, and if it is determined that such credit is in the best interests of the County.

~~15.01.070 Park dedication and public access standards.~~

~~(A) Parks. The amount of land to be dedicated and developed or fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the inhabitants of the new development. By provisions of this chapter, owners of new development shall be responsible to provide for a portion of park need created by their development—three acres of developable parkland improved for park use for every 1,000 new residents. Based on this standard, the area required to be dedicated shall be 400 square feet for every one family, and 300 square feet for every multiple dwelling unit, mobile home, or visitor accommodations unit, as defined in SCCC 13.10.700 V, that is planned for the development. This land shall be~~

~~in addition to any setback or open space area required by the zone district regulations. If land is dedicated in excess of the park dedication requirements then the excess land may be used in calculating the number of dwelling units allowed. Up to 25 percent of the park dedication requirement may be met by dedication of land within the 100-year floodplain if the County determines that the site is appropriate as a park site under the provisions of SCCC 15.01.090(C), that the land is suitable for park use, and no permanent structures are required in this area. Planned developments and real estate developments (as defined in Sections 11003 and 11003.1 and any successor provisions of the Business and Professions Code) which contain common open space areas usable for active recreation purposes may receive park dedication credit to the extent that this land exceeds the normal common open space requirements for such development projects.~~

~~(B) Trails.~~

~~(1) Where dedication is required for public access, the following minimum requirements shall apply:~~

~~(a) Shoreline access easements shall be a minimum of five feet wide.~~

~~(b) Easements along proposed trail corridors or adopted trail corridors or for blufftop lateral access shall be a minimum of 10 feet wide.~~

~~(2) The County may require a wider easement if necessary to accommodate the intended level of use.~~

~~(3) Trail easements may be located within open space areas required by the zone district regulations. Where a trail easement is required on developable land, this land shall be used in calculating the number of dwelling units allowed. Trail easement dedication requirements shall be in addition to any park dedication requirements.~~

~~(C) Lateral Access.~~

~~(1) Beach lateral access easements shall include the entire sandy beach area, and shall include the area up to the first line of terrestrial vegetation or up to the base of the bluffs or the base of the seawall, where present.~~

~~(2) This land shall be in addition to any other dedication or setbacks or open space areas required by the zone district regulations and shall not be used in calculating the dwelling units allowed. [Ord. 4496 C § 78, 1998; Ord. 3684 § 2, 1985; Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982; Ord. 3186 § 1, 1982; Ord. 3183 § 1, 1981; Ord. 3064, 1981; Ord. 2822, 1979; Ord. 2800, 1979; Ord. 2673, 1979; Ord. 2600, 1978; Ord. 2506, 1977; Ord. 2341, 1976; Ord. 1853, 1973].~~

15.01.070 Park Dedication Standards

(A) Lands to be dedicated as parkland shall be suitable, as determined in the sole discretion of the Parks Director in regard to location, topography, environmental characteristics and development potential as related to the intended use.

(B) Lands to be dedicated as parkland shall be requirements in addition to, and not in lieu of, any setback or open space area required by the Zone District regulations.

(C) Up to 25 percent of the land dedication requirement may be met by dedication of land within the 100-year floodplain if the County determines that (1) the site is appropriate as a park site under the provisions of SCCC 15.01.080, (2) that the land is suitable for park use, and (3) no permanent structures are required to be constructed thereon to use the land for its intended parkland purpose, excepting those described in subdivision (D) herein.

(D) The dedicated land shall be delivered to the County as an improved parcel conforming to the off-site improvements required for the subdivision. Offsite improvements essential to the acceptance of land for dedication may include but are not limited to:

(1) Full street improvements and utility connections including, but not limited to street paving, traffic control devices, street trees, street lighting, curb, gutter and sidewalk to land which is dedicated pursuant to the provisions of this Chapter;

(2) Necessary fencing;

(3) Extension of utility lines;

(4) Drainage improvements;

(5) The provision of other minimal improvements which the County's Board of Supervisors determines to be essential to the acceptance of land for surrounding residential purposes; and

(6) Access to at least one improved public street. This requirement may be waived by the County if the County determines that public street access is unnecessary for the maintenance of the park area or use thereof by the public.

(E) Offers to dedicate land are irrevocable pursuant to Government Code Section 7050.

15.01.080 In-lieu fees.

(A) Amount of Fee. The fees to be paid in lieu of land dedication and development shall be established by resolution of the Board of Supervisors.

~~(B) — Credit for Improvements. If the developer provides park and recreational improvements to park land, the value of the improvements together with any equipment located thereon shall be a credit against the requirements of this chapter.~~

~~(C) — Limitations — Use. The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing park and recreation facilities which will serve the residents of such development and the local community area. [Ord. 4985 § 1, 2008; Ord. 4318 § 2, 1994; Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982; Ord. 3186 § 1, 1982; Ord. 3183 § 1, 1981; Ord. 3064, 1981; Ord. 2822, 1979; Ord. 2800, 1979; Ord. 2673, 1979; Ord. 2600, 1978; Ord. 2506, 1977; Ord. 2341, 1976; Ord. 1853, 1973].~~

~~15.01.090 C~~ **15.01.080** **Park Site Review Process:**

(A) ~~(1)~~ — The staff of the Parks, Open Space and Cultural Services Department shall prepare a ~~park site review report~~ Park Site Review Report as required by this subsection, whenever ~~parkland is to be dedicated pursuant to the requirements included in this chapter, or~~ an application for one or more of the following permits or approvals is submitted in accordance with Chapter 18.10 SCCC of this Code for a parcel located within the “D” Combining District, and whenever the Parks, ~~Open Space and Cultural Services Department~~ Director, or a member of the Board of Supervisors acting pursuant to SCCC 13.10.418(A), determines that the parcel should be evaluated:

~~(a) —~~

- (1) A building permit for a new single-family dwelling or a new second unit;
- (2) ~~(b)~~ — A coastal development permit for a new single-family dwelling or a new second unit;
- (3) ~~(c)~~ — A land division permit;
- (4) ~~(d)~~ — A commercial development permit;
- (5) ~~(e)~~ — A policy amendment; or
- (6) ~~(f)~~ — Any other development permit processed at Level V or greater.

(B) ~~(2)~~ — The Parks and Recreation Commission and Board of Supervisors shall review ~~this report~~ the Park Site Review Report to determine County policy regarding dedication and/or purchase of all or part of the site, payment of in-lieu fees, improvement of the site by the ~~applicant~~ Applicant, or a combination of these.

~~(3) — Residential development of a park site can be found consistent with the County General Plan only if:~~

~~(a) An appropriate park area is dedicated as part of the development; or~~

~~(b) An appropriate alternative park site is designated by the Board of Supervisors through a General Plan amendment.~~

~~(4) Park Site Review Factors.~~

~~(C)(a) Park Site Review Factors. The Park Site Review Report shall analyze all the following factors in regard to evaluating the suitability of a particular site for parkland purposes.~~

~~(1) The topography, soils, drainage, access, location, and general utility of the land in the development and land available for dedication;~~

~~(2) ~~(b) Lands~~ Whether the lands offered for dedication will substantially comply with the General Plan and the Local Coastal Program Land Use Plan, or identify suitable alternative park sites in the area ~~are identified~~;~~

~~(3) ~~(e)~~ The size and shape of the development and land available for dedication;~~

~~(4) ~~(d) Coordination of~~ Whether dedications by ~~several~~ owners of parcels contiguous ~~parcels to the parkland to be dedicated~~ or acquired, or that are contiguous with existing ~~contiguous~~ public lands, may be coordinated in order to accomplish ~~useful~~ grouping of land that can maximize public benefit;~~

~~(5) ~~(e)~~ The area or local recreation or access facilities to be privately owned and maintained by the future residents of the development;~~

~~(f) Written recommendations from the Parks and Recreation Commission;~~

~~(6) ~~(g)~~ Proximity of ~~project area~~ the site to existing population centers;~~

~~(h) Specific and general needs related to area;~~

~~(i) The existing facilities and area;~~

~~(7) ~~(j)~~ The existing infrastructure and utilities on site, past and current structures on site, site history and potential hazards and potential remediation needed on the site;~~

~~(7)(8)~~ (8) The activities, programs and projects of other agencies that relate to the use of the site for park purposes;

~~(9) (k) —Development needs or the nature of improvements required to make the site appropriate for park use or to develop to its full potential for park use;~~

~~(10) — Other factors specific to the site and surroundings that affect its suitability for park use;~~

~~(11) — Written recommendations from the Parks and Recreation Commission after review of the Park Site Review Report.~~

~~(D) — Public Access Review. Dedication of an easement for public access shall be required if adverse environmental impacts and use conflicts can be mitigated, as determined by the decision-making body, and if one of the following situations exists:~~

~~(1) — The parcel is designated as primary public shoreline access or as a location appropriate for neighborhood shoreline access in the Local Coastal Program Land Use Plan as adopted and amended at the time of the decision on dedication.~~

~~(2) — Dedication is required to protect established access which has been in long and continuous use by members of the public. Such use shall be determined by the decision-making body based upon public testimony.~~

~~(3) — The parcel is located within the Urban Services Line, and:~~

~~(a) — It is between the first public roadway and the shoreline, and there is no dedicated public access to the shoreline within 650 feet; or~~

~~(b) — It is inland of the first public road and residents have been using the property to gain access to the shoreline. Such use shall be determined by the decision-making body based on public testimony.~~

~~(4) — The parcel is located outside the urban services line, is between the first public road and the shoreline, and either (a) there is no dedicated public access to the shoreline within one-half mile; or (b) there is no other dedicated public access and the beach is less than one-half mile long.~~

~~(5) — The parcel is located within a designated trail corridor on the Local Coastal Program land use maps, or along an adopted trail route.~~

~~(6) If the parcel is located on the shoreline, dedication of an easement for lateral beach or blufftop access shall also be required. [Ord. 4772 § 4, 2004; Ord. 3596 § 1, 1984; Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982; Ord. 3186 § 1, 1982; Ord. 3183 § 1, 1981; Ord. 3064, 1981; Ord. 2822, 1979; Ord. 2800, 1979; Ord. 2673, 1979; Ord. 2600, 1978; Ord. 2506, 1977; Ord. 2341, 1976; Ord. 1853, 1973].~~

15.01.090 Review procedures.

~~(A) Owner Preference. Notwithstanding that the final decision will rest with the County, at the time of filing a tentative subdivision map or other development application, the owner shall, as part of such filing, indicate whether he prefers to dedicate land for park, recreation, or public access purposes, or pay a fee in lieu thereof, or do a combination of both. If the owner prefers to dedicate land and improvements, he shall suggest the specific land and improvements he desires to provide.~~

~~(B) Determination. At the time of development approval, the approving body shall determine whether to require a dedication of land within the development, payment of a fee in lieu thereof, or a combination of both, and shall determine the specific location of land to be dedicated and/or, where the developer is entitled to a credit for improvements as provided in SCCC 15.01.080(B), the amount of fees to be paid. For development which only involves a division of land of less than 50 parcels, only the payment of fees shall be required unless dedication of land is necessary in order for the development to be consistent with the General Plan or Local Coastal Program Land Use Plan.~~

15.01.090 Fees in Lieu of Land Dedication.

(A) A fee in lieu of land dedication shall be required when:

(1) Dedication is impossible, impractical or undesirable as determined by both the Planning Director and Parks Director, or the County Board of Supervisors, as appropriate; or

(2) When the proposed subdivision contains fifty parcels of land or less.

(B) The determination by the County as to whether land shall be dedicated, or whether a fee shall be charged, or a combination of the two, shall be final.

~~15.01.100 Conveyance of land and fees.~~

~~(A) Land. When land is to be dedicated for park purposes, it shall be conveyed to the County in fee. When an easement is required, the owner shall make an irrevocable offer of dedication to the County.~~

~~(B) Fees. When a fee is required, it shall be paid to the County at the time of the issuance of a development permit (for mobile or home parks only) or building permit, or in the case of a land division, at the time the final map is recorded, whichever occurs first, after adoption of this section. [Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982; Ord. 3186 § 1, 1982; Ord. 3183 § 1, 1981; Ord. 3064, 1981; Ord. 2822, 1979; Ord. 2800, 1979; Ord. 2673, 1979; Ord. 2600, 1978; Ord. 2506, 1977; Ord. 2341, 1976; Ord. 1853, 1973].~~

15.01.100 Formula for Calculation of Fees in lieu of Land Dedication.

(A) General Formula. If either the Planning Director and Parks Director, or the Board of Supervisors determines that the dedication of land is not appropriate, the subdivider shall, in lieu of dedicating land, pay a fee equal to the estimated cost to the County of acquiring parkland with off-site improvements. The fee amount shall be the amount published in the County's general fee schedule at the time of final map or parcel map approval.

(B) Alternative Formula. If the subdivider objects to the County's fee schedule, the subdivider may request the County to obtain an appraisal by a qualified real estate appraiser of the fair market value of the land which the subdivider would otherwise be required to be dedicated according to Section 15.01.060 plus a twenty percent factor to provide for off-site improvements. The appraiser shall be an MAI appraiser mutually agreed upon by the county and the subdivider. All costs required to obtain such appraisal shall be borne by the subdivider.

The fee computation shall be based on the fair market value of buildable land within the subdivision. For purposes of this chapter, buildable land is defined as typical subdivision acreage, with a slope of less than fifteen percent, and located in other than an area on which building is excluded because of flooding, easements, or other restrictions. For purposes of determining fair market value pursuant to this subsection, the appraiser shall consider, among other things:

- (1) conditions of approval of the tentative map;
- (2) the general plan and zoning requirements for the area;
- (3) the location and site characteristics of the property; and
- (4) off-site and on-site improvements facilitating use of the property.

~~15.01.110 Trust, administration-~~

~~(A) Land and fees shall be held in trust by the County and administered by the Department of Parks, Open Space and Cultural Services with the approval of the Board of Supervisors. Administration and use of land and fees may be transferred to a County service area, district, city or association by order of the Board of Supervisors. The Director of the Department of Parks, Open Space and Cultural Services will make an annual report on funds accrued with respect to the progress of the program for acquisition and development.~~

~~(B) With the approval of the Board of Supervisors, interest earned from fees held in trust by the County and administered by the Department of Parks, Open Space, and Cultural Services shall be utilized for the ongoing maintenance of the Countywide parks system and maintained under the general supervision of the Auditor Controller. [Ord. 4174 § 1, 1992; Ord. 3482 § 1, 1983; Ord. 3338 § 1, 1982; Ord. 3186 § 1, 1982; Ord. 3183 § 1, 1981; Ord. 3064, 1981; Ord. 2822, 1979; Ord. 2800, 1979; Ord. 2673, 1979; Ord. 2600, 1978; Ord. 2506, 1977; Ord. 2341, 1976; Ord. 1853, 1973].~~

15.01.110 Procedure for Land Dedication or In Lieu Fee Determination

(A) At the time of the approval or conditional approval of the tentative map, the approving body shall determine, after a report and recommendation from the Planning Director, whether land, or in-lieu fees or a combination of land and fees, shall be dedicated and/or paid by the subdivider, as applicable.

(B) The report and recommendation from the Planning Director shall be supported by the recommendation from the Parks Director.

(C) The approving body may approve, modify, or disapprove the recommendation of the Planning Director, provided however, any modification of the proposed recommended condition not previously considered by the Planning Director shall first be referred back to the Planning Director for a report and further recommendation. The Planning Director shall report back to the approving body within thirty days. After receipt and consideration of the report, or after thirty days have passed in the event no report is received, the approving body may adopt the condition.

(D) The recommendation of the Planning Director shall include the following:

- (1) the amount of land required; or
- (2) that a fee be charged in lieu of land; or

- (3) that a combination of land and a fee be required; and
- (4) the location of the parkland and, where appropriate, the siting and conceptual design of the park facilities appurtenant thereto, to be dedicated or used in lieu of fees; and
- (5) the approximate time when the development of the park or recreation facility shall commence.

15.01.0120 Schedule for Land Dedication and Payment of In-Lieu Fee.

At the time of the recording of the Final Map or Parcel Map, the subdivider shall dedicate the land and/or pay the fees as determined by the County. At the discretion of the County, fees may be required to be paid prior to issuance of any building permit for any structure in the subdivision instead of at the time of recording of the Final Map or Parcel Map.

15.01.130 Use of In-Lieu Fees.

(A) Fees determined pursuant to Subsection 15.01.100 of this Chapter shall be paid to the County and shall be deposited into the County Parks Subdivision Park Dedication Fund or its successor, except for areas within a Recreation District where fees shall be deposited into the Subdivision Park Dedication Fund for that Recreation District or their successors. Money in these funds, including accrued interest, shall be expended solely for acquisition or development of park land or improvements related thereto. Collected fees shall be appropriated or paid for a specific project to serve residents of the subdivision in a budgetary year within five years upon receipt of payment or within five years after the issuance of building permits on one-half of the lots created by the subdivision, whichever date occurs later.

(B) If such fees are not committed, these fees shall be distributed and paid to the then recorded owners of the subdivision in the same proportion that the size of the lots bears to the total area of all lots in the subdivision.

(C) The Parks Director shall report to the Board of Supervisors at least annually on income, expenditures and status of the County Parks Subdivision Park Dedication Fund.

15.01.140 Exemptions

The provisions of this Chapter do not apply to non-residential subdivisions, and do not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

15.01.150 Change of Site

If, during the ensuing time between dedication of a parcel land for park purposes and commencement of first stage development, circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as receipt of a gift of additional park land or a change in school location), that parcel of land may be sold upon the approval of the Board of Supervisors with the resultant funds being used for purchase of the more suitable site.

CHAPTER 15.03

PARKS AND RECREATION DEVELOPMENT IMPACT FEES

Sections

15.03.010 Findings and purpose.

15.03.020 Scope.

15.03.030 Definitions.

15.03.040 Requirement of fees or exactions for permits.

15.03.050 Exemptions.

15.03.060 Purpose and use of fees and exactions.

15.03.070 Amounts and standards for fees and exactions.

15.03.080 Timing of payment.

15.03.090 Trust administration.

15.03.100 Refunds.

15.03.010 Findings and purpose.

The Board of Supervisors of the County of Santa Cruz hereby finds and declares as follows:

(A) This chapter is adopted under the police power of the County of Santa Cruz and pursuant to the authority of Article XI, Sections 5 and 7 of the California Constitution, Chapter 5 of Division 1 of the Government Code (“Mitigation Fee Act”), commencing with Section 66000, collectively and separately.

(B) California Government Code Section 66000 et seq. allows local governments to impose impact fees on New Development in order to recover the cost of improvements that are needed to serve that New Development.

(C) The Parks, Recreation, and Public Facilities Element of the County General Plan and Local Coastal Program includes objectives, policies, and programs requiring the establishment of a system of regional, community, neighborhood and rural parks, open spaces, trails, and coastal access facilities to serve residents, employees and visitors to Santa Cruz County.

- (D) The County’s General Plan and Local Coastal Program Land Use Plan include policies which require that development proceed in a manner consistent with the provision of adequate services.
- (E) In compliance with Government Code Sections 66001 (a)(1) and (a)(2), the Board of Supervisors hereby identifies that the purpose of the parks and recreation development impact fee is to mitigate the demand for additional park and recreation facilities in the County generated by new development and to implement the park and recreation policies of the County General Plan and Local Coastal Program. The intent of this chapter is not to raise general revenues. Instead, the intent is to secure funds to meet the demand for new parks and recreational facilities created by New Development, new residents, employees and visitors.
- (F) The County desires to establish a parks and recreation development impact fee schedule that will ensure that all new private development pays its fair share cost to enable the County to continue to provide its current level of park service and cover the marginal cost of acquiring land for parks and constructing recreation facilities that are needed to serve the demand generated by New Development.
- (G) In accordance with Section 66001, subdivision a, paragraph 2 of the Mitigation Fee Act, the fees collected pursuant to this ordinance shall be used to acquire land for parks and to construct capital improvements, such as playing fields, trails, and other recreational facilities throughout the County, and shall be used to fund administrative costs associated with the parks and recreation development impact fee program.
- (H) Pursuant to the Mitigation Fee Act, a technical report – “Parks and Recreation Development Impact Fee Study” - has been prepared and approved by the Board of Supervisors in support of establishing parks and recreation development impact fees to mitigate the additional demand for additional park land and recreation capital facilities.
- (I) In compliance with Government Code Section 66001, the Board of Supervisors hereby determines that there is a reasonable relationship between the fee’s use and the type of Development Project upon which the fee is imposed, as follows: The fee shall be imposed upon residential and nonresidential Development Projects because New Development adds new residents, new employees and accommodates new visitors, and it has been demonstrated through a park intercept study conducted by the County that County parks serve a broad population, including residents of the County, people who work in the County, and visitors to the County.
- (J) In accordance with Section 66001, subdivision a, paragraph 4 of the Mitigation Fee Act, the Parks and Recreation Development Impact Fee Study demonstrates that there is a reasonable

relationship between the amount of the Park and Recreation Development Impact Fees and the cost of park facilities attributable to the development upon which the fee is proposed.

(K) A developer voluntarily choosing to create New Development will increase the demand for additional parkland and recreational facilities throughout the County. County policies require that New Development mitigate the resulting adverse impact on the park system, in the form of increased demand for park and recreation facilities generated by cumulative development as a condition of project approval. New Development benefits by virtue of the value of new park and recreation facilities and increased recreation opportunities to persons residing in, employed at, doing business or visiting in such New Development, and hence County policy requires such New Development to pay its fair share of the costs through an assessment of fees or exactions reasonably related to the increased demand for new parkland and recreational facilities use that development is likely to create over its useful life.

(L) Park and recreation fees are necessary to enable New Development to pay for the increasing costs of the County's system of neighborhood, community, rural and regional parks, open spaces, trails and coastal access facilities on a marginal cost basis. The fees established by this chapter are consistent with the County General Plan and Local Coastal Program, and Government Code Sections 65913 through 65913.8 and 66000 through 66008, including those provisions thereof which involve the housing needs described in the Housing Element of the County General Plan.

15.03.020 Scope.

This Chapter establishes parks and recreation development impact fees to expand the County's system of parks and recreation facilities through an assessment on new Development Projects authorized through the approval of building permits for commercial and residential development in the unincorporated portions of the County of Santa Cruz.

This Chapter further provides for the establishment of five separate parks and recreation trust funds ("Mitigation Fee Act Park Dedication Funds") to receive the collected revenue and authorizes the Board of Supervisors to establish by resolution the amount of the fees to be assessed, subject to periodic review and adjustment. This Chapter shall apply to all private development excluding exemptions identified in subsection 15.03.050.

15.03.030 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings set forth below:

- (A) “Accessory Dwelling Unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, as defined under Section 13.10.700.
- (B) “Affordable Housing” shall mean housing with recorded affordability covenants that restrict the occupancy of the homes to Very Low, Low, and Moderate Income Households, and limit the price/rent of the housing.
- (C) “Applicant” means any person or other legal entity which applies to the County for approval of a Development Project.
- (D) “Development Project” means a proposal for the development, or use of land, as defined in the Mitigation Fee Act, requiring the granting of an entitlement, whether residential, nonresidential or both, within the land use jurisdiction of the County of Santa Cruz. A Development Project includes (without limitation) a minor land division, subdivision, building permit, commercial or residential development permit, permit for a phased project, permit for conversion of an existing use to a different use, and permit for expansion of a use.
- (E) “Fee” means a park and recreation development impact fee imposed by the County in accordance with this chapter.
- (F) “Livable Square Footage” shall mean habitable floor area as defined under Section 13.10.700.
- (G) “Mitigation Fee Act Park Dedication Fund” means one of the trust funds to which park and recreation development impact Fees collected from Development Projects will be deposited. There is one specific Mitigation Fee Act Park Dedication Fund for each Recreation District, and one County Parks Mitigation Fee Act Park Dedication Fund for Development Projects located outside of any of the four Recreation Districts or incorporated cities.
- (H) “New Development” shall mean any private Development Project that creates net additional square footage. With respect to residential development, “New Development” shall mean the creation of net additional Livable Square Footage, which excludes the square footage of garages. With respect to non-residential development, “New Development” shall mean any private development that creates net additional gross building area, excluding garage square footage.

(I) “Recreation District” shall mean any one of four independent park and recreation districts within Santa Cruz County, including the Boulder Creek Recreation District, the Alba Recreation District, the Opal Cliffs Recreation District and the La Selva Beach Recreation District.

15.03.040 Requirement of Fees or exactions for permits.

(A) General. Unless otherwise exempted, each Applicant for County approval of a Development Project shall pay a parks and recreation development impact Fee or exaction (including, without limitation, payment of a Fee, or arrangement of an approximately equivalent exaction) in the manner and amount determined from time to time by resolution of the Board of Supervisors.

(B) The obligation to pay impact Fees pursuant to this chapter shall not replace an Applicant’s obligation to mitigate the Development Project’s impacts in accordance with other requirements of state or local law.

(C) New Residential Dwelling Units or Parcels. The Fee or exaction for a new residential dwelling unit or parcel shall be imposed on a per-Livable Square-Foot basis as established for the appropriate category of use in the currently applicable unified fee schedule.

(D) New Residential Additions. The Fee or exaction for a residential addition which will create additional Livable Square Footage shall be charged on the addition only for each additional – Livable Square-Foot based on the Fee as established for the appropriate category of use in the currently applicable unified fee schedule.

(E) New Nonresidential Development. The Fee or exaction for a new non-residential development shall be imposed on a per-square-foot of gross building area basis as established for the appropriate category of use in the currently applicable unified fee schedule.

(F) New Nonresidential Additions. The Fee or exaction for nonresidential additions shall be imposed on the addition only for each additional square foot of new nonresidential space based on the Fee for the appropriate category of use in the currently applicable unified fee schedule.

15.03.050 Exemptions.

The following exemptions from the requirements for Fees and exactions imposed pursuant to SCCC 15.03.040 shall apply:

(A) Affordable Housing rental units that are deed restricted to ensure the units are affordable to and occupied by households whose incomes are at or below 80% of the Area Median Income (as established by HUD and adopted in the Santa Cruz County Affordable Housing Guidelines). The term of affordability must be no less than 55 years to ensure compliance with affordability requirements.

(B) The repair, remodel, modification, reconstruction or replacement of a residential or nonresidential building substantially equivalent to the preexisting building, provided that no additional square footage is added.

(C) Public Projects. Projects undertaken by a public agency except projects undertaken by a private developer on public property, and except property not used exclusively for a governmental purpose.

(D) Projects for which issuance of a Building Permit was complete prior to the effective date of the ordinance codified in this section.

(E) Temporary Mobile Home Occupancy. The temporary occupancy of a mobile home not situated in a mobile home park.

(F) Approved projects that have a Development Agreement or Vesting Tentative Map, unless the provisions of the documents allow the application of such Fees. A credit will be given against this Fee for the actual cost of public parks included in a development.

(G) Accessory Dwelling Units with less than 750 square of Livable Square Footage.

15.03.060 Purpose and use of Fees and exactions.

(A) In compliance with Government Code Sections 66001 (a)(1) and (a)(2), the Board of Supervisors hereby identifies the purpose of the Fee and the use to which the Fee is to be put, as follows: All park and recreation Fees or exactions imposed as mitigation measures pursuant to this Chapter shall be used for the purpose of expanding the park and recreation facilities in the County of Santa Cruz in order to mitigate the demand generated by New Development.

(B) Parks and recreation development impact Fees and exactions collected under this Chapter shall be used to fund the acquisition of land and construction of improvements for

neighborhood, community, rural and regional parks, open spaces, trails, and coastal access facilities in order to mitigate the marginal demand created by New Development.

(C) In compliance with Government Code Sections 66001(a)(3) and (a)(4), the Board of Supervisors hereby determines that there is a reasonable relationship between the Fee's use and the type of Development Project upon which the Fee is imposed, and between the need for park and recreation facilities and the type of Development Project upon which the Fee is imposed, as follows: The Fee shall be imposed upon residential and nonresidential Development Projects because New Development adds new residents, new employees and accommodates new visitors. And, it has been demonstrated through a park intercept study conducted by the County that County parks serve a broad population, including residents of the County, people who work in the County, and visitors to the County.

15.03.070 Amount and standards for Fees and exactions.

(A) Amount of Monetary Fee.

- (1) In compliance with Government Code Section 66001 (b), the Board of Supervisors hereby determines that there shall be a reasonable relationship between the amount of any Fee or exaction imposed as a mitigation measure pursuant to this chapter and the cost of additional park and recreation facilities reasonably attributable to the development on which the Fee is imposed. This shall be accomplished by determining the costs of acquiring parkland and developing facilities projected to be needed as a result of development authorized under the County General Plan and Local Coastal Program.
- (2) The specific amount of monetary Fees or exactions for park and recreation facilities shall be established annually by resolution of the Board of Supervisors and made a part of the County's unified fee schedule.
- (3) The applicable Fee shall be the Fee published in the County's master fee schedule at the time that the Applicant submits a building permit application.
- (4) The Fee shall be adjusted annually for inflation using the Engineering News-Record Construction Cost Index or its equivalent.
- (5) Every five years, the Board of Supervisors shall review the park and recreation improvement Fees to determine whether the Fee amounts are reasonably related to the impacts of New Developments and whether augmentation of County's park system is still needed.
- (6) Every five years, the Board of Supervisors shall review and adjust the parks and recreation development impact Fees to represent changes in the estimated cost of

augmenting the park system to be financed by such Fees, and the reasonable relationship between the park and recreation needs and the impacts of the various types of development for which application is pending or projected under the County General Plan and Local Coastal Program and for which the park and recreation Fees and exactions are imposed.

(B) **Alternative Exaction and Credits.**

Upon approval by the Board of Supervisors, a Development Project may satisfy the requirement for the payment of the parks and recreation development impact Fee by agreeing to dedicate land for parks, participate in the construction or establishment of park and recreation facilities, or a combination thereof. Such participation shall, by type and cost, bear a reasonable relationship to the Fee required, as determined by the Parks Director. Construction cost indices, prevailing wage rates, and the best available index of costs of equipment and supplies shall be utilized to determine the level of participation needed to satisfy the Fee otherwise required.

15.03.080 Timing of payment

(A) The parks and recreation development impact Fees owed by New Development shall be paid in full prior to the issuance of the building permit required for that unit of development.

(B) In specific situations of economic hardship, as determined by the Planning Director, the Planning Director may allow deferment of payment of parks and recreation development impact fees until project construction. Fees must be paid in full prior to final building inspection.

15.03.090 Trust administration.

(A) Fees or exactions collected as mitigation measures pursuant to this chapter, along with any interest earned thereon, shall be held in five (5) separate Mitigation Fee Act Park Dedication Funds, corresponding to five different geographic areas within the County. The trust funds will be maintained by the County Auditor-Controller in trust for park and recreation purposes. Funds collected in each of the four (4) Recreation Districts will be administered by the County Auditor-Controller and transferred to each recreation and park district upon request.

(B) Funds in the County Parks Mitigation Fee Act Park Dedication Fund shall be administered by the Department of Parks, Open Space, and Cultural Services, with the approval of the Board

of Supervisors, and shall be administered in compliance with Government Code Section 66006.

(C) Every five years, the Board of Supervisors shall identify the augmentation of the park and recreation system which may be funded by the Fees or exactions collected. Funds in the Countywide Park and Recreation Trust Fund may be expended only for those purposes identified and expressly authorized by the Board of Supervisors, acting in its discretionary capacity. All expenditures from the trust fund shall be deemed to have been made from the Fees and/or exactions collected earliest in time. The five-year report shall include the purpose to which the Fee is to be put; demonstrate a reasonable relationship between the Fee and the purpose for which it is charged; identify all sources and amounts of funding anticipated to complete target eligible improvements; designate the approximate dates on which the additional funds sufficient for completing the target eligible improvements are expected to be deposited into the account.

(D) The Department of Parks, Open Space, and Cultural Services shall make an annual report to the Board of Supervisors within 180 days after the last day of the fiscal year which will include at a minimum:

- (1) A description of the type of the Fee and the amount of the Fee;
- (2) The beginning and ending balance of the fund;
- (3) The amount of Fees collected and interest earned;
- (4) Identification of the improvements constructed;
- (5) The Fees expended to construct the improvement;
- (6) The percentage of total costs funded by the Fee;
- (7) The approximate date by which any construction of public improvement will commence if the County determines that there is sufficient funds to complete an incomplete public improvement; and
- (8) A description of each interfund transfer or loan made from the account.

Such annual report shall also analyze whether any Fee or portion thereof remains unexpended or uncommitted five or more years after the deposit thereof and if such Fee or portion thereof does so remain, the annual report shall identify the purpose to which the Fee is to be put and demonstrate a reasonable relationship between the Fee and the purpose for which it was charged. The Board of Supervisors shall annually review such report and make findings as to its accuracy. Additionally, the Board of Supervisors shall annually, as part of its budget process, or otherwise, budget or appropriate all Fees collected for various park and recreation capital facility expenditures, which shall cause such Fees to be deemed committed.

15.03.100 Refunds.

(A) If a development approval is vacated or voided effective as of the date of its approval, and not if it is revoked, and if the County has collected park and recreation impact Fees or exactions therefor, upon the request of the Applicant, the Board of Supervisors shall order the Fees or exactions returned to the Applicant, exclusive of land dedication.

(B) Fees or exactions collected pursuant to this chapter which remain unexpended or uncommitted five or more years after their deposit may be refundable pursuant to Government Code Section 66001(e), with interest accrued.

CHAPTER 15.05

TRAIL AND COASTAL ACCESS DEDICATION, STANDARDS AND REVIEW

Sections

15.05.010 Purpose

15.05.020 Definitions

15.05.030 Amendment

15.05.040 Conformance with General Plan and Local Coastal Program

15.05.050 Trail and Coastal Access Dedication

15.05.060 Trail and Coastal Access Standards

15.05.070 Trail and Coastal Access Review Process

15.0105.010 Purpose.

(A)—The purpose of this ~~C~~chapter is to implement the ~~park, recreation, open space~~trail and ~~public~~coastal access dedication, standards and review policies of the County's General Plan and Local Coastal Program Land Use Plan by providing for the orderly development of ~~local~~ parktrail and ~~recreation~~coastal access facilities to serve the residential communities of the County ~~and public access facilities to serve local residents and visitors to the County.~~ It is the intent of the County to assure the continued availability of adequate ~~recreational land~~trail and coastal access facilities concurrent with the anticipated population increases and the reduction in other forms of open space lands in the urban and rural areas of the County.

(B)—This chapter provides an important element in the County programs to provide ~~neighborhood park~~trails and coastal access facilities conveniently located and accessible to serve local urbanized neighborhoods and centers of rural settlement; to establish a Countywide system of hiking and equestrian trails to provide access to various parks, recreation areas, riparian corridors, beaches, and open space areas; to provide for public access and use of the coastal beach and bluff areas; and to protect existing accessways and trails that have been used by the public.

15.01.04005.020 Definitions.

All terms used in this chapter shall be as defined in the General Plan and Local Coastal Program Land Use Plan glossaries.

~~15.01.030~~ 05.030 Amendment:

(A) 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.

(B) 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 Chapter ~~13.03~~ 13.03 SCCC and shall be subject to approval by the California Coastal Commission.

~~15.01.040~~ 05.040 Conformance with General Plan and Local Coastal Program.

The ~~park, recreation, and public~~ trail and coastal access facilities hereby required shall conform to the Santa Cruz County General Plan including its various elements, and the Local Coastal Program Land Use Plan, as adopted and amended at the time of decision on dedication or fees.

~~15.01.060 (B)~~ 15.05.050 Trail and Coastal Access Dedication

~~)~~—Trail and ~~Beach~~ Coastal Access Dedication. As a condition of approval for any permit for a residential, commercial, or industrial project, an owner shall be required to dedicate an easement for trail or ~~beach~~ coastal access if necessary to implement the General Plan or the Local Coastal Program Land Use Plan, and only if the requirement for dedication complies with California Government Code Sections [65909\(a\)](#) and [66475.4\(b\)](#), and [66478.1 et seq.](#) for land divisions.

~~15.01.070 Park dedication~~ 05.060 Trail and ~~public access standards~~ Coastal Access Standards

~~(B)~~ A Trails.

(1) Where dedication is required for public access, the following minimum requirements shall apply:

(a) Shoreline access easements shall be a minimum of ~~five~~ ten feet wide.

(b) Easements along proposed trail corridors or adopted trail corridors, or for blufftop lateral access, shall be a minimum of 10 feet wide.

(2) The County may require a wider easement if necessary to accommodate the intended type and level of use.

(3) Trail easements may be located within open space areas required by the zone district regulations. Where a trail easement is required on developable land, this land shall be used in calculating the number of dwelling units allowed. Trail easement dedication requirements shall be in addition to any parkland dedication requirements.

(CB) Lateral Access.

(1) ~~(1) — Beach-Coastal~~ lateral access easements shall include the entire sandy beach area, and shall include the area up to the first line of terrestrial vegetation or up to the base of the bluffs, or if a seawall is present, up to the base of the seawall, ~~where present.~~

(2) ~~(2) — This land~~ Coastal lateral access easements shall be in addition to any other dedication or setbacks or open space areas required by the zone district regulations and shall not be used in calculating the dwelling units allowed.

15.090 (D) 15.05.070 Trail and Coastal Access Review Process

(A) Public Access Review. Dedication of an easement for public access shall be required if adverse environmental impacts and use conflicts can be mitigated, as determined by the decision-making body, and if one of the following situations exists:

(1) ~~(1) —~~ The parcel is designated as primary public shoreline access or as a location appropriate for neighborhood shoreline access in the Local Coastal Program Land Use Plan as adopted and amended at the time of the decision on dedication.

(2) ~~(2) —~~ Dedication is required to protect established access which has been in long and continuous use by members of the public. Such use shall be determined by the decision-making body based upon public testimony.

(3) ~~(3) —~~ The parcel is located within the Urban Services Line, and:

(a) It is between the first public roadway and the shoreline, and there is no dedicated public access to the shoreline within 650 feet; or

(b) It is inland of the first public road and residents have been using the property to gain access to the shoreline. Such use shall be determined by the decision-making body based on public testimony.

- (4) ~~(4)~~—The parcel is located outside the urban services line, is between the first public road and the shoreline, and either (a) there is no dedicated public access to the shoreline within one-half mile; or (b) there is no other dedicated public access and the beach is less than one-half mile long.
- (5) ~~(5)~~—The parcel is located within a designated trail corridor on the Local Coastal Program land use maps, or along an adopted trail route.
- (6) ~~(6)~~—If the parcel is located on the shoreline, dedication of an easement for lateral beach or blufftop access shall also be required.

SECTION 13.10.418.A

(A) Any project located within the “D” Combining District for which an application for one or more of the following permits or approvals is submitted in accordance with Chapter [18.10](#) SCCC may, at the discretion of the Director of Parks, Open Space and Cultural Services, be submitted to the County Parks and Recreation Commission for a park site review pursuant to SCCC 15.01.0~~89~~0(C):

- (1) A building permit for a new single-family dwelling or a new accessory dwelling unit;
- (2) A coastal development permit for a new single-family dwelling or an accessory dwelling unit that is not exempt or excluded pursuant to Chapter [13.20](#) SCCC;
- (3) A land division permit;
- (4) A commercial development permit;
- (5) A policy amendment; or
- (6) Any other development permit processed at Level V or greater.

Each member of the Board of Supervisors shall be notified by the Director in writing if the determination of the Director is not to proceed with the review, and a member shall have 10 calendar days following receipt of such notification by the Board to refer the application to the Parks and Recreation Commission. The Parks and Recreation Commission shall consider possible County acquisition of the land and appropriate recreational development and use of it, pursuant to Chapter [15.01](#) SCCC.

SECTION 13.10.352.B

Manufactured home, subject to the provisions of park site review process pursuant to SCCC 15.01.0~~90~~080(C) and SCCC 13.10.682

SECTION 14.01.411

The Board of Supervisors, Planning Commission or Planning Director may require the dedication of land or the payment of fees in lieu thereof, pursuant to SCCC 15.01.0~~56~~0, for park or recreational purposes as a condition to the approval of a final map or parcel map.