



# County of Santa Cruz

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060

(931) 454-2580 FAX: (931) 454-2131 TDD: (931) 464-2123

ALVIN D. JAMES, DIRECTOR

December 3, 1998

Agenda: December 15, 1998

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: APPROVE CORRECTED ORDINANCE EXTENDING THE INTERIM ZONING ORDINANCE TO CREATE THE FARMLAND SECURITY COMBINING DISTRICT

Members of the Board:

On November 10, 1998, your Board adopted Ordinance No. 4523 - Interim Ordinance Extending Interim Zoning Regulations Regarding Farmland Security Zones (Attachment 2). This action was necessary to implement the 1998 amendments to the California Land Conservation Act of 1965. These amendments will allow landowners to convert existing Williamson Act contracts to Farmland Security contracts for the 1999 tax year. Unfortunately, the wording of the Interim Ordinance adopted by your Board reflected an earlier, draft version of the ordinance and did not mirror the initial Interim Ordinance adopted on October 6, 1998 (Attachment 3). In order to correct this error, County Counsel has advised that your Board must re-adopt the Interim Ordinance, replacing Ordinance No. 4523 with an Ordinance with the correct wording (Attachment 1).

The Interim Ordinance presented in Attachment 1 mirrors the language approved by your Board in October and reflects the discussion presented to your Board by the Planning Department. It is, therefore, RECOMMENDED that your Board adopt the corrected Interim Ordinance Extending Interim Zoning Regulations Regarding Farmland Security Zones (Attachment 1).

Sincerely,

Alvin D. James  
Planning Director

RECOMMENDED

Susan A. Mauriello  
County Administrative Officer

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

367

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ AMENDING ORDINANCE NO. 4523 REGARDING FARMLAND SECURITY ZONES

WHEREAS, on October 6, 1998, the Board of Supervisors adopted Ordinance No. 4514 establishing interim zoning regulations regarding Farmland security Zones and pursuant to Government Code Section 65858, said ordinance to expire on November 20, 1998, unless further extended;

WHEREAS, on November 10, 1998, the Board of Supervisors adopted Ordinance No. 4523 to extend the interim zoning regulations pursuant to Government Code Section 65858 until October 6, 1999; and

WHEREAS, due to an inadvertent error, the provisions of Section 1 of Ordinance No. 4523 were different from the provisions of Section I of Ordinance 45 14;

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz amends Section I of Ordinance No. 4523 to read:

SECTION I

The Santa Cruz County Code Sections 13.10.470 through 13.10.473 are hereby amended to read as follows:

13.10.470- "P" AGRICULTURAL PRESERVE AND FARMLAND SECURITY COMBINING DISTRICT

13.10.471 PURPOSES OF THE AGRICULTURAL PRESERVE AND FARMLAND SECURITY "P" COMBINING DISTRICT

The Agricultural Preserve Combining District is established to denote those lands which are restricted to agricultural, open space and compatible uses by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 5 1240) or Article 7 (commencing with Government Code Section 5 1296) of the California Land Conservation Act of 1965 and amendments thereto.

13.10.472 DESIGNATION OF THE AGRICULTURAL PRESERVE AND FARMLAND SECURITY "P" COMBINING DISTRICT

Those parcels which are restricted by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 51240) or Article 7 (commencing with Government Code Section 5 1296) of the California Land Conservation Act of 1965, shall be designated with a "P" Combining District. The designation shall remain on the property until the contract expires or is canceled.

13.10.473D DEVELOPMENT STANDARDS IN THE AGRICULTURAL  
PRESERVE AND FARMLAND SECURITY "P" COMBINING DISTRICT

Lands designated as "P" Combining District shall also be classified in the "CA" District (except for those lands designated "AP") and shall be subject to the regulations of that district, with the modification or expansion of uses existing on the date of the execution of the contractual agreement which are not otherwise permitted in the "CA" district (see Section 13.10.3 12) shall be considered as discretionary uses which may be permitted upon the property within the limits of the reservation of such uses in the contractual agreement, subject to the securing of a Level V Approval.

PASSED AND ADOPTED this \_\_\_day of \_\_\_\_\_, 1998, by the Board of Supervisors at the County of Santa Cruz by the following vote:

AYES: SUPERVTSORS:  
NOES: SUPERVISORS:  
ABSENT: SUPERVISORS:  
ABSTATN: SUPERVISORS:

\_\_\_\_\_  
Chair of the Board of Supervisors

Attest: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM: *Dwight L. Herr*  
County Counsel

DISTRIBUTION: County Counsel  
County Administrative Officer  
Planning Department  
Santa Cruz Farm Bureau  
Tax Assessor  
Agricultural Policy Advisory Commission

ORDINANCE NO. 4523

369

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ  
EXTENDING INTERIM ZONING REGULATIONS REGARDING  
FARMLAND SECURITY ZONES

WHEREAS, California Government Code Section 65858 enables local legislative bodies to utilize interim zoning regulations pending the study, development, and consideration of permanent zoning regulations;

WHEREAS, on October 6, 1998, the Board of Supervisors adopted Ordinance No. 45 14 establishing interim zoning regulations regarding Farmland security Zones and pursuant to Government Code Section 65858 said ordinance will expire on November 20, 1998, unless further extended;

WHEREAS, on August 24, 1998, the Governor of the State of California signed into law an urgency statute which authorizes the establishment of Farmland Security Zones and Farmland security contracts as a means to further protect agricultural lands in California;

WHEREAS, the new law provides for Farmland Security contracts with annual renewable terms of 20-years, further reduces property taxes on these agricultural lands, provides certain protections from annexation and prevents acquisition of the land by school districts;

WHEREAS, the new law would enable property owners enrolled in Williamson Act contracts with local governments to apply for replacement of those contracts with Farmland Security contracts;

WHEREAS, Section 5.13 of the County General Plan/Local Coastal Program Land Use Plan states, in part, as County objectives: "to prevent conversion of commercial agricultural land to non-agricultural uses", and "to recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands";

WHEREAS, the County General Plan/Local Coastal Program Land Use Plan also includes Programs that encourage the use of Williamson Act contracts, conservation easements, and other tools such as special tax policies and incentives to maintain land in agricultural use; and

WHEREAS, the Board of Supervisors must enact the zoning provisions necessary to implement the Farmland Security Zone immediately in order for conversions from the Williamson Contracts to the Farmland Security contracts to be in effect before January 1, 1999.

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code Section 13.10.470 through 13.10.473 are hereby amended to read as follows:

13.10.470 "P" AGRICULTURAL PRESERVE AND "FS" FARMLAND SECURITY  
COMBINTNG DISTRICTS

13.10.471 PURPOSES OF THE AGRICULTURAL PRESERVE "P" COMBINING DISTRICT

The Agricultural Preserve Combining District is established to denote those lands which are restricted to agricultural, open space and compatible uses by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 5 1240) of the California Land Conservation Act of 1965 and amendments thereto.

13.10.472 DESIGNATION OF THE AGRICULTURAL PRESERVE "P" COMBINING DISTRICT

Those parcels which are restricted by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 5 1240) of the California Land Conservation Act of 1965, shall be designated with a "P" Combining District. The designation shall remain on the property until the contract expires or is canceled.

13.10.473 USE AND DEVELOPMENT STANDARDS IN THE AGRICULTURAL PRESERVE "P" COMBINING DISTRICT

Lands designated as "P" Combining District shall also be classified in the "CA" District (except for those lands designated "AP") and shall be subject to the regulations of that district, with the modification or expansion of uses existing on the date of the execution of the contractual agreement which are not otherwise permitted in the "CA" district (see Section 13.10.3 12) shall be considered as discretionary uses which may be permitted upon the property within the limits of the reservation of such uses in the contractual agreement, subject to the securing of a Level V Approval.

SECTION II

The Santa Cruz County Code is hereby amended by adding the following sections to read as follows:

13.10.475 PURPOSES OF THE "FS" FARMLAND SECURITY COMBINING DISTRICT

The Farmland Security Combining District is established to denote those lands which are restricted to agricultural, open space and compatible uses by contractual agreement in accordance with the provisions of Article 7 (commencing with Government Code Section 5 1296) of the California Land Conservation Act of 1965 and amendments thereto.

13.10.476 DESIGNATION OF THE FARMLAND SECURITY "FS" COMBINING DISTRICT

Those parcels which are restricted by contractual agreement in accordance with the provisions of Article 7 (commencing with Government Code Section 5 1296) of the California Land Conservation Act of 1965, shall be designated with a "FS" Combining District. The designation shall remain on the property until the contract expires or is canceled.

13.10.477 USE AND DEVELOPMENT STANDARDS IN THE FARMLAND SECURITY "FS"

COMBINING DISTRICT

Lands designated as "FS" Combining District shall also be classified in the "CA" District and shall be subject to the regulations of that district.

SECTION III

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not effect the remaining portions of this Ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

SECTION IV

The Board of Supervisors hereby finds, determines, and declares that this ordinance is adopted consistent with Government Code Section 65858 and is necessary for the protection of the public health, safety, and general welfare. The facts constituting the need for such a measure are set forth in the preamble to this ordinance.

In accordance with Government Code Section 65858, this ordinance shall be in force and effect for a period of 10 months and 15 days from its adoption unless, after formal public hearing, the Board of Supervisors, by four-fifths vote, extends the interim ordinance in accordance with Government Code Section 65858.

PASSED AND ADOPTED this 10<sup>th</sup> day of November, 1998, by the Board of Supervisors at the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS:	Belgard, Almquist, Symons, Wormhoudt & Beautz
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None
ABSTAIN:	SUPERVISORS:	None

**JANET K. BEAUTZ**

Chair of the Board of Supervisors

Attest: SUSAN M. MAURIELLO  
Clerk of the Board

APPROVED AS TO FORM: Dwight L. Hew  
County Counsel

DISTRIBUTION:	County Counsel	Tax Assessor
	County Administrative Officer	Agricultural Policy Advisory Commission
	Planning Department	
	Santa Cruz Farm Bureau	

HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 20<sup>th</sup> DAY OF November 1998

SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA

BY: [Signature] DEPUTY

*Revised* 972

ORDINANCE NO. 4514

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ  
ESTABLISHING INTERIM ZONING REGULATIONS REGARDING  
FARMLAND SECURITY ZONES

WHEREAS, California Government Code Section 65858 enables local legislative bodies to utilize interim zoning regulations pending the study, development, and consideration of permanent zoning regulations;

WHEREAS, on August 24, 1998, the Governor of the State of California signed into law an urgency statute which authorizes the establishment of Farmland Security Zones and Farmland security contracts as a means to further protect agricultural lands in California;

WHEREAS, the new law provides for Farmland Security contracts with annual renewable terms of 20-years, further reduces property taxes on these agricultural lands, provides certain protections from annexation and prevents acquisition of the land by school districts;

WHEREAS, the new law would enable property owners enrolled in Williamson Act contracts with local governments to apply for replacement of those contracts with Farmland Security contracts;

WHEREAS, Section 5.13 of the County General Plan/Local Coastal Program Land Use Plan states, in part, as County objectives: "to prevent conversion of commercial agricultural land to non-agricultural uses", and "to recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands";

WHEREAS, the County General Plan/Local Coastal Program Land Use Plan also includes Programs that encourage the use of Williamson Act contracts, conservation easements, and other tools such as special tax policies and incentives to maintain land in agricultural use; and

WHEREAS, the Board of Supervisors must enact the zoning provisions necessary to implement the Farmland Security Zone immediately in order for conversions from the Williamson Contracts to the Farmland Security contracts to be in effect before January 1, 1999.

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code Section 13.10.470 through 13.10.473 are hereby amended to read as follows:

13.10.470 "P" AGRICULTURAL PRESERVE AND FARMLAND SECURITY  
COMBINING DISTRICT

13.10.471 PURPOSES OF THE AGRICULTURAL PRESERVE AND FARMLAND SECURITY  
“P” COMBINING DISTRICT

The Agricultural Preserve Combining District is established to denote those lands which are restricted to agricultural, open space and compatible uses by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 51240) or Article 7 (commencing with Government Code Section 51296) of the California Land Conservation Act of 1965 and amendments thereto.

13.10.472 DESIGNATION OF THE AGRICULTURAL PRESERVE AND FARMLAND  
SECURITY “P” COMBINING DISTRICT

Those parcels which are restricted by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 51240) or Article 7 (commencing with Government Code Section 51295) of the California Land Conservation Act of 1965, shall be designated with a “P” Combining District. The designation shall remain on the property until the contract expires or is canceled.

13.10.473 USE AND DEVELOPMENT STANDARDS IN THE AGRICULTURAL  
PRESERVE AND FARMLAND SECURITY “P” COMBINING DISTRICT

Lands designated as “P” Combining District shall also be classified in the “CA” District (except for those lands designated “AP”) and shall be subject to the regulations of that district, with the modification or expansion of uses existing on the date of the execution of the contractual agreement which are not otherwise permitted in the “CA” district (see Section 13.10.3 12) shall be considered as discretionary uses which may be permitted upon the property within the limits of the reservation of such uses in the contractual agreement, subject to the securing of a Level V Approval.

**SECTION II**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not effect the remaining portions of this Ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

**SECTION III**

The Board of Supervisors hereby finds, determines, and declares that this ordinance is adopted consistent with Government Code Section 65858 and is necessary for the protection of the public health, safety, and general welfare. The facts constituting the need for such a measure are set forth in the preamble to this ordinance.

In accordance with Government Code Section 65858, this ordinance shall be in force and effect for 45 days from its adoption unless, after formal public hearing, the Board of Supervisors, by four-fifths vote, extends the interim ordinance in accordance with Government Code Section 65858.



PASSED AND ADOPTED this 6<sup>th</sup> day of October, 1998, by the Board of Supervisors at the County of Santa Cruz by the following vote:

AYES: SUPERVISORS: Symons, Wormhoud t , Belgard and Beaut z  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: Almquist  
ABSTAIN.: SUPERVISORS: None

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JANET K. BEAUTZ

Chair of the Board of Supervisors

Attest: SUSAN M. ROJARDO  
Clerk of the Board

APPROVED AS TO FORM: Dwight L. New  
County Counsel

DISTRIBUTION: County Counsel  
County Administrative Officer  
Planning Department  
Santa Cruz Farm Bureau  
Agricultural Policy Advisory Commission  
Tax Assessor  
LAFCO

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 6<sup>th</sup> DAY OF October 19 98  
SUSAN A MAURELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

BY: Susan A. Maurello DEPUTY

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