



**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA**

Resolution No. 226-2021

On the motion of Supervisor Coonerty
Duly seconded by Supervisor Friend
The following resolution is adopted:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA CRUZ DIRECTING COUNTY STAFF TO NOT CONSIDER
CERTAIN PROVISIONS OF SANTA CRUZ COUNTY CODE CHAPTER
16.10 REGARDING GEOLOGICAL HAZARDS IN THEIR REVIEW OF
BUILDING PERMIT REQUIREMENTS RELATED TO REBUILDING
HABITABLE STRUCTURES IN THE CZU BURN AREA**

WHEREAS, beginning on August 16, 2020, a wildfire event identified as the CZU August Lightning Complex Fires (“CZU Fire”) burned over 85,000 acres and damaged or destroyed approximately 1,500 structures, 911 of which were single-family homes; and

WHEREAS, on August 18, 2020, the Governor of the State of California declared a statewide emergency, including in the County of Santa Cruz, due to hundreds of fires actively burning throughout California; and

WHEREAS, on August 19, 2020, the County’s Director of Emergency Services proclaimed the existence of a local emergency due to the conditions of extreme peril caused by the CZU Fire; and

WHEREAS, on August 22, 2020, the President of the United States declared a Major Disaster associated with the CZU Fire; and

WHEREAS, on August 25, 2020, the Board of Supervisors ratified the proclamation of the local emergency and extended it through the date the Board declares it to be terminated; and

WHEREAS, the CZU Fire devastated many communities, including the communities of Bonny Doon, Davenport, Last Chance, and Boulder Creek, leaving behind a massive burn scar (“CZU burn area”) and exacerbating potential geologic hazards; and

WHEREAS, over one year after 911 homes were destroyed by the CZU Fire, many property owners are still unable to rebuild due in part to the impediment of certain requirements of Santa Cruz County Code (“SCCC”) Chapter 16.10 regarding geologic hazards, including but not limited to the high cost and extensive time necessary to complete site specific geologic investigations and construct hazard mitigation measures recommended therein; and

WHEREAS, the Board of Supervisors recognizes the continuing hardship and lasting effects of the CZU Fire emergency for many in affected communities throughout the CZU burn area who are attempting to rebuild lost homes; and

WHEREAS, subject to identified conditions and exceptions, the Board of Supervisors intends via this Resolution to direct County staff to not consider the provisions of SCCC 16.10 requiring geologic hazard investigations and mitigations in their review of building permit requirements related to rebuilding habitable structures in the CZU Fire burn area (the “2021 CZU Rebuild Directive Regarding Geologic Hazards” or “CZU Rebuild Directive”); and

WHEREAS, the CZU Rebuild Directive has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines (California Code of Regulations, Title 14, sections 15000 *et seq.*). The CZU Rebuild Directive is not a project subject to CEQA because it will not have a direct or reasonably foreseeable indirect impact on the environment. To the extent that it is a project, the project is statutorily exempt under CEQA Guidelines Section 15269 (Emergency Projects) because the CZU Rebuild Directive allows for the replacement of residences damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act. The CZU Rebuild Directive is also categorically exempt under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), to the extent it is a project, because any resulting actions are limited to the permitting and rebuilding of residences lost during the CZU Fire;

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz hereby RESOLVES and ORDERS as follows:

SECTION 1. The foregoing recitals are adopted as findings of the Board of Supervisors as though set forth within the body of this Resolution.

SECTION 2. Subject to the restrictions below, the Board of Supervisors hereby directs County staff to not consider the provisions of SCCC 16.10 requiring geologic hazard investigations and mitigations in their review of building permit requirements related to rebuilding habitable structures in the CZU Fire burn area (the “2021 CZU Rebuild Directive Regarding Geologic Hazards” or “CZU Rebuild Directive”).

SECTION 3. Application of the CZU Rebuild Directive is subject to the following conditions and exceptions:

- (a) Only property owners who held title to the affected property as of August 16, 2020, are eligible to participate in the CZU Rebuild Directive.
- (b) Owners who had permitted residences or residences that are treated as legally non-conforming based on demonstrated construction prior to 1986 will be treated as if they had County permits under the CZU Rebuild Directive; owners who had unpermitted residences, including residences that were constructed without benefit of

a building permit in or after 1986, will not be eligible to participate in the CZU Rebuild Directive.

(c) The CZU Rebuild Directive shall apply to rebuilding of all legal and legally non-conforming primary and accessory dwellings on the affected properties.

(d) The CZU Rebuild Directive shall solely apply to replacement structures that are constructed “in kind,” meaning no more than 10% larger than the original structure and in substantially the same location as the original structure, unless the footprint is re-located to a building envelope at lower risk of impact from geologic hazard upon the recommendation of a licensed geotechnical engineer or professional geologist and concurrence of the County Geologist.

(e) The CZU Rebuild Directive shall not apply to future modifications, additions, or repair of “in kind” replacement dwellings built pursuant to this directive, and shall not alter the applicability or requirements of SCCC 16.10.105 “Notice of Geologic Hazards in Cases of Dangerous Conditions.”

(f) The CZU Rebuild Directive will sunset three years from the date of the passage of this Resolution unless the Board chooses to extend it prior to that date.

(g) In order to participate in the CZU Rebuild Directive, property owners must record with the County Recorder’s Office a covenant signed by the property owner that acknowledges that geologic hazards have not been investigated, the property owner assumes the risk of any potential geologic hazards that exist on the property, and the property owner agrees to indemnify the County of Santa Cruz for any damages, losses, or actions related to geologic hazards on the property.

(h) The CZU Rebuild Directive will be administered in accordance with Administrative Guidelines issued by the Planning Director. When necessary to affect a decision regarding applicability of the directive to a proposed rebuild project, the Planning Director shall have decision-making authority.

SECTION 4. The CZU Rebuild Directive does not apply to SCCC 7.38.

SECTION 5. The CZU Rebuild Directive does not apply to projects governed by the requirements of SCCC 16.10.070(F) that are located inside the Coastal Zone and include development within a federally-regulated FEMA Flood Zone, as outlined in SCCC 16.10.040(19)(m).

SECTION 6. The CZU Rebuild Directive does not apply to those projects governed by the requirements of SCCC 16.13 that are located outside the Coastal Zone and that include development within a federally-regulated FEMA Flood Zone as outlined in the definition of “Development” in SCCC 16.13.160-D.

SECTION 7. The CZU Rebuild Directive is not a project under the California Environmental Quality Act (“CEQA”), and to the extent that it is a project it is statutorily exempt

under CEQA Guidelines section 15269 (Emergency Projects) and categorically exempt under CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures).

SECTION 8. Should any section, clause, or provision of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of the Resolution as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 9. The Board of Supervisors directs County staff to prepare amendments to the Santa Cruz County Code, the General Plan, and the Local Coastal Program to establish provisions to address rebuilding following natural disasters and directs the Planning Commission to consider and prepare a recommendation regarding the amendments for consideration by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 14th day of September 2021, by the following vote:

AYES: Supervisors: Koenig, Friend, Coonerty, Caput, and McPherson
NOES: None
ABSENT: None
ABSTAIN: None

DocuSigned by:
Bruce McPherson
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Bruce McPherson
Chair of the Board of Supervisors

ATTEST: DocuSigned by:
Stephanie Cabrera
2F79EA01AD52447

Stephanie Cabrera
Clerk of the Board

Approved as to Form: DocuSigned by:
Daniel Ezqueta
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Office of the County Counsel

9/8/2021 (AMS# 11302)

Certificate Of Completion

Envelope Id: 9C4180FF25CF49728039165BD7497315	Status: Completed
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Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
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