

COUNTY OF SANTA CRUZ  
 PLANNING DEPARTMENT

Date: October 11, 2000  
 Agenda Item: No. 1  
 Time: After 9:00 a.m.

**0301**

**STAFF REPORT TO THE PLANNING COMMISSION**

APPLICATION NO.: 98-0869 APNS: 058-021-01, 03 and 07, 058-022-1 1, 058-042-01, 058-051-05, 07, 058-121-01, 02, 058-122-09, 12, 059-01 1-03, 04, 05, 06, 10, 11 and 13, 059-021-02, 03 and 04 and 059-151-01

APPLICANT: Coast Dairies and Land Company, attn: Edith Pepper

OWNER: Coast Dairies and Land Company (Trust for Public Lands)

PROJECT DESCRIPTION: Proposal to rezone Assessor’s Parcel Numbers 058-021-01, 03 and 07, 058-022-11, 058-042-01, 058-121-01, 02, 058-122-09, 12, 059-01 1-03, 04, 05, 06, 10, 11 and 13, 059-021-02, 03 and 04 to add the Agricultural Preserve (“-P”) combining district to the present Commercial Agriculture (“CA”) zone district, and to combine Assessor’s Parcel Numbers 058-05 1-05 and 07 with Assessor’s Parcel Number 058-042-01 and rezone APNs 058-051-05 and 07 from the Residential Agriculture (“RA”) zone district to the Commercial Agriculture - Agricultural Preserve (“CA-P”) zone district and to rezone Assessor’s Parcel Number 059-151-01 from the Special Use (“SU”) zone district to the Agriculture - Agricultural Preserve (“A-P”) zone district. Requires a Rezoning.

LOCATION: The properties are located adjacent to both sides of Highway 1, beginning at Laguna Creek and extending north to Molino Creek to a pumping station, excluding the RMC Cement Plant and the community of Davenport.

FINAL ACTION DATE: Exempt from the Permit Streamlining Act (Legislative Action)

PERMITS REQUIRED: Zoning Ordinance Amendment

ENVIRONMENTAL DETERMINATION: Categorical exemption from CEQA per Sections 1808 and 18 17

COASTALZONE: XX yes \_\_\_no APPEALABLE TO CCC: XX yes \_\_\_no

PARCEL INFORMATION

PARCEL SIZES: EMIS Estimates

058-021-01	129 acres	058-021-03	9 acres	058-021-07	50 acres
058-022-11	1775 acres	058-042-01	14.9 acres	058-05 1-05	1.13 acres
058-05 1-07	0.1 acres	058-121-01	26 acres	058-121-02	12.4 acres
058-122-09	1470 acres	058-122-12	76 acres	059-01 1-03	4 18 acres
059-01 1-04	580 acres	059-01 1-05	78 acres	059-01 1-06	7.2 acres
059-01 1-10	12.7 acres	059-01 1-1 1	129 acres	059-01 1-13	290 acres
059-012-02	101 acres	059-012-03	15.6 acres	059-012-04	12.9 acres
059-151-01	171 acres				

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EXISTING LAND USE: PARCELS:

058-021-01	row crops	058-021-03	row crops, ag. structure	058-021-07	row crops
058-022-11	row crops, SFD grazing, conveyer	058-042-01	mariculture	058-051-05	vacant rural
058-051-07	vacant lot	058-121-01	row crops	058-121-02	row crops
058-122-09	row crops, grazing, SFD	058-122-12	farm, misc. outbuildings	059-011-03	grazing
059-011-04	grazing	059-011-05	grazing	059-011-06	row crops, SFD, historic structure
059-011-10	row crops, outbuildings	059-011-11	row crops, grazing	059-011-13	row crops, grazing
059-O 12-02	row crops	059-012-03	row crops	059-O 12-04	row crops
059-151-01	grazing				

SURROUNDING: Vacant rural, agriculture, quarry, timber production, rural residential, community of Davenport and State Parks

PROJECT ACCESS: Highway 1 - a State Highway

PLANNING AREA: North Coast and Bonny Doon Planning Areas

LAND USE DESIGNATIONS AND ZONING DISTRICTS:

058-021-01	CA	AG	058-021-03	CA	AG	058-021-07	CA	AG
058-022-11	CA	AG	058-042-01	CA	AG	058-051-05	RA	AG
058-051-07	RA	AG	058-121-01	CA	AG	058-121-02	CA	AG
058-122-09	CA	AG	058-122-12	CA	AG	059-011-03	CA	AG
059-011-04	CA	AG	059-011-05	CA	AG	059-011-06	CA-L	AG
059-011-10	CA	AG	059-011-11	CA	AG	059-011-13	CA	AG
059-012-02	CA	AG	059-012-03	CA	AG	059-O 12-04	CA	AG
059-151-01	SU	R-M						

SUPERVISORIAL DISTRICT: Third

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. N/A
b. Soils	b. N/A

Coast Dairies and Land Co.  
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- |                       |   |
|-----------------------|---|
| c. Fire Hazard        | c. N/A  |
| d. Slopes             | d. Level to 60+%  |
| e. Env. Sen. Habitat  | e. Mapped on multiple parcels - riparian, coastal prairie terrace |
| f. Grading            | f. None proposed  |
| g. Tree Removal       | g. None proposed  |
| h. Scenic             | h. Highway 1 is a designated scenic road                          |
| i. Drainage           | i. N/A  |
| j. Traffic            | j. N/A  |
| k. Roads              | k. Access via Highway 1   |
| l. Parks              | l. Future ownership by State Parks and Bureau of Land Management  |
| m. Sewer Availability | m. N/A  |
| n. Water Availability | n. N/A  |
| o. Archeology         | o. Mapped resource area   |

SERVICES INFORMATION

W/in Urban Services Line:     yes XXno  
 Water Supply: Private Wells - some parcels developed with domestic and agricultural wells  
 Sewage Disposal: Septic - some parcels developed with septic systems  
 Fire District: California Department of Forestry Fire District  
 Drainage District: None

ANALYSIS & DISCUSSION

Background

On December 18, 1998, the County Planning Department accepted this application for rezoning 19 parcels into the Agricultural Preserve combining district, two parcels from the Residential Agriculture (RA) zone district to the Commercial Agriculture with the Agricultural Preserve combining (CA-P) zone district and one parcel from the Special Use (SU) zone district to the Agriculture with the Agricultural Preserve combining (A-P) zone district. These rezonings are required for consistency with the Williamson Act contracts which were approved by the Board of Supervisors on December 8, 1998 for the subject parcels (Exhibit I). This project qualifies for a categorical exemption (Exhibit C) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 18, Sections 1808 and 1817).

Project Setting

The project site is located in the North Coast and Bonny Doon planning areas with primary access via Highway 1 (Exhibit E). The subject parcels vary in size to 0.1 acres to 1,775 acres. The 22 parcels total nearly 5,500 acres of agricultural land. The topography of the property varies greatly due to its size from coastal bluffs and coastal marine terraces to steep mountainous slopes and canyons with grasslands and scattered timber and coastal stream channels and arroyos. The properties are owned by Coast Dairies and

Coast Dairies and Land Co.  
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 APNs: 058-021-01, et. al.

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Land Company which in turn is owned by the Trust for Public Lands. The properties will be maintained for agricultural and open space uses with plans for eventual ownership by State Parks and/or the Bureau of Land Management.

### General Plan & Zoning Consistency

The subject parcels have a 1994 General Plan land use designation of Agriculture, except for APN 059- 15 1-02 which is designated as Mountain Residential (Exhibit H). Both the CA and RA zone districts implement the Agriculture General Plan designation. Assessor's Parcel Numbers 058-051-05 and 07 are currently zoned RA and are approximately 1.1 and 0.1 acres respectively (See Zoning Maps, Exhibit G). The RA zone district is not consistent with the Williamson Act or the Agricultural Preserve combining district. Furthermore, these properties are too small to qualify for rezoning to the CA zone district. APNs 058-05 1-05 and 07 are contiguous with APN 058-042-01 which is also subject to rezoning under this application and is currently zoned CA. In order to achieve consistency with the Williamson Act, the Agricultural Preserve designation and the CA zone district, parcels 058-05 1-05 and 07 have been combined with APN 058-042-01 through a recorded affidavit to retain as a single parcel (Exhibit J). The resultant larger parcel will be rezoned to the CA-P zone district consistent with the Williamson Contract.

Again, Assessor's Parcel Number 059- 15 1-02 is zoned Special Use and is designated as Mountain Residential. A General Plan Amendment would be required in order to rezone this property to CA-P, as the CA zone district is not consistent with the Mountain Residential General Plan designation. The Agriculture zone district, however, is consistent with the Mountain Residential General Plan designation, as specified in Section 13.10.170 of the County Code. Although the CA-P rezoning is preferred, the Agriculture with an Agricultural Preserve designation (A-P) is consistent with the Williamson Act, County policy and past County practices. Thus, this property is proposed for rezoning from the SU zone district to the A-P zone district.

Most of subject parcels are visible from Highway 1, a 1994 General Plan designated scenic road. The proposed rezonings are consistent with the County's General Plan policies for scenic resources, since the purpose of the rezonings are for consistency with the previously approved Williamson Act contracts. The Williamson Act contracts recognize, protect and encourage the existing and future agricultural uses of these properties as well as preserving their open space value.

A tenant repaired and expanded a damaged agricultural dam on APN 059-011-13 on Yellow Bank Creek without permits. In order to address this situation, the rezoning of this parcel is subject to the condition to apply for Coastal zone and other appropriate permits within 90 days of the Rezoning Approval. The conditions further require that all work be completed and the permit(s) **finalized** within one year of approval.

### Conclusion

The proposed rezoning of the subject parcels to the Commercial Agriculture with Agricultural Preserve (CA-P) zoning designation, except APN 059-1 5 1-02, which will be rezoned to the Agriculture with Agricultural Preserve (A-P) zoning designation, are consistent with the Williamson Act contracts and the County's 1994

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General Plan policies for the preservation of agricultural lands and open space. All required findings can be made to approve this application and the rezonings are consistent with the General Plan policies and land use designations, subject to the attached conditions of approval (Exhibit B). Please see Exhibit A ("Findings") for a complete listing of findings and evidence related to the above discussion.

RECOMMENDATION:

Staff recommends that your Commission adopt the attached Resolution (Exhibit D), sending a recommendation to the Board of Supervisors for approval of Application No. 98-0869 based on the attached findings (Exhibit A) and subject to the attached conditions (Exhibit B), and certification of the determination that the project is categorically exempt from CEQA (Exhibit C).

EXHIBITS

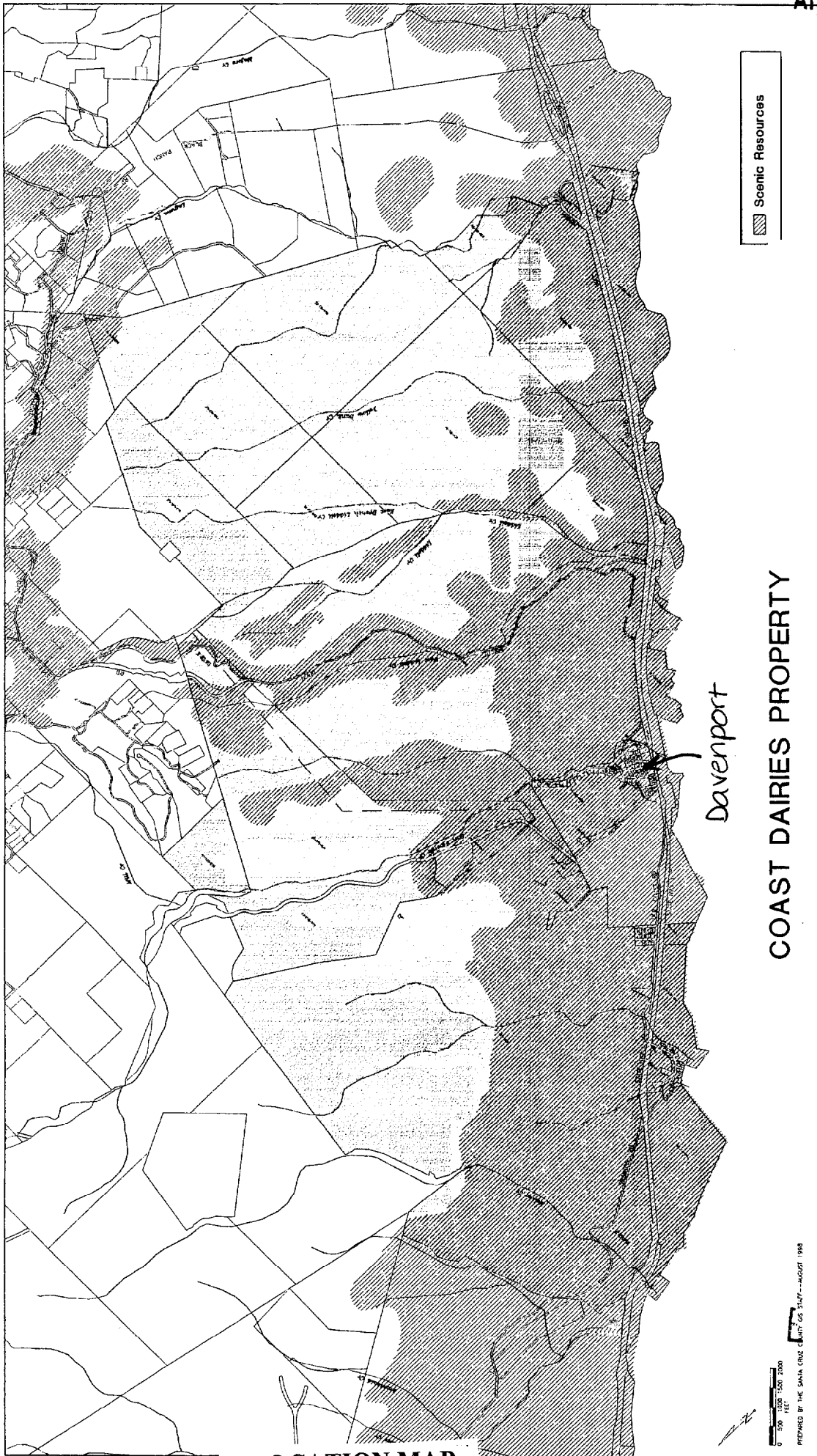
- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption from CEQA
- D. Planning Commission Resolution
- E. Location Map
- F. Assessor's Parcel Maps
- G. Zoning Maps
- H. General Plan Maps
- I. Board Letter of December 8, 1998
- J. Affidavit to Maintain as One Parcel

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: Cathleen Carr  
 Cathleen Carr  
 Santa Cruz County Planning Department  
 701 Ocean Street, 4th Floor  
 Santa Cruz CA 95060  
 Phone Number: (83 1) 454-3225

Report reviewed by: Glenda Hill  
 Glenda Hill, AICP  
 Principal Planner  
 Development Review

0 3 0 6



Davenport  
 COAST DAIRIES PROPERTY

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HIBIT E

LOCATION MAP

PREPARED BY THE SANTA CRUZ COUNTY GIS DEPARTMENT - AUGUST 1998

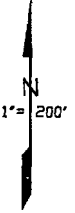
FOR TAX PURPOSES ONLY RANCHO 'S AGUA PUERACA Y LAS TRANCAS & SAN VICENTE

58-04

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PDR. SEC. 29 & 32, T.10S., R.3W., M.D.B. & M.

Tax Area Code  
86-022.



ASSESSOR'S PARCEL MAP

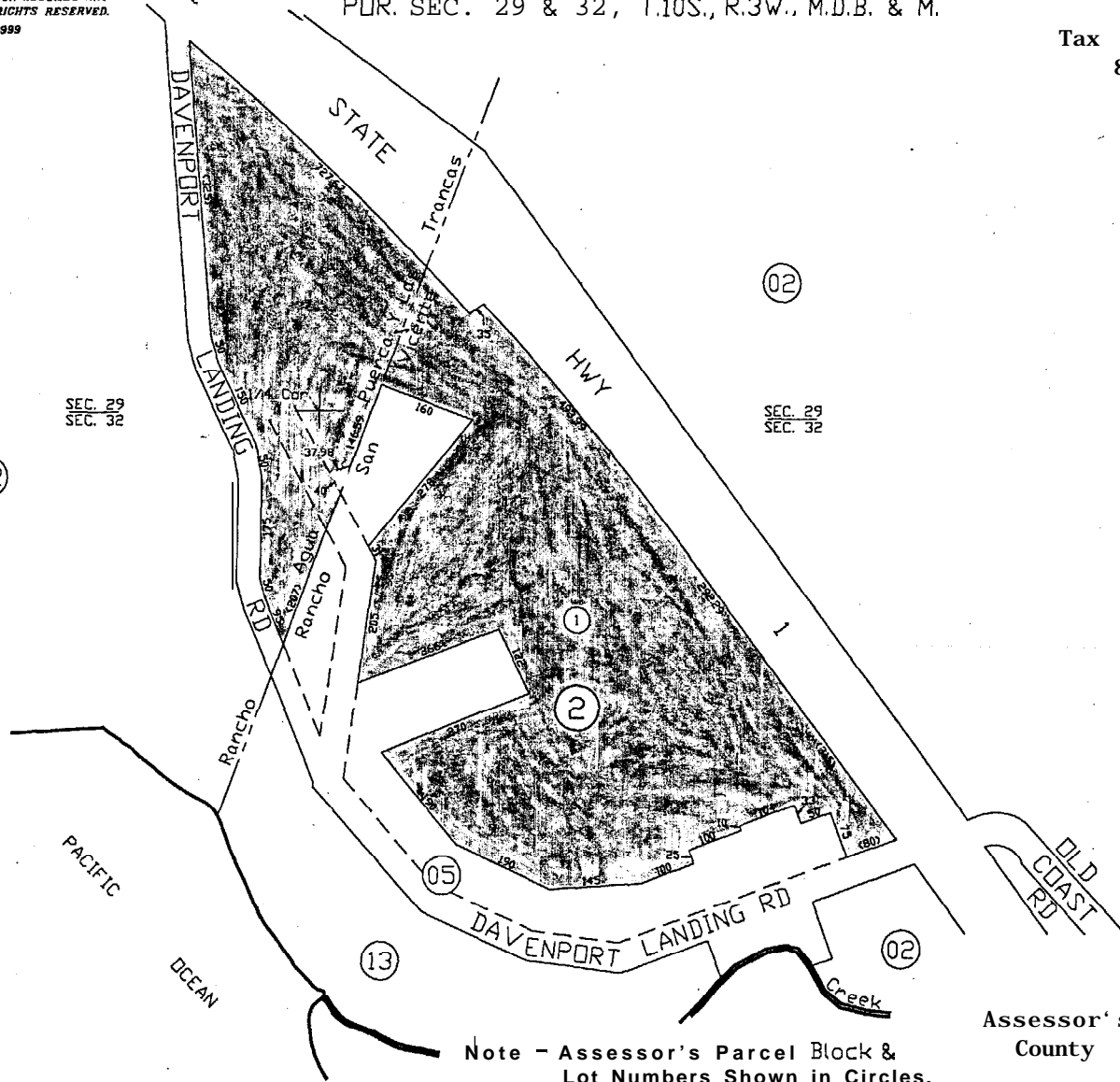


EXHIBIT F

Assessor's Map No. 58-04  
County of Santa Cruz, Calif.  
act. 1999

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SAN VICENTE RANCHO

POR. N.E. 1/4 SEC. 32, T.10S., R.3W., M.D.B. & M.

Tax Area Code 86-022

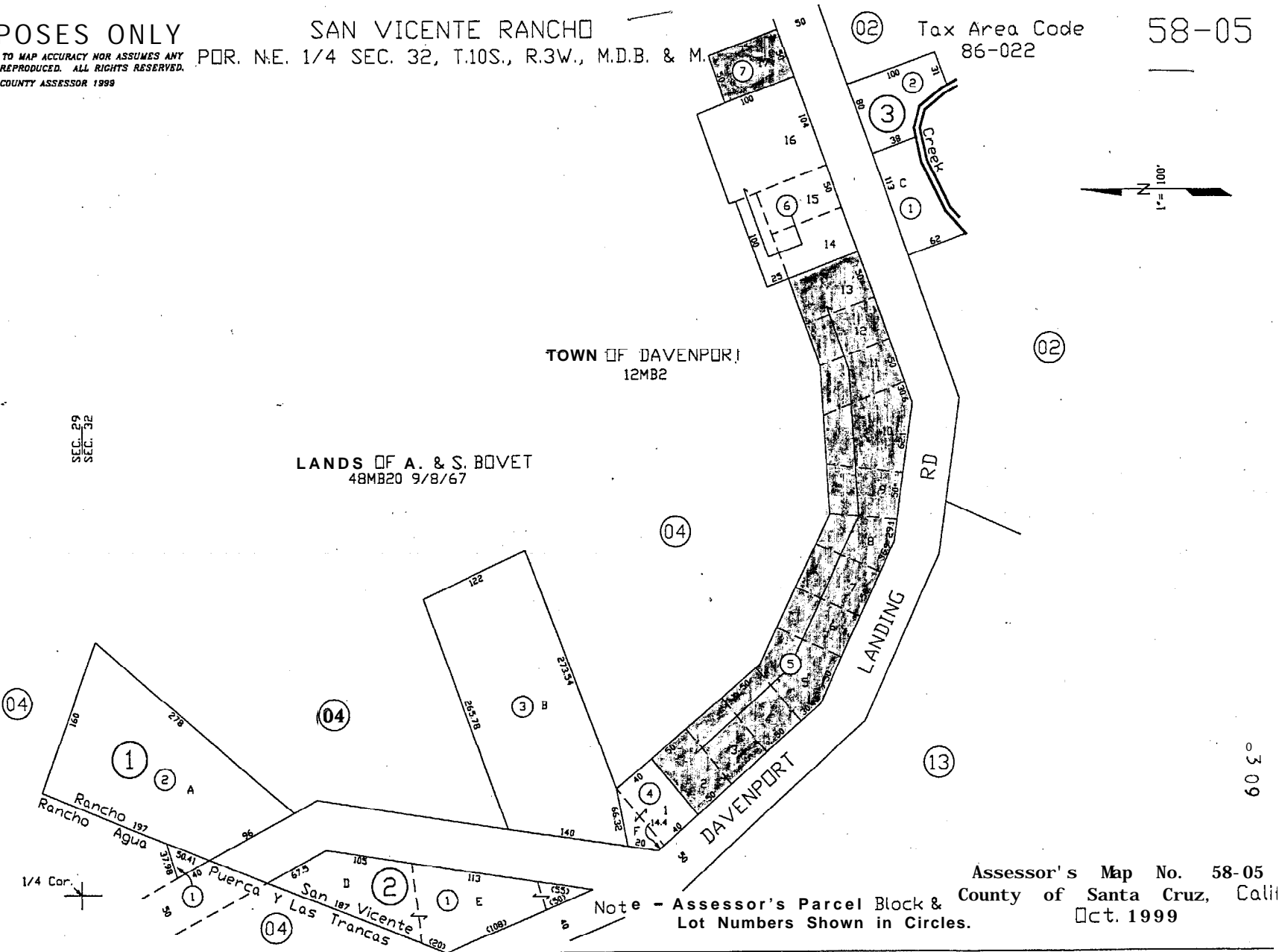
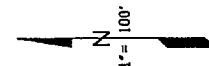
58-05

ASSESSOR'S PARCEL MAP

SEC. 29  
SEC. 32

LANDS OF A. & S. BOVET  
48MB20 9/8/67

TOWN OF DAVENPORT  
12MB2



Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 58-05  
County of Santa Cruz, Calif  
Oct. 1999

03 09

ATTACHMENT 6

EXHIBIT F 40



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# FOR TAX PURPOSES ONLY

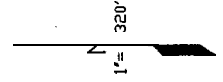
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## LAGUNA & SAN VICENTE RANCHO'S

POR. SECS. 26,27,33,34 & 35, T.10S., &  
POR. SECS. 2 & 3, T.11S., R.3W., M.D.B. & M.

Tax Area Code  
86-000 86-004  
86-012 86-020  
86-022

-- 58-12

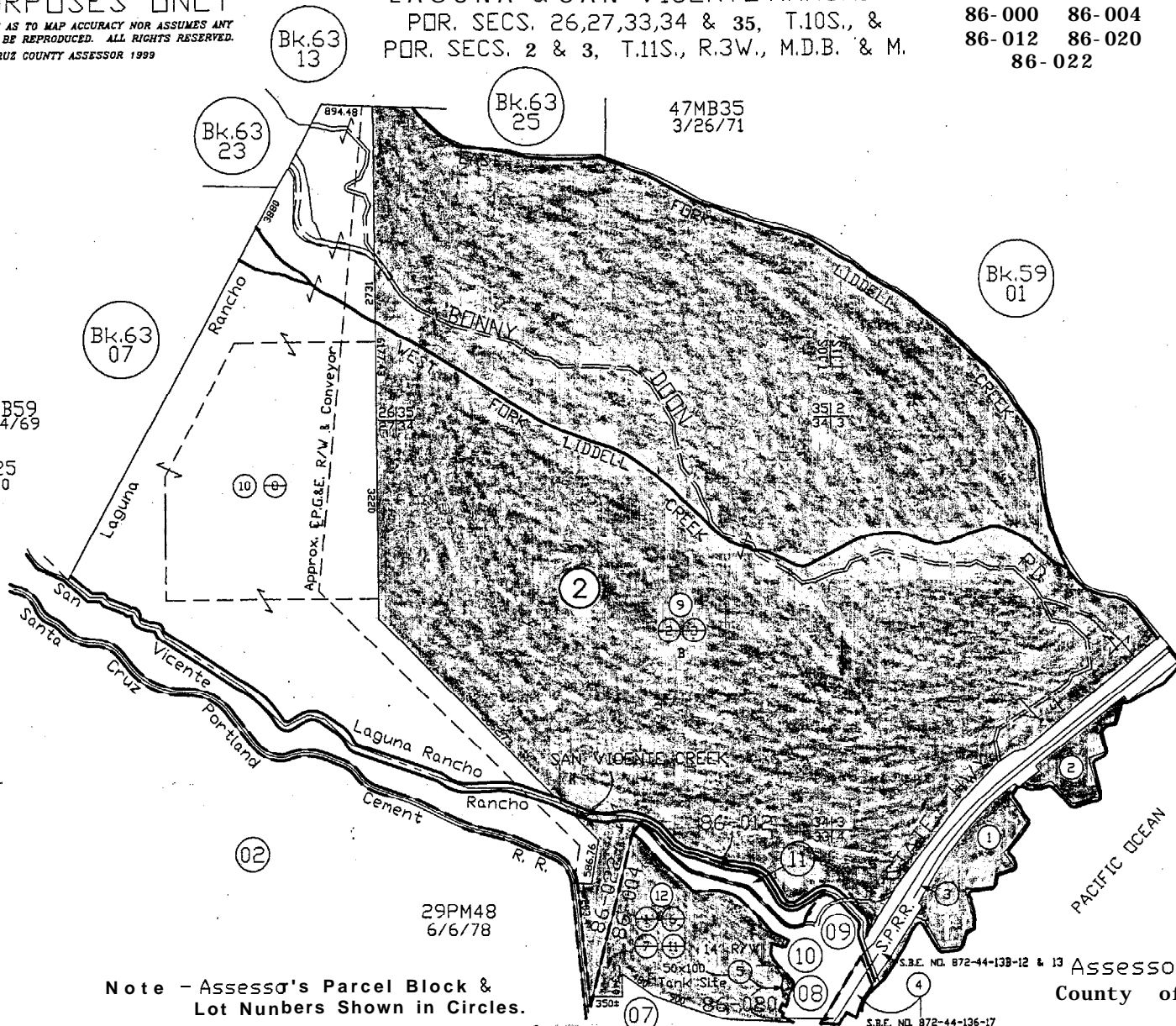


ASSESSOR'S PARCEL MAP

50MB59  
10/14/69

53MB25  
9/1/70

# EXHIBIT F



29PM48  
6/6/78

Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 58-1.2  
County of Santa Cruz, California  
Oct. 1999

S.B.E. NO. 872-44-138-12 & 13  
S.B.E. NO. 872-44-136-17

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**LAGUNA RANCHO**

Por. Secs. 1,2,3,10,11, & 12, T.11S., R.3W., M.D.B.&M.

T.10S.  
T.11S.

3536

Tax Area Code  
92-004 92-007

15

SEC.36,T.10S.  
SEC.1,T.11S.

59-01

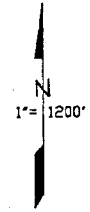
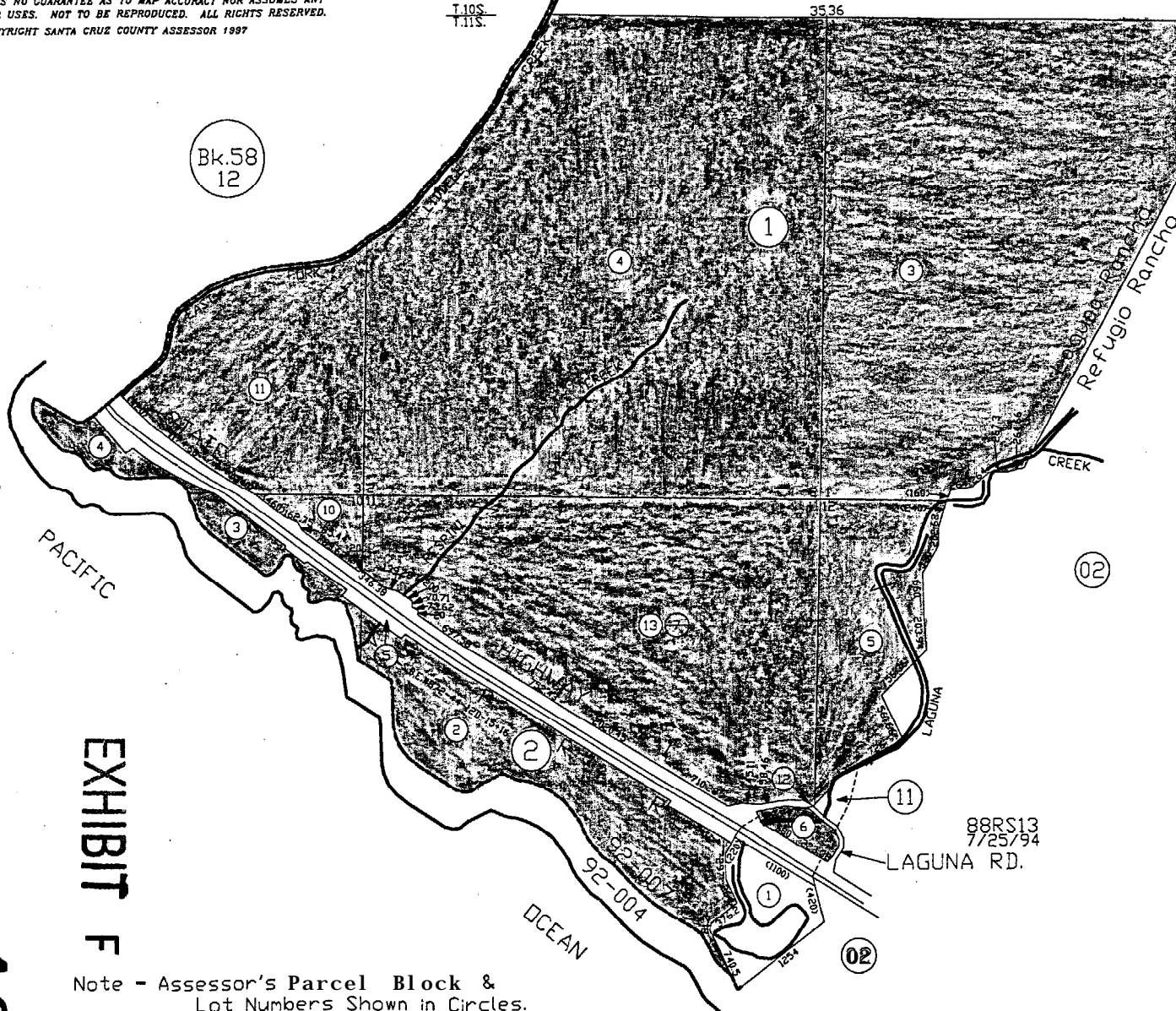
Bk.62  
14

Bk.58  
12

ASSESSOR'S PARCEL MAP

EXHIBIT F

40



Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

88RS13  
7/25/94

LAGUNA RD.

Assessor's Map No. 59-01  
County of Santa Cruz, Calif  
March, 1997

ATTACHMENT 6

FOR TAX PURPOSES ONLY POR. RANCHO PUERCA Y LAS TRANCAS & RANCHO SAN VICENTE 58-02  
 POR. SEC. 19,20,21,22,27,28,29,30,32 & 33 T.10S., R.3W., M.D.B. & M.

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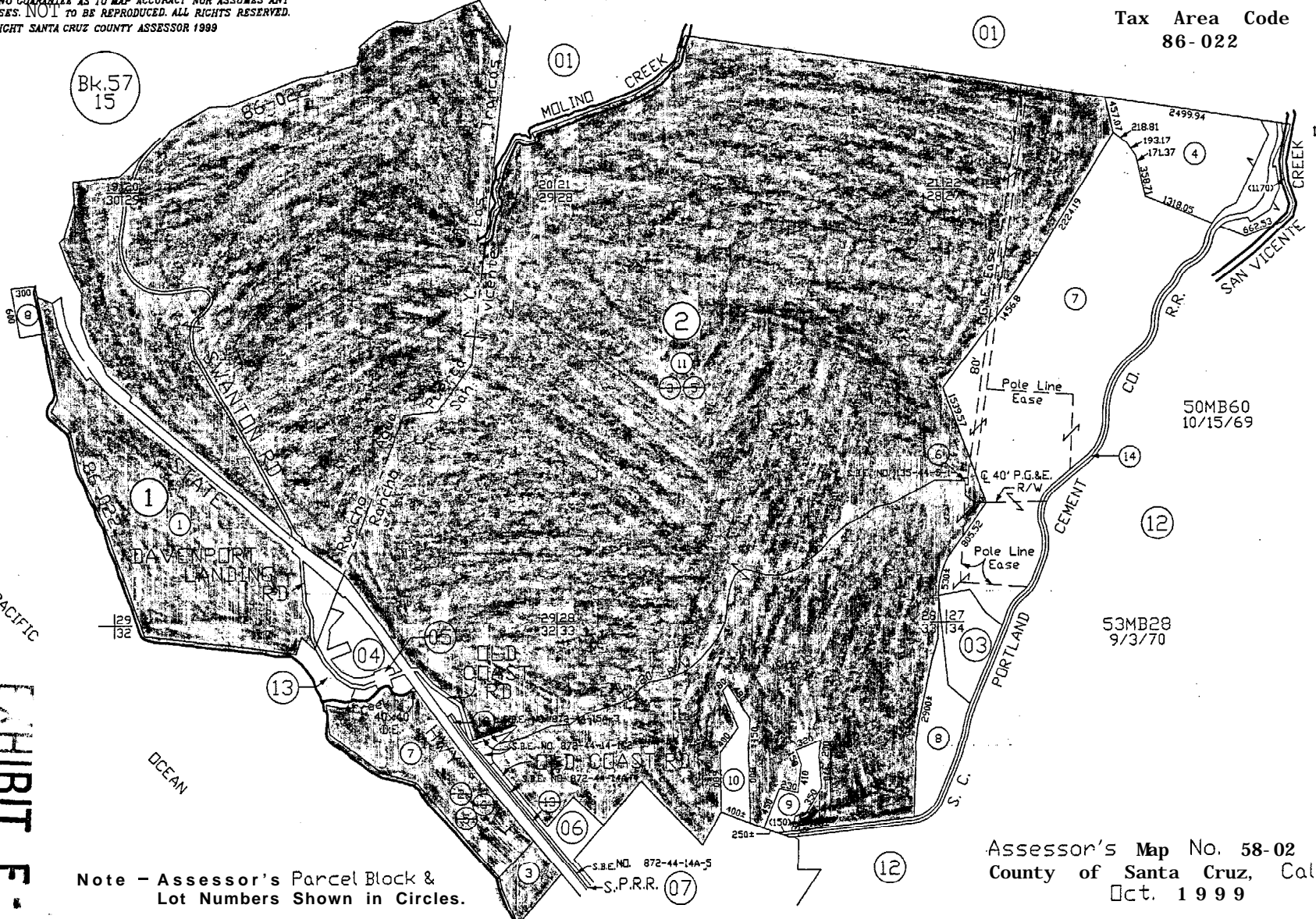
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Tax Area Code  
86-022



Bk. 57  
15

ASSESSOR'S PARCEL MAP



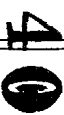
Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 58-02  
 County of Santa Cruz, Calif.  
 Oct. 1999

Electronically redrawn 10/19/99 KSA  
 Rev. 3/2/00 EG Add link to 2-10

ATTACHMENT 6

1307



PUBLIC

59-15

Tax Area Code  
92-007

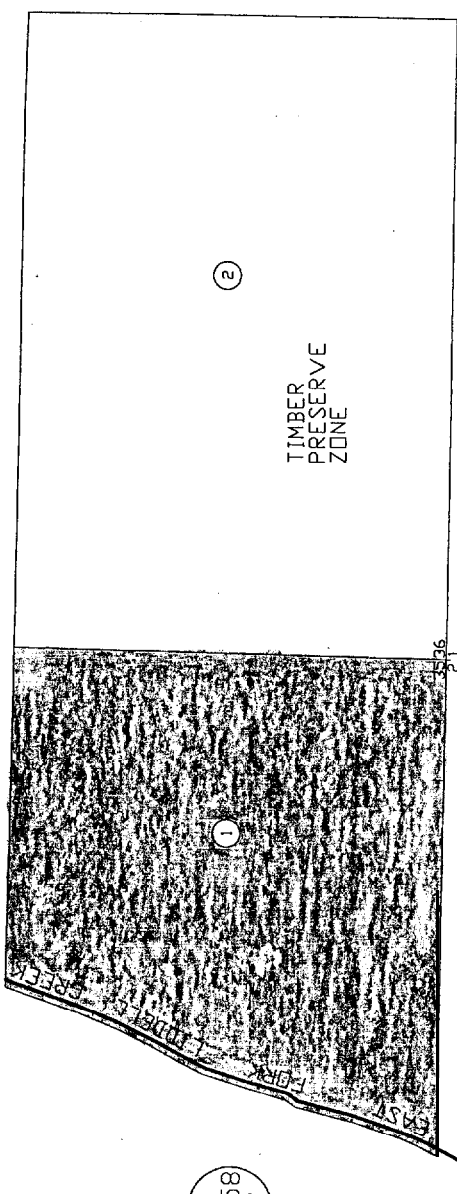
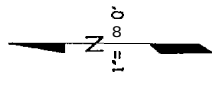
LAGUNA RANCHO

POR. SECS. 35 & 36, T.10S, R.3W.

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ASSESSOR'S PARCEL MAP



Bk. 63  
25

Bk. 58  
12

Bk. 62  
14

01

SEC. 36, T. 10S.  
SEC. 11S.

T. 10S.  
T. 11S.

03 12

Electrically Redrawn  
**REVISED**  
DATE 3-20-97  
OLD MAP NO.  
(For. Ju. 59-01)

Assessor's Map No. 59-15  
County of Santa Cruz, Calif.  
March, 1997

EXHIBIT F

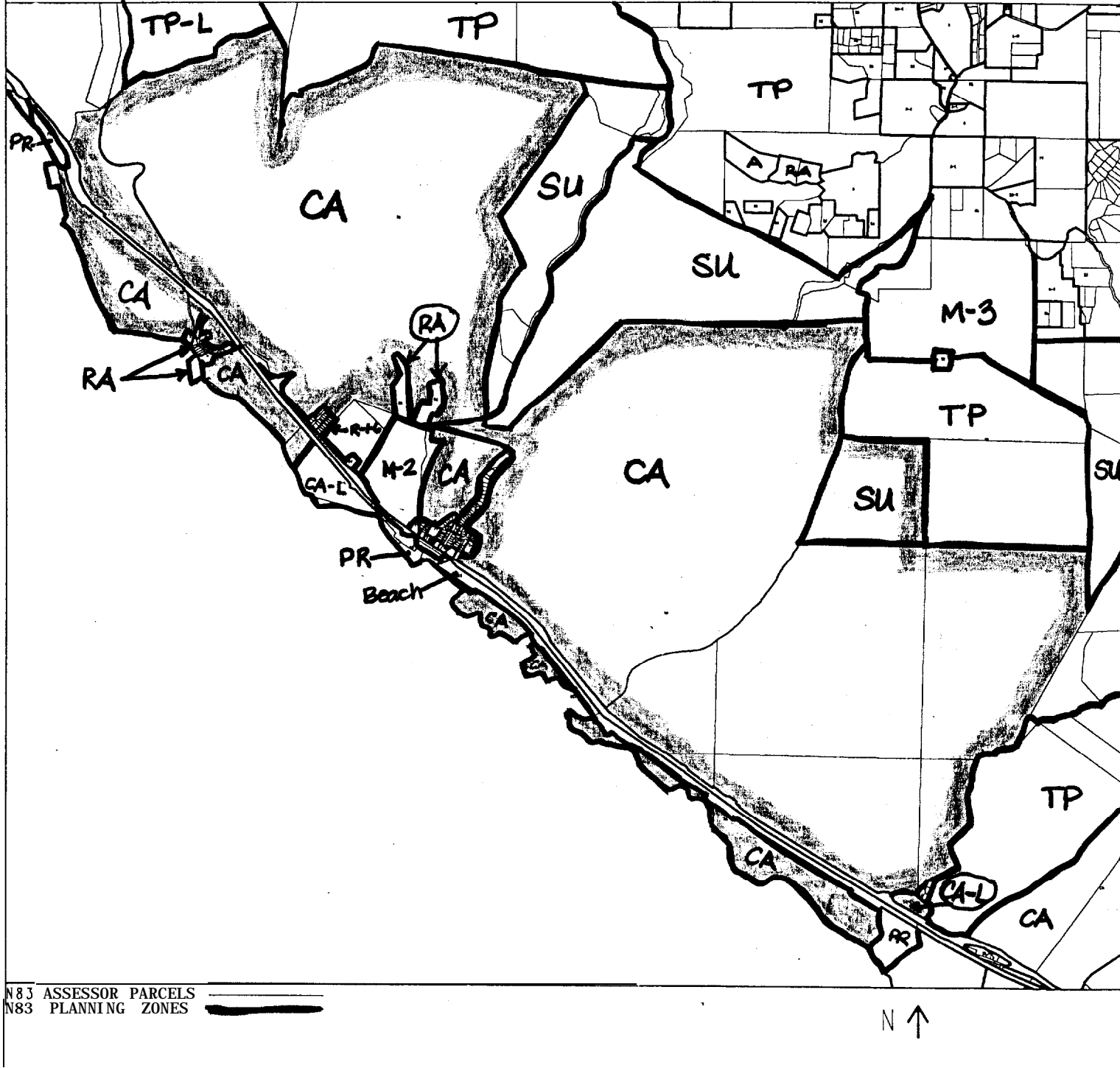
Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

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0313

SCALE (FT/INCH) = 3.560  
WIDTH IN FEET = 28,250.32  
DEPTH IN FEET = 25,011.20

REQUEST ID: 98-0869



ZONING MAP

EXHIBIT G  
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REQUEST ID: 98-0869

SCALE (FT/INCH) = 3.560  
DT4 IN FEET = 28,250.32  
PT4 IN FEET = 25,011.20

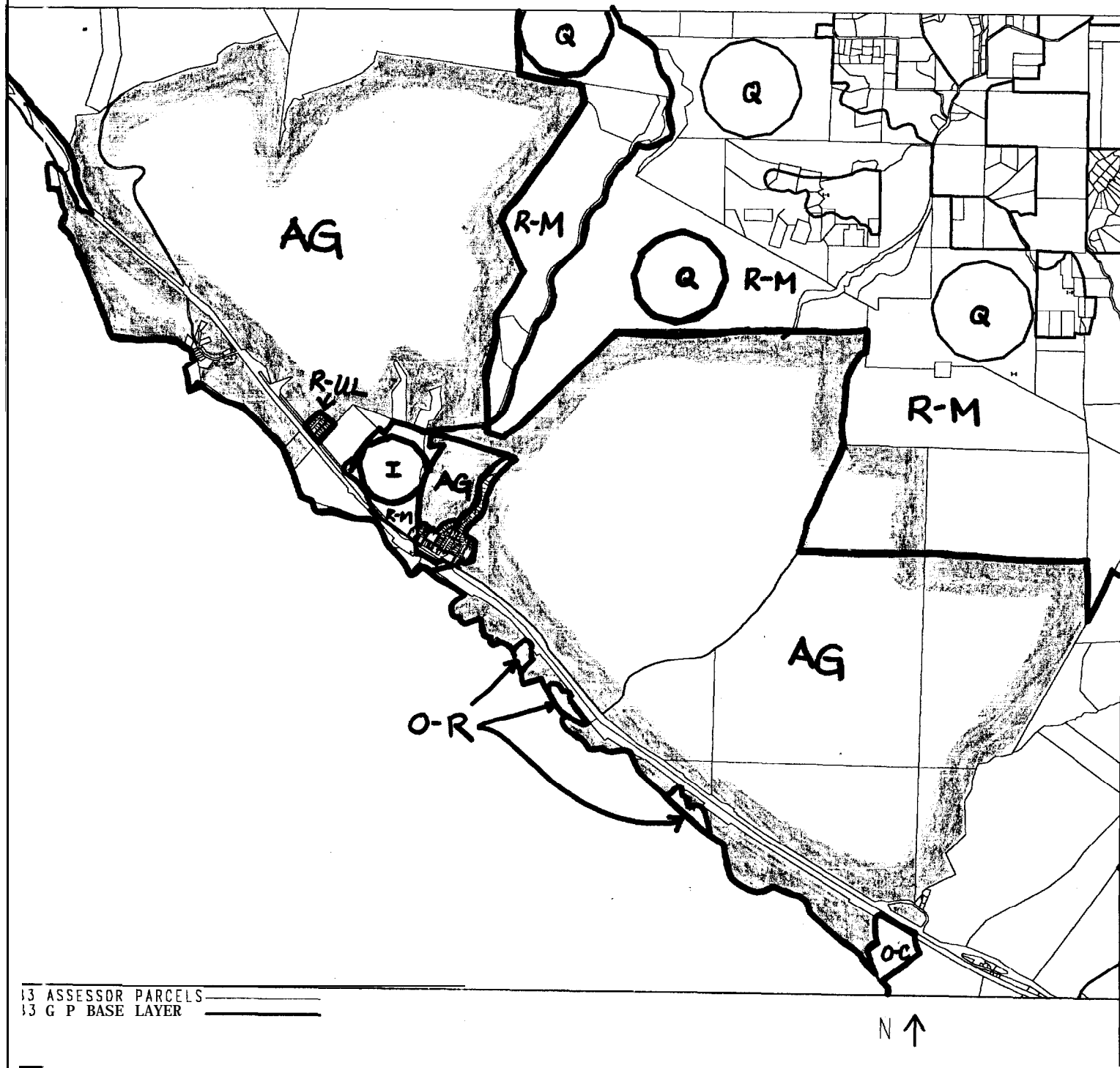


EXHIBIT H

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 PLANNING DEPARTMENT
 

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GOVERNMENTAL CENTER

 Alvin D. James  
 Planning Director



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 COUNTY OF SANTA CRUZ
 

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 701 OCEAN STREET - SANTA CRUZ, CALIFORNIA 95060  
 FAX (408) 454.2131 TDD (408) 454.2123 PHONE (408) 454-2580

### **Board of Supervisors Agenda: December 8, 1998**

November 23, 1998

#### BOARD OF SUPERVISORS

 County of Santa Cruz  
 70 1 Ocean Street  
 Santa Cruz CA 95060

SUBJECT: Public hearing to consider a proposal to enter various properties in the Bonny Doon and North Coast planning areas into Williamson Act Contracts. The properties are located adjacent to both sides of State Route One beginning at Laguna Creek and extending north to Molino Creek to a pumping station, but excluding the RMC Lone Star Company cement plant and the community of Davenport.

Owner: Coast Dairies and Land, Inc.  
 Applicant: Trust for Public Land  
 Application No. 98-0605

Members of the Board:

#### **Background**

Coast Dairies and Land Company, Inc., wholly owned by The Trust for Public Land, has submitted this application to enter approximately 5,205.642 acres of property located in the Bonny Doon and North Coast planning areas into a Land Conservation Contract in accordance with the Williamson Act. Legal ownership of the properties transferred to the Trust for Public Land October 26, 1998.

The purpose of the Williamson Act is to conserve agricultural land for the production of food and fiber in response to development pressures on farmland and the resulting increasing property tax assessments. The contract's approval allows the County Assessor to assess the value of the land based on commercial production of farmed property rather than its potential real estate value. In return, the owner agrees to continue to produce agricultural commodities during the term of the

# EXHIBIT 40

contract.

### Analysis and Discussion

Not all of the Coast Dairies and Land property is eligible for inclusion in this application because they are either too small to be used for commercial agriculture or in some fashion do not meet the criteria to qualify for benefits under the Williamson Act.

Of the 23 properties that are the subject of this application, 19 are currently zoned "CA," Commercial Agriculture, meet the criteria of prime agricultural land as specified by the Williamson Act, and are engaged in farm production. Two of the parcels, measuring roughly 28 acres and 17 1 acres and presently zoned "PR," Parks and Recreation, and "SU," Special Use, respectively, would meet the criteria of prime agriculture land and for inclusion into the contract provided they are rezoned to the "CA" zone district.

The other two parcels are in the "RA," Residential Agricultural zone district and measure approximately 1 acre each. On their face, it would not appear these two parcels, located on the east side of Davenport Landing Road, would qualify to be included under the contract. However, they lay adjacent to "CA" zoned land (specifically, APN: 058-042-01), which is a part of this application. Provided the parcels were combined with the "CA" zoned parcel, including these parcels in the contract is reasonable and justified. The applicant has agreed to combine these parcels as described.

See Attachment 1 for a list of the properties requested for inclusion in this contract and their current uses.

Under most circumstances, a request to enter into a Land Conservation Contract is accompanied by an application to rezone the property to include a "P," Agricultural Preserve," combining zone on the property. The rezoning and the contract are usually approved concurrently. Due to time constraints, it is recommended that the proposed rezoning application, on file with the Planning Department, be considered by the Planning Commission and scheduled for your Board's consideration at a future date. That application also includes a request to rezone the "RA," "PR," and "SU" zoned parcels described above to the "CA-P" zone district.

### Recommendation

It is therefore RECOMMENDED that your Board:

1. Recognize that the subject properties meet the Williamson Act criteria for prime agricultural land,
2. Approve the determination that the project is Categorically Exempt from the California Environmental Quality Act (Attachment 3),
3. Approve Application No. 98-0605, to enter the subject properties into Williamson Act Contracts, and

**EXHIBIT 1**



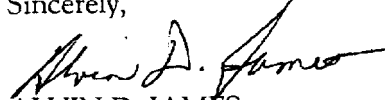
Board of Supervisors  
Agenda Date: December 8, 1998

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0317

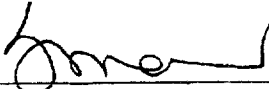
4. Direct the Chairperson of the Board of Supervisors to sign the Land Conservation Contract (Attachment 2).

Sincerely,



ALVIN D. JAMES  
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

Attachments:

1. List of Properties to be included in the Williamson Act Contract
2. Land Conservation Contract
3. Environmental Exemption
4. Map of Coast Dairies Properties

cc: Debra Geiler, Trust for Public Land, 116 New Montgomery Street - Suite 300,  
San Francisco CA 94 105  
Robert Bosso, Coast Dairies and Land, P.O. Box 1822, Santa Cruz CA 95061

SAM/ADJ/MJJ

C:\Core\WP\Letters\CoastLandsBoardLetter.wpd

EXHIBIT 40

## PROPERTIES TO BE INCLUDED IN THE WILLIAMSON ACT CONTRACT

	Assessor's Parcel Number	Parcel Size (Acres)	Land Use	Zoning
1.	058-021-07	49	Row Crops	"CA"
2.	058-022-11	1,775	Row Crops and Grazing	"CA"
3.	058-122-09	1,470	Row Crops and Grazing	"CA"
4.	059-011-13	290	Row Crops and Grazing	"CA"
5.	058-021-01	125	Row Crops	"CA"
6.	058-021-03	8	Row Crops	"CA"
7.	058-042-01	14	Abalone Cultivation	"CA"
8.	058-121-01	26	Row Crops	"CA"
9.	058-121-02	12	Row Crops	"CA"
10.	058-122-12	76	Row Crops and Grazing	"CA"
11.	059-011-03	418	Grazing	"CA"
12.	059-011-04	580	Grazing	"CA"
13.	059-011-05	78	Grazing	"CA"
14.	059-011-06	7	Row Crops	"CA"
15.	059-011-10	13	Row Crops	"CA"
16.	059-011-11	129	Row Crops and Grazing	"CA"
17.	059-012-02	101	Row Crops	"CA"
18.	059-012-03	16	Row Crops	"CA"
19.	059-012-04	13	Row Crops	"CA"
20.	058-051-05	1	Agricultural Buffer	"RA"
21.	058-051-07	1	Agricultural Buffer	"RA"
22.	059-012-01	28	Coastal Access	"PR"
23.	059-151-01 (formally: 059-011-01)	171	Grazing	"SU"

ATTACHMENT 1

EXHIBIT 1

LAND CONSERVATION CONTRACT

THIS CONTRACT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 19,\_\_\_\_ by and between Coast Dairies and Land Company, Inc., hereinafter referred to as "OWNER", and the County of Santa Cruz, a political subdivision of the State of California, hereinafter referred to as "COUNTY";

WHEREAS OWNER is the owner of certain real property in the County of Santa Cruz, which property is presently devoted to agricultural use and is described in Exhibit "A" attached hereto; and

WHEREAS said property is located in an agricultural preserve heretofore established by COUNTY; and

WHEREAS both OWNER and COUNTY desire to limit the use of said property to agricultural uses and those compatible uses allowed in the CA (Commercial Agricultural) District and the P (Agricultural Preserve) Combining District in order to discourage premature and unnecessary conversion of such land to urban use, recognizing that such land has substantial public value as open space, and that the preservation of such land in agricultural production constitutes an important physical, social, esthetic, and economic asset to COUNTY; and

WHEREAS the parties have determined that the highest and best use of such land during the life of this contract, or any renewal thereof, is for agricultural purposes;

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom do hereby agree as follows:

1. The within contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Article 3, commencing with Government Code Section 5 1240).
2. During the term of this contract the above described land shall be used for the

EXHIBIT - A0  
TT

commercial production of food and fiber commodities and/or those compatible uses allowed in the CA (Commercial Agricultural) and P (Agricultural Preserve) Combining District of the County Zoning Ordinance. No structures shall be erected upon said land except such structures as may be incidental to and compatible with such uses.

3. In consideration of the execution hereof by OWNER and the execution of similar contracts by other property owners within the same agricultural preserve, COUNTY agrees not to authorize any uses, other than those permitted by the County Zoning Ordinance in the CA (Commercial Agricultural District) and the P (Agricultural Preserve) Combining District, during the term of this contract or any renewal thereof. Nothing herein shall prohibit a change of boundaries of said Agricultural Preserve to omit lands not subject to a contract or to include additional lands.

4. In consideration of the execution hereof by COUNTY, OWNER agrees to restrict his/her property to those uses authorized in the CA (Commercial Agricultural) District and the P (Agricultural Preserve) Combining District. OWNER further agrees that they will not convey any part of the above described property unless any parcel proposed to be conveyed complies in all respects with the provisions of the CA (Commercial Agricultural) District and the P (Agricultural Preserve) Combining District.

5. In the event that an action in eminent domain for the condemnation of any land described herein is hereafter filed by any public agency, or when such land is acquired in lieu of eminent domain for a public improvement, this contract shall be deemed null and void as of the date the action is filed or the land is so acquired, provided that the condemnation or acquisition is of the fee title or other interest less than the fee which would prevent the land from being used for agricultural or compatible uses and provided that the contract shall be null and void only as to land actually so condemned or acquired or as to such land and remaining portion that is rendered unsuitable for agricultural or compatible uses.

**EXHIBIT 1**

6. The initial term of this contract shall be effective commencing on the \_\_\_\_\_ day of <sup>0321</sup> \_\_\_\_\_, 19\_\_\_\_, and shall remain in effect for a period of 10 years therefrom.

This contract shall be automatically renewed at the end of each year for an additional one year period, thus maintaining the term of the contract at ten years, unless notice of non-renewal is given as provided below.

7. Either party hereto may cause this contract to expire at the end of nine years from the next renewal date by serving a written notice of non-renewal on the other party at least ninety days prior to such renewal date, if OWNER is serving notice, and sixty days prior to such renewal date if the COUNTY is serving notice. If OWNER discontinues the use of the majority of the acreage for the production of commodities for food or fiber for a period of three consecutive years, the COUNTY may elect to serve a notice of non-renewal.

a. OWNER shall not receive any payment from COUNTY in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the executive of this contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to OWNER in the event of any reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein.

9. The within contract shall run with the land described herein and shall be binding upon the heirs, successors, and assignees of the parties hereto.

10. This contract may not be canceled except upon a petition by the OWNER to the Board of Supervisors of COUNTY, and provided that such Board, after a public hearing held in accordance with the provisions of Sections 5 1280 et. seq. of the Government Code, finds:

- (a) That the cancellation is not inconsistent with the purposes of the California Land Conservation Act of 1965; or
- (b) That cancellation is in the public interest.

The existence of an opportunity for another use of the land shall not be sufficient reason

for cancellation. A potential alternative use of the land may be considered only if there is no proximate land not subject to a Land Conservation Act contract or agreement suitable for the use to which it is proposed the subject land be put. The uneconomic character of an existing agricultural use shall not be sufficient reason for cancellation. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put. 0322

Prior to giving tentative approval to the cancellation of the contract, the Board of Supervisors shall direct the County Assessor to certify to the Board the cancellation valuation of the land based on the current full cash value of the land at the time of the petition for cancellation.

As a condition to the cancellation of the contract, the OWNER shall pay to the COUNTY an amount equal to 12 ½ percent of the cancellation valuation of the land.

The Board of Supervisors of the COUNTY may waive or defer such payment or any portion thereof pursuant to the provisions of Section 51283 of the Covenant Code provided the Board finds:

- (a) It is in the public interest and the best interest of the program to conserve agricultural land that such payment be waived or deferred; and
- (b) The reason for the cancellation is an involuntary transfer or involuntary change in the use of the land and the land is not suitable and will not be immediately used for a purpose which produces a greater economic return to the OWNER; and
- (c) Any waiver is approved by the Secretary of the State Resources Agency.

The Board of Supervisors of the COUNTY may make such waiver or deferral of payment contingent upon the future use made of the land and economic return to the land owner for a period of time not to exceed the unexpired period of contract, had it not been canceled and a

lien shall be on the subject land to secure the performance of the act or acts upon which the 0323  
waiver or deferral is made contingent.

In addition to the cancellation fee provided for in the foregoing paragraphs, the land  
owner shall be required to pay additional deferred taxes determined in accordance with the  
provisions of Section 5 1283.1 of the Government Code unless the Board finds it is in the public  
interest to waive the payment of the additional deferred tax or any portion thereof.

The additional deferred taxes shall be collected in the same manner and at the same time  
as the cancellation fee provided for by the foregoing paragraphs.

IN WITNESS WHEREOF, the parties hereto have executed the within contract the day  
and year first above written.

COUNTY OF SANTA CRUZ, a political  
subdivision of the State of California

\_\_\_\_\_  
OWNER

BY \_\_\_\_\_  
Jan Beutz  
Chairperson of the Board of Supervisors

\_\_\_\_\_  
OWNER

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

EXHIBIT 1

0324

## EXHIBIT "A"

Assessor's Parcel Numbers:

058-021-07
058-022-1 1
058-122-09
058-021-01
058-021-03
058-042-01
058-121-01
<b>058- 121-02</b>
<b>058- 122-12</b>
059-011-03
059-011-04
059-011-05
059-011-06
059-01 I-IO
059-01 I-I 1
059-011-13
059-012-02
059-012-03
059-012-04
058-051-05
058-051-07
059-012-01
059-151-01 (formally: 059- 01 I-01)

EXHIBIT 1



COUNTY OF SANTA CRUZ  
 PLANNING DEPARTMENT

Date: October 11, 2000  
 Agenda Item: No. 1  
 Time: After 9:00 a.m.

**0301**

**STAFF REPORT TO THE PLANNING COMMISSION**

APPLICATION NO.: 98-0869 APNS: 058-021-01, 03 and 07, 058-022-1 1, 058-042-01, 058-051-05, 07, 058-121-01, 02, 058-122-09, 12, 059-01 1-03, 04, 05, 06, 10, 11 and 13, 059-021-02, 03 and 04 and 059-151-01

APPLICANT: Coast Dairies and Land Company, attn: Edith Pepper

OWNER: Coast Dairies and Land Company (Trust for Public Lands)

PROJECT DESCRIPTION: Proposal to rezone Assessor’s Parcel Numbers 058-021-01, 03 and 07, 058-022-11, 058-042-01, 058-121-01, 02, 058-122-09, 12, 059-01 1-03, 04, 05, 06, 10, 11 and 13, 059-021-02, 03 and 04 to add the Agricultural Preserve (“-P”) combining district to the present Commercial Agriculture (“CA”) zone district, and to combine Assessor’s Parcel Numbers 058-05 1-05 and 07 with Assessor’s Parcel Number 058-042-01 and rezone APNs 058-051-05 and 07 from the Residential Agriculture (“RA”) zone district to the Commercial Agriculture - Agricultural Preserve (“CA-P”) zone district and to rezone Assessor’s Parcel Number 059-151-01 from the Special Use (“SU”) zone district to the Agriculture - Agricultural Preserve (“A-P”) zone district. Requires a Rezoning.

LOCATION: The properties are located adjacent to both sides of Highway 1, beginning at Laguna Creek and extending north to Molino Creek to a pumping station, excluding the RMC Cement Plant and the community of Davenport.

FINAL ACTION DATE: Exempt from the Permit Streamlining Act (Legislative Action)

PERMITS REQUIRED: Zoning Ordinance Amendment

ENVIRONMENTAL DETERMINATION: Categorical exemption from CEQA per Sections 1808 and 18 17

COASTALZONE: XX yes \_\_\_no APPEALABLE TO CCC: XX yes \_\_\_no

PARCEL INFORMATION

PARCEL SIZES: EMIS Estimates

058-021-01	129 acres	058-021-03	9 acres	058-021-07	50 acres
058-022-11	1775 acres	058-042-01	14.9 acres	058-05 1-05	1.13 acres
058-05 1-07	0.1 acres	058-121-01	26 acres	058-121-02	12.4 acres
058-122-09	1470 acres	058-122-12	76 acres	059-01 1-03	4 18 acres
059-01 1-04	580 acres	059-01 1-05	78 acres	059-01 1-06	7.2 acres
059-01 1-10	12.7 acres	059-01 1-1 1	129 acres	059-01 1-13	290 acres
059-012-02	101 acres	059-012-03	15.6 acres	059-012-04	12.9 acres
059-151-01	171 acres				

Coast Dairies and Land Co.  
 Application No.: 98-0869  
 APNs: 058-021-01, et. al.

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EXISTING LAND USE: PARCELS:

058-021-01	row crops	058-021-03	row crops, ag. structure	058-021-07	row crops
058-022-11	row crops, SFD grazing, conveyer	058-042-01	mariculture	058-051-05	vacant rural
058-05 1-07	vacant lot	058-121-01	row crops	058-121-02	row crops
058-122-09	row crops, grazing, SFD	058-122-12	farm, misc. outbuildings	059-01 1-03	grazing
059-01 1-04	grazing	059-011-05	grazing	059-01 1-06	row crops, SFD, historic structure
059-01 1-10	row crops, outbuildings	059-011-11	row crops, grazing	059-01 1-13	row crops, grazing
059-O 12-02	row crops	059-012-03	row crops	059-O 12-04	row crops
059-151-01	grazing				

SURROUNDING: Vacant rural, agriculture, quarry, timber production, rural residential, community of Davenport and State Parks

PROJECT ACCESS: Highway 1 - a State Highway

PLANNING AREA: North Coast and Bonny Doon Planning Areas

LAND USE DESIGNATIONS AND ZONING DISTRICTS:

058-021-01	CA	AG	058-021-03	CA	AG	058-021-07	CA	AG
058-022-11	CA	AG	058-042-01	CA	AG	058-05 1-05	RA	AG
058-051-07	RA	AG	058-121-01	CA	AG	058-121-02	CA	AG
058-122-09	CA	AG	058-122-12	CA	AG	059-011-03	CA	AG
059-011-04	CA	AG	059-011-05	CA	AG	059-01 1-06	CA-L	AG
059-011-10	CA	AG	059-011-11	CA	AG	059-011-13	CA	AG
059-012-02	CA	AG	059-012-03	CA	AG	059-O 12-04	CA	AG
059-151-01	SU	R-M						

SUPERVISORIAL DISTRICT: Third

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. N/A
b. Soils	b. N/A

Coast Dairies and Land Co.  
 Application No.: 98-0869  
 APNs: 058-021-01, et. al.

0303

- |                       |   |
|-----------------------|---|
| c. Fire Hazard        | c. N/A  |
| d. Slopes             | d. Level to 60+%  |
| e. Env. Sen. Habitat  | e. Mapped on multiple parcels - riparian, coastal prairie terrace |
| f. Grading            | f. None proposed  |
| g. Tree Removal       | g. None proposed  |
| h. Scenic             | h. Highway 1 is a designated scenic road                          |
| i. Drainage           | i. N/A  |
| j. Traffic            | j. N/A  |
| k. Roads              | k. Access via Highway 1   |
| l. Parks              | l. Future ownership by State Parks and Bureau of Land Management  |
| m. Sewer Availability | m. N/A  |
| n. Water Availability | n. N/A  |
| o. Archeology         | o. Mapped resource area   |

SERVICES INFORMATION

W/in Urban Services Line:    \_\_\_yes **XX** no  
 Water Supply:                Private Wells - some parcels developed with domestic and agricultural wells  
 Sewage Disposal:            Septic - some parcels developed with septic systems  
 Fire District:                 California Department of Forestry Fire District  
 Drainage District:            None

ANALYSIS & DISCUSSION

Background

On December 18, 1998, the County Planning Department accepted this application for rezoning 19 parcels into the Agricultural Preserve combining district, two parcels from the Residential Agriculture (RA) zone district to the Commercial Agriculture with the Agricultural Preserve combining (CA-P) zone district and one parcel from the Special Use (SU) zone district to the Agriculture with the Agricultural Preserve combining (A-P) zone district. These rezonings are required for consistency with the Williamson Act contracts which were approved by the Board of Supervisors on December 8, 1998 for the subject parcels (Exhibit I). This project qualifies for a categorical exemption (Exhibit C) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 18, Sections 1808 and 1817).

Project Setting

The project site is located in the North Coast and Bonny Doon planning areas with primary access via Highway 1 (Exhibit E). The subject parcels vary in size to 0.1 acres to 1,775 acres. The 22 parcels total nearly 5,500 acres of agricultural land. The topography of the property varies greatly due to its size from coastal bluffs and coastal marine terraces to steep mountainous slopes and canyons with grasslands and scattered timber and coastal stream channels and arroyos. The properties are owned by Coast Dairies and

Coast Dairies and Land Co.  
 Application No.: 98-0869  
 APNs: 058-021-01, et. al.

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Land Company which in turn is owned by the Trust for Public Lands. The properties will be maintained for agricultural and open space uses with plans for eventual ownership by State Parks and/or the Bureau of Land Management.

### General Plan & Zoning Consistency

The subject parcels have a 1994 General Plan land use designation of Agriculture, except for APN 059- 15 1-02 which is designated as Mountain Residential (Exhibit H). Both the CA and RA zone districts implement the Agriculture General Plan designation. Assessor's Parcel Numbers 058-051-05 and 07 are currently zoned RA and are approximately 1.1 and 0.1 acres respectively (See Zoning Maps, Exhibit G). The RA zone district is not consistent with the Williamson Act or the Agricultural Preserve combining district. Furthermore, these properties are too small to qualify for rezoning to the CA zone district. APNs 058-05 1-05 and 07 are contiguous with APN 058-042-01 which is also subject to rezoning under this application and is currently zoned CA. In order to achieve consistency with the Williamson Act, the Agricultural Preserve designation and the CA zone district, parcels 058-05 1-05 and 07 have been combined with APN 058-042-01 through a recorded affidavit to retain as a single parcel (Exhibit J). The resultant larger parcel will be rezoned to the CA-P zone district consistent with the Williamson Contract.

Again, Assessor's Parcel Number 059- 15 1-02 is zoned Special Use and is designated as Mountain Residential. A General Plan Amendment would be required in order to rezone this property to CA-P, as the CA zone district is not consistent with the Mountain Residential General Plan designation. The Agriculture zone district, however, is consistent with the Mountain Residential General Plan designation, as specified in Section 13.10.170 of the County Code. Although the CA-P rezoning is preferred, the Agriculture with an Agricultural Preserve designation (A-P) is consistent with the Williamson Act, County policy and past County practices. Thus, this property is proposed for rezoning from the SU zone district to the A-P zone district.

Most of subject parcels are visible from Highway 1, a 1994 General Plan designated scenic road. The proposed rezonings are consistent with the County's General Plan policies for scenic resources, since the purpose of the rezonings are for consistency with the previously approved Williamson Act contracts. The Williamson Act contracts recognize, protect and encourage the existing and future agricultural uses of these properties as well as preserving their open space value.

A tenant repaired and expanded a damaged agricultural dam on APN 059-011-13 on Yellow Bank Creek without permits. In order to address this situation, the rezoning of this parcel is subject to the condition to apply for Coastal zone and other appropriate permits within 90 days of the Rezoning Approval. The conditions further require that all work be completed and the permit(s) **finalized** within one year of approval.

### Conclusion

The proposed rezoning of the subject parcels to the Commercial Agriculture with Agricultural Preserve (CA-P) zoning designation, except APN 059-1 5 1-02, which will be rezoned to the Agriculture with Agricultural Preserve (A-P) zoning designation, are consistent with the Williamson Act contracts and the County's 1994

Coast Dairies and Land Co.  
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 APNs: 058-021-01, et. al.

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General Plan policies for the preservation of agricultural lands and open space. All required findings can be made to approve this application and the rezonings are consistent with the General Plan policies and land use designations, subject to the attached conditions of approval (Exhibit B). Please see Exhibit A ("Findings") for a complete listing of findings and evidence related to the above discussion.

RECOMMENDATION:

Staff recommends that your Commission adopt the attached Resolution (Exhibit D), sending a recommendation to the Board of Supervisors for approval of Application No. 98-0869 based on the attached findings (Exhibit A) and subject to the attached conditions (Exhibit B), and certification of the determination that the project is categorically exempt from CEQA (Exhibit C).

EXHIBITS

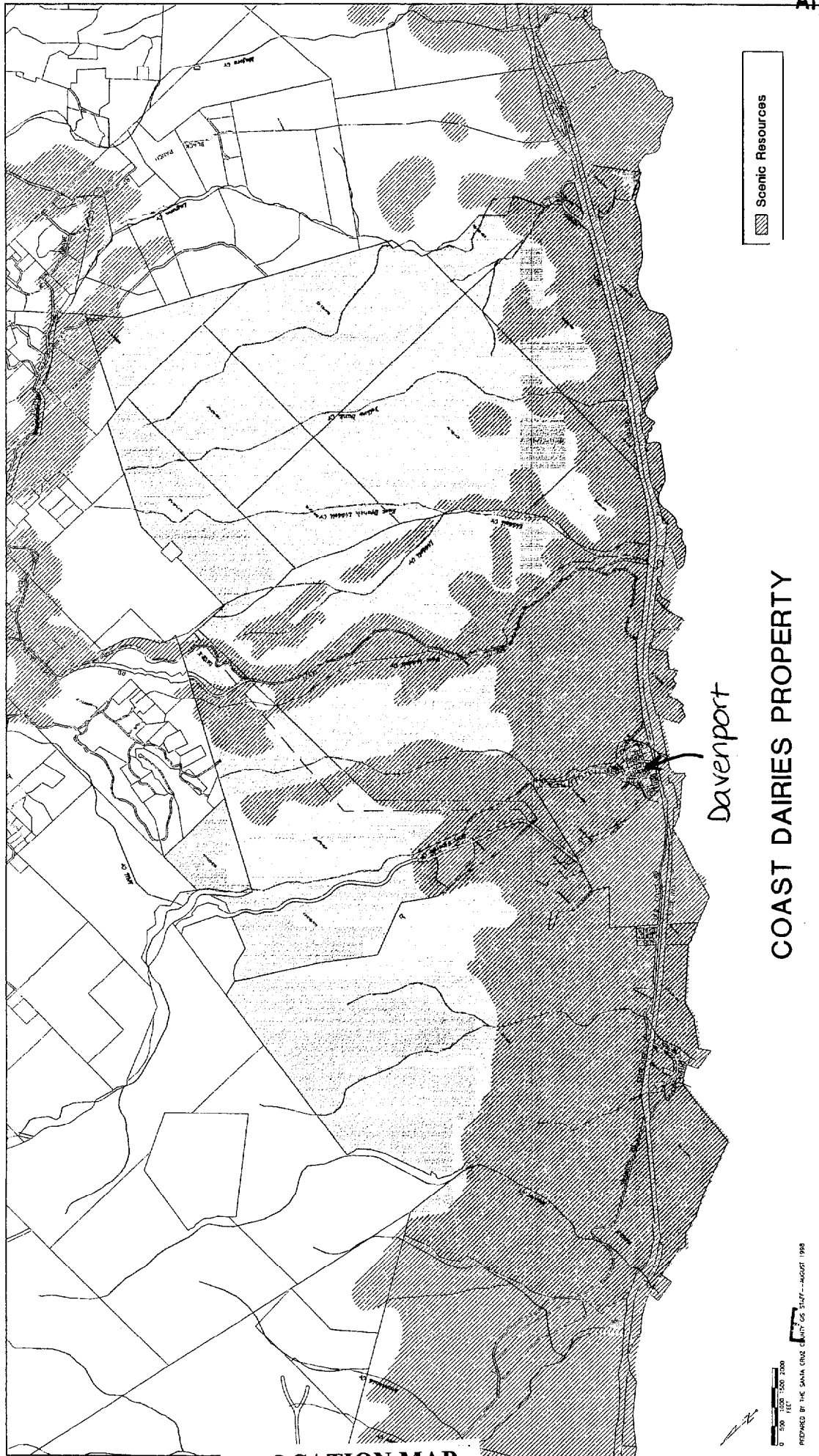
- A. Findings
- B. Conditions of Approval
- C. Notice of Exemption from CEQA
- D. Planning Commission Resolution
- E. Location Map
- F. Assessor's Parcel Maps
- G. Zoning Maps
- H. General Plan Maps
- I. Board Letter of December 8, 1998
- J. Affidavit to Maintain as One Parcel

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: Cathleen Carr  
 Cathleen Carr  
 Santa Cruz County Planning Department  
 701 Ocean Street, 4th Floor  
 Santa Cruz CA 95060  
 Phone Number: (83 1) 454-3225

Report reviewed by: Glenda Hill  
 Glenda Hill, AICP  
 Principal Planner  
 Development Review

0 3 0 6



Davenport  
 COAST DAIRIES PROPERTY

40

LOCATION MAP

HIBIT E

PREPARED BY THE SANTA CRUZ COUNTY GIS DEPARTMENT - AUGUST 1998

40

# FOR TAX PURPOSES ONLY RANCHO'S AGUA PUERACA Y LAS TRANCAS & SAN VICENTE

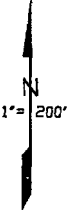
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PDR. SEC. 29 & 32, T.10S., R.3W., M.D.B. & M.

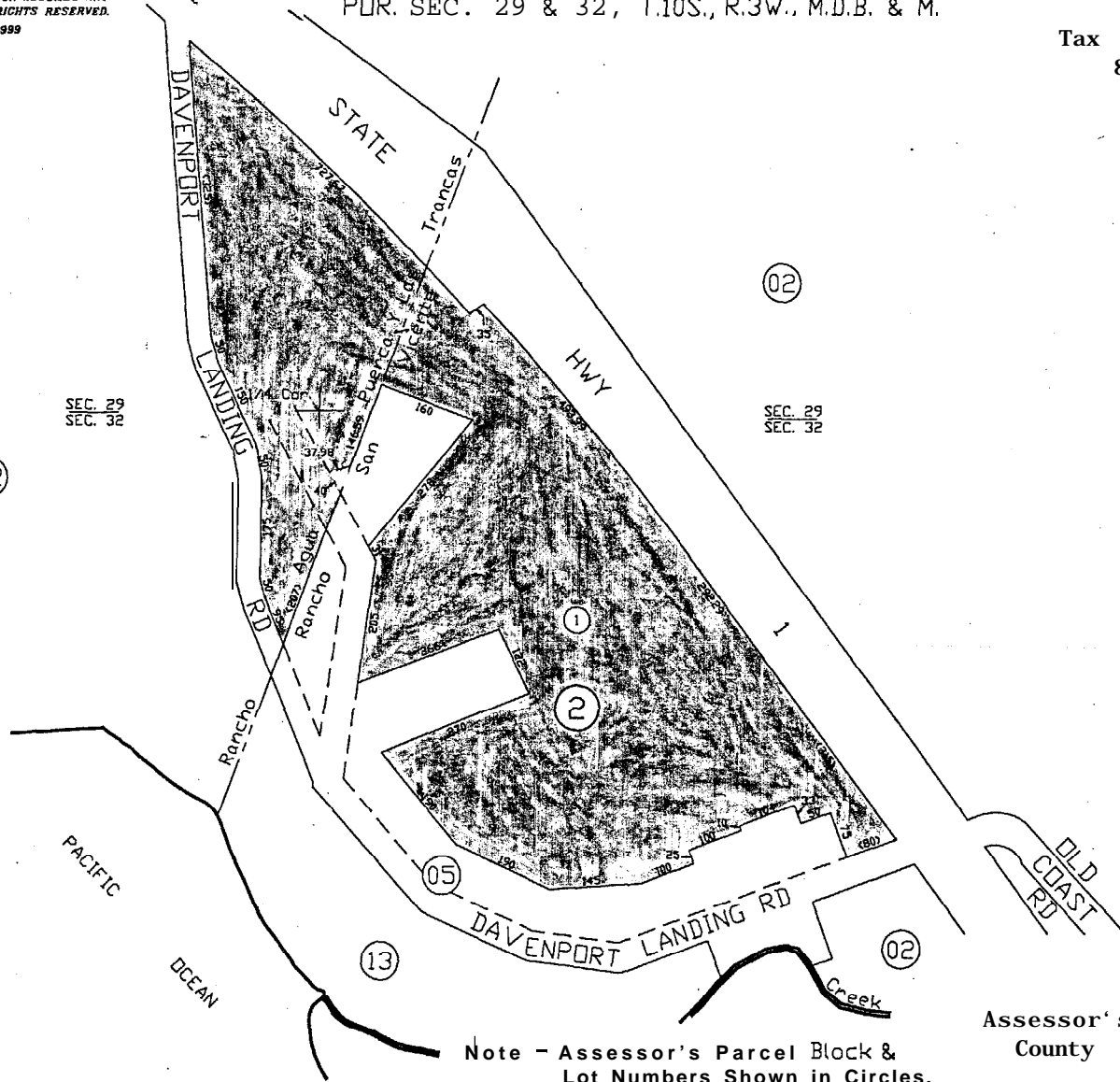
58-04

Tax Area Code  
86-022.



ASSESSOR'S PARCEL MAP

EXHIBIT F



Assessor's Map No. 58-04  
County of Santa Cruz, Calif.  
act. 1999

038

ATTACHMENT 6

Electronically redrawn 04/22/99 KSA

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SAN VICENTE RANCHO

POR. N.E. 1/4 SEC. 32, T.10S., R.3W., M.D.B. & M.

Tax Area Code 86-022

58-05

ASSESSOR'S PARCEL MAP

SEC. 29  
SEC. 32

LANDS OF A. & S. BOVET  
48MB20 9/8/67

TOWN OF DAVENPORT  
12MB2

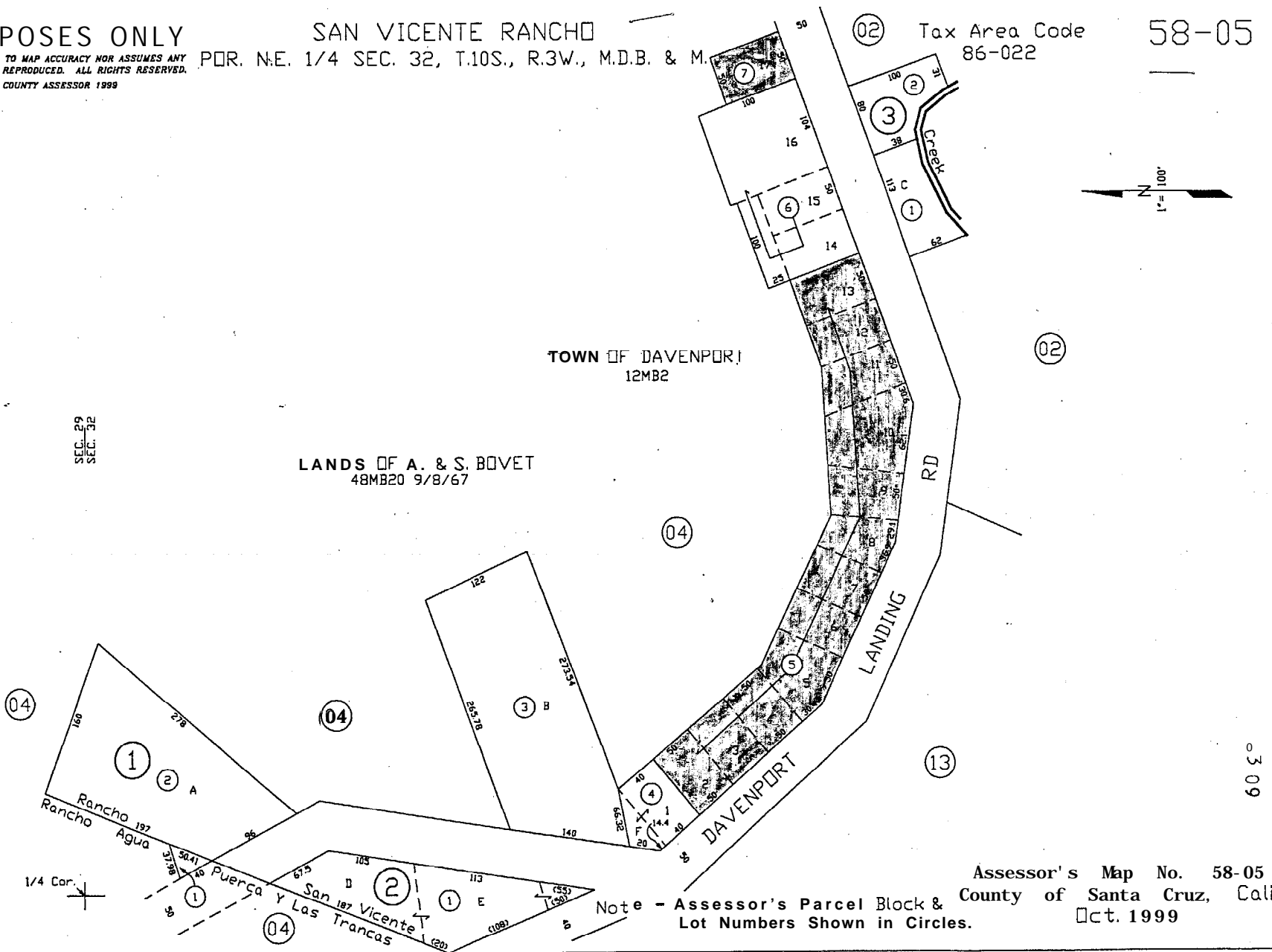
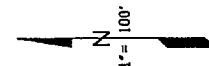


EXHIBIT F

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03 09

Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.  
Assessor's Map No. 58-05  
County of Santa Cruz, Calif  
Oct. 1999

ATTACHMENT 6



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# FOR TAX PURPOSES ONLY

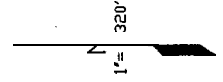
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## LAGUNA & SAN VICENTE RANCHO'S

POR. SECS. 26,27,33,34 & 35, T.10S., &  
POR. SECS. 2 & 3, T.11S., R.3W., M.D.B. & M.

Tax Area Code  
86-000 86-004  
86-012 86-020  
86-022

-- 58-12

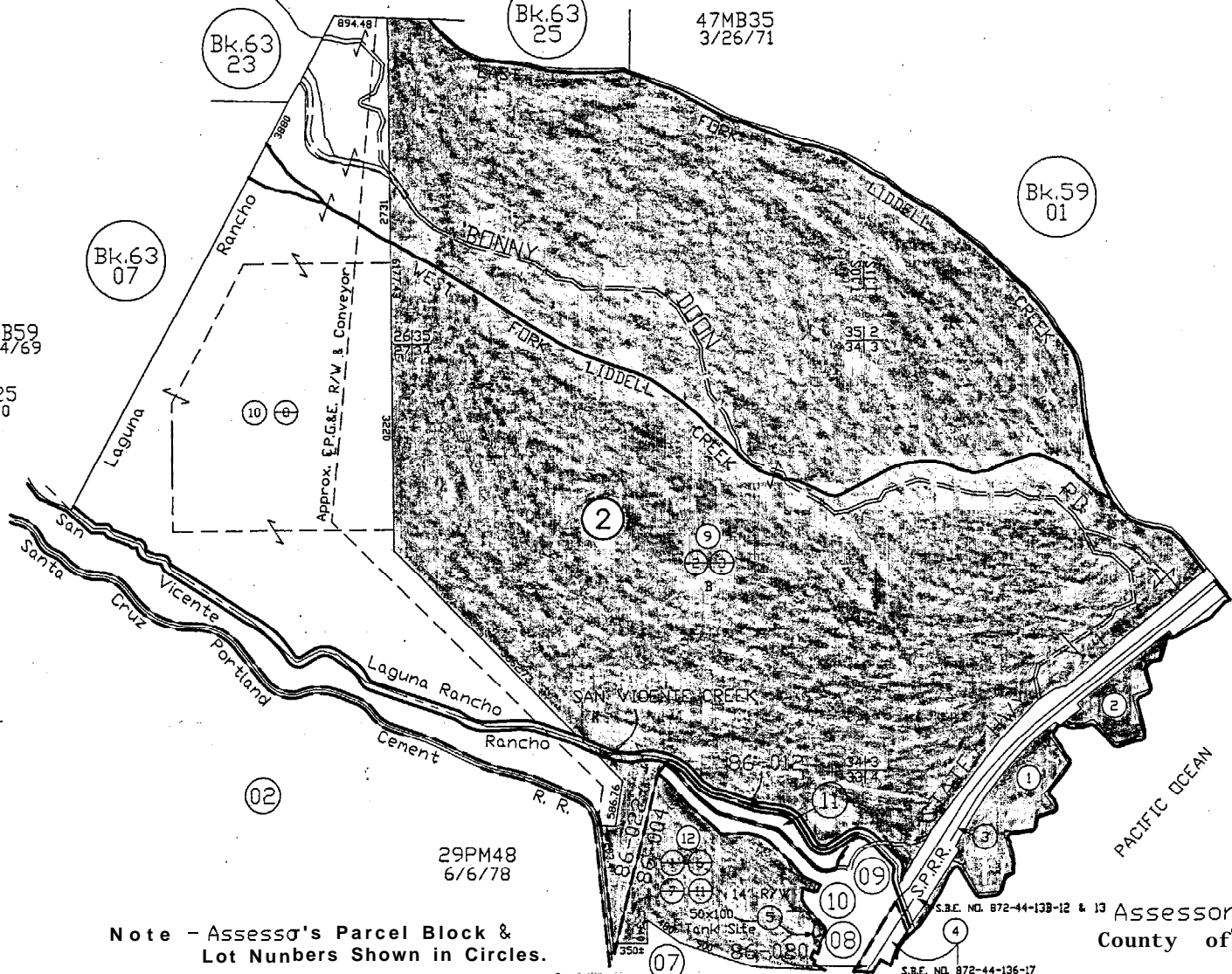


ASSESSOR'S PARCEL MAP

50MB59  
10/14/69

53MB25  
9/1/70

EXHIBIT F



29PM48  
6/6/78

Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 58-1.2  
County of Santa Cruz, California  
Oct. 1999

0310

ATTACHMENT 6

Electronically read-sam 10/27/99 KSA  
Rev 2/22/00 CB (Added Blk 2 ref)

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**LAGUNA RANCHO**

Por. Secs. 1,2,3,10,11, & 12, T.11S., R.3W., M.D.B.&M.

T.10S.  
T.11S.

3536

Tax Area Code

92-004 92-007

SEC.36,T.10S.  
SEC.1,T.11S.

59-01

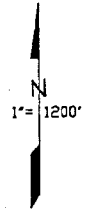
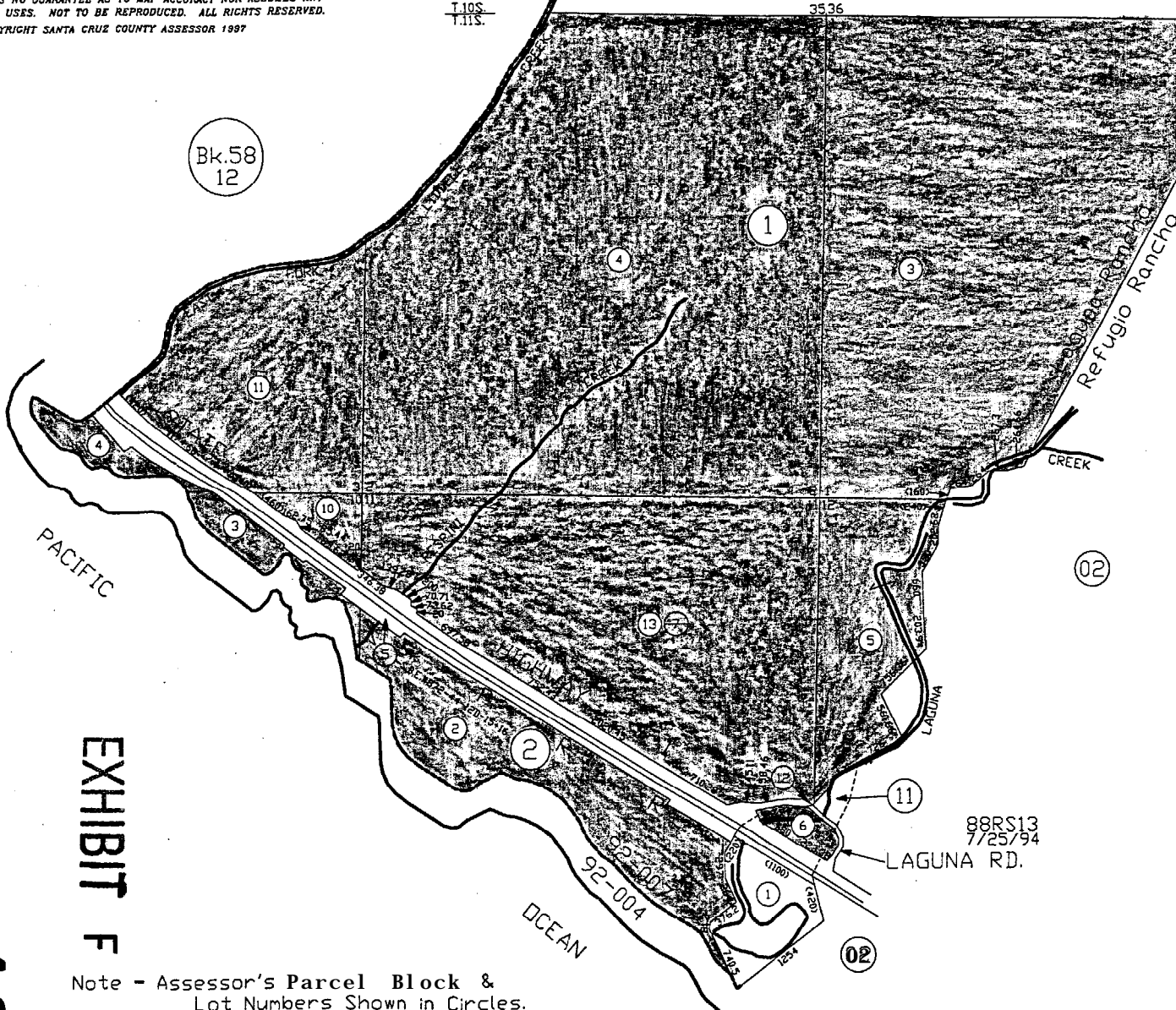
Bk.58  
12

Bk.62  
14

ASSESSOR'S PARCEL MAP

EXHIBIT F

40



Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 59-01  
County of Santa Cruz, Calif  
March, 1997

ATTACHMENT 6

FOR TAX PURPOSES ONLY POR. RANCHO PUERCA Y LAS TRANCAS & RANCHO SAN VICENTE 58-02  
 POR. SEC. 19,20,21,22,27,28,29,30,32 & 33 T.10S., R.3W., M.D.B. & M.

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Tax Area Code  
 86-022

Bk. 57  
 15

1" = 1200'

ASSESSOR'S PARCEL MAP



Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 58-02  
 County of Santa Cruz, Calif.  
 Oct. 1999

ATTACHMENT 6

Electronically redrawn 10/19/99 KSA  
 Rev. 3/2/00 EG Add link to 2-10

0307

PUBLIC

59-15

Tax Area Code  
92-007

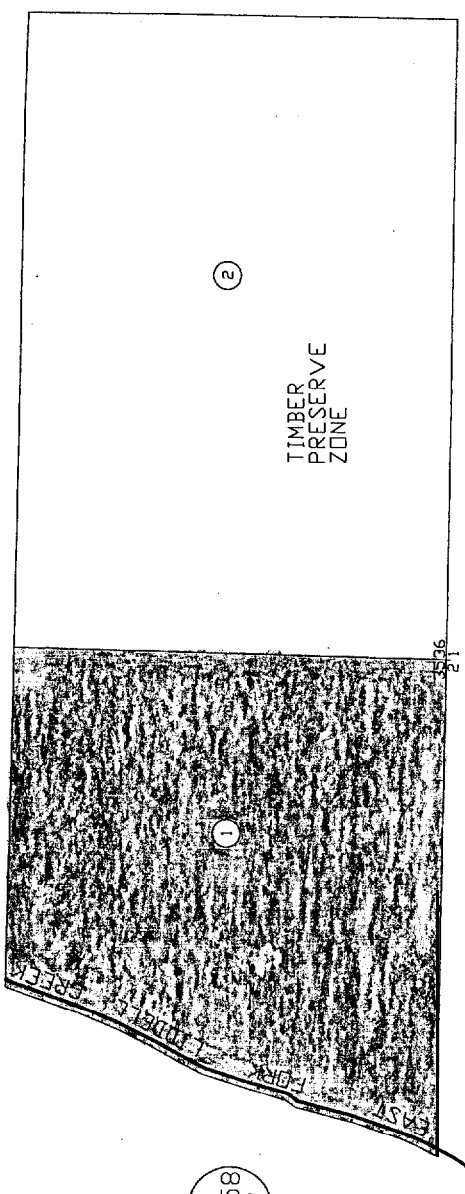
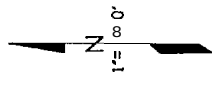
LAGUNA RANCHO

POR. SECS. 35 & 36, T.10S, R.3W.

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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ASSESSOR'S PARCEL MAP



Bk. 63  
25

Bk. 58  
12

T.10S.  
T.11S.

SEC. 36, T. 10S.  
SEC. 11S.

03 12

Bk. 62  
14

01

Electrically Redrawn  
**REVISED**  
DATE 3-20-97  
OLD MAP NO.  
(For. Ju. 59-01)

Assessor's Map No. 59-15  
County of Santa Cruz, Calif.  
March, 1997

EXHIBIT F

Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

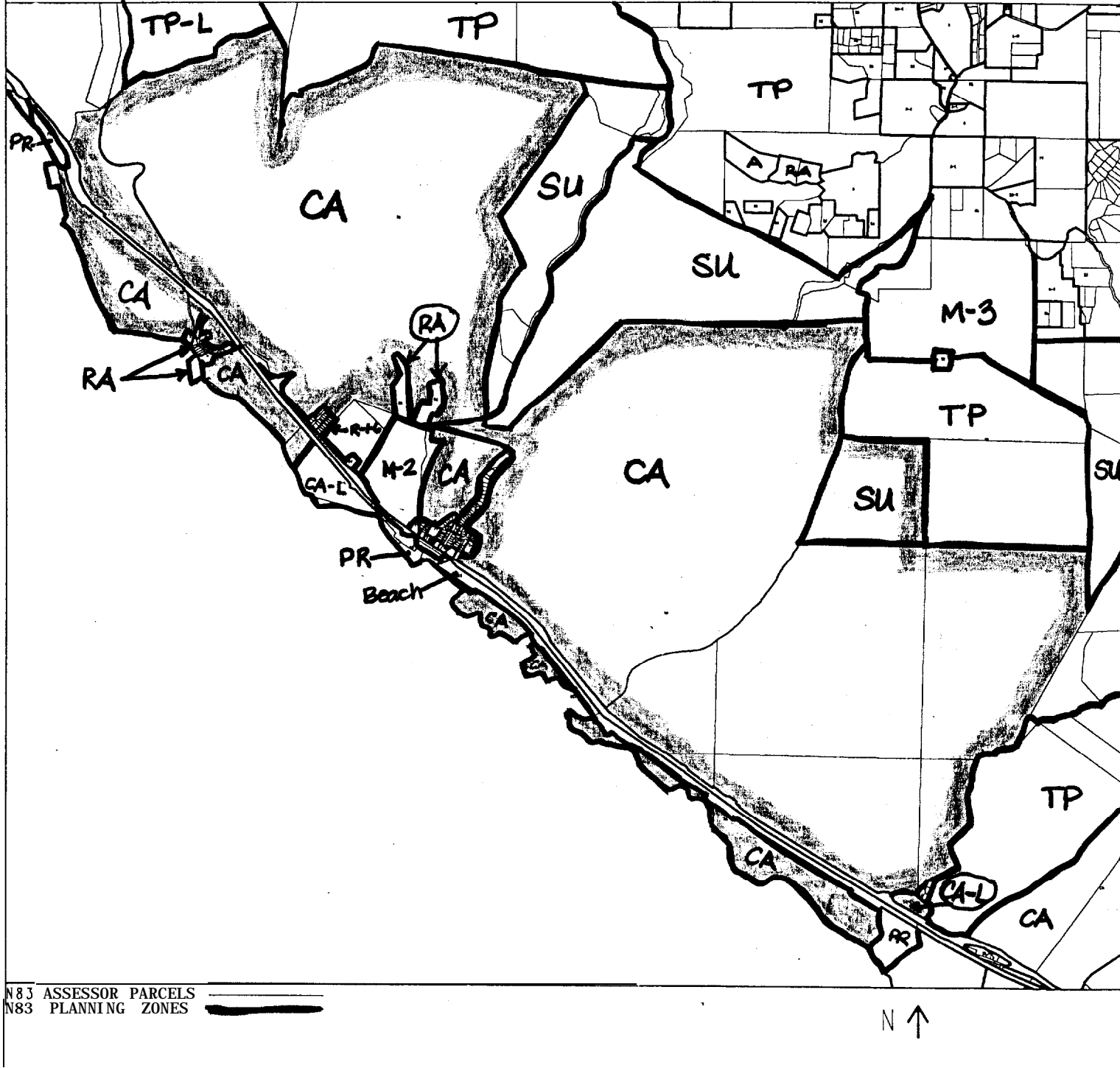
40

Map 59-15 (Rev. 3/20/97) (For. Ju. 59-01) F-4

0313

SCALE (FT/INCH) = 3.560  
WIDTH IN FEET = 28,250.32  
DEPTH IN FEET = 25,011.20

REQUEST ID: 98-0869



ZONING MAP

REQUEST ID: 98-0869

SCALE (FT/INCH) = 3.560  
DT4 IN FEET = 28,250.32  
PT4 IN FEET = 25,011.20

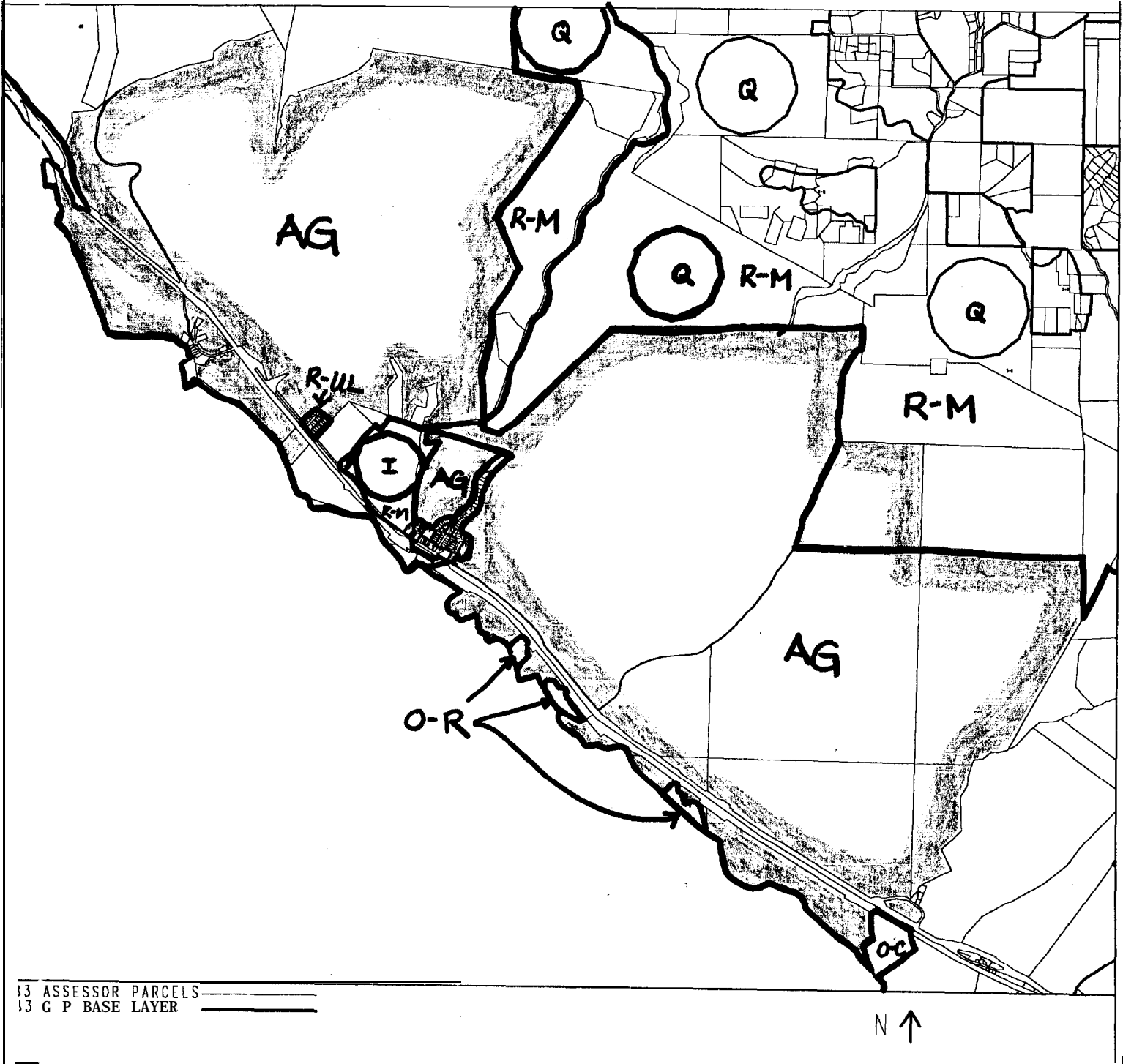


EXHIBIT H

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 PLANNING DEPARTMENT
 

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GOVERNMENTAL CENTER

 Alvin D. James  
 Planning Director



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 COUNTY OF SANTA CRUZ
 

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 701 OCEAN STREET - SANTA CRUZ, CALIFORNIA 95060  
 FAX (408) 454.2131 TDD (408) 454.2123 PHONE (408) 454-2580

**Board of Supervisors Agenda: December 8, 1998**

November 23, 1998

## BOARD OF SUPERVISORS

 County of Santa Cruz  
 70 1 Ocean Street  
 Santa Cruz CA 95060

SUBJECT: Public hearing to consider a proposal to enter various properties in the Bonny Doon and North Coast planning areas into Williamson Act Contracts. The properties are located adjacent to both sides of State Route One beginning at Laguna Creek and extending north to Molino Creek to a pumping station, but excluding the RMC Lone Star Company cement plant and the community of Davenport.

Owner: Coast Dairies and Land, Inc.  
 Applicant: Trust for Public Land  
 Application No. 98-0605

Members of the Board:

**Background**

Coast Dairies and Land Company, Inc., wholly owned by The Trust for Public Land, has submitted this application to enter approximately 5,205.642 acres of property located in the Bonny Doon and North Coast planning areas into a Land Conservation Contract in accordance with the Williamson Act. Legal ownership of the properties transferred to the Trust for Public Land October 26, 1998.

The purpose of the Williamson Act is to conserve agricultural land for the production of food and fiber in response to development pressures on farmland and the resulting increasing property tax assessments. The contract's approval allows the County Assessor to assess the value of the land based on commercial production of farmed property rather than its potential real estate value. In return, the owner agrees to continue to produce agricultural commodities during the term of the

**EXHIBIT 40**

contract.

### Analysis and Discussion

Not all of the Coast Dairies and Land property is eligible for inclusion in this application because they are either too small to be used for commercial agriculture or in some fashion do not meet the criteria to qualify for benefits under the Williamson Act.

Of the 23 properties that are the subject of this application, 19 are currently zoned "CA," Commercial Agriculture, meet the criteria of prime agricultural land as specified by the Williamson Act, and are engaged in farm production. Two of the parcels, measuring roughly 28 acres and 17 1 acres and presently zoned "PR," Parks and Recreation, and "SU," Special Use, respectively, would meet the criteria of prime agriculture land and for inclusion into the contract provided they are rezoned to the "CA" zone district.

The other two parcels are in the "RA," Residential Agricultural zone district and measure approximately 1 acre each. On their face, it would not appear these two parcels, located on the east side of Davenport Landing Road, would qualify to be included under the contract. However, they lay adjacent to "CA" zoned land (specifically, APN: 058-042-01), which is a part of this application. Provided the parcels were combined with the "CA" zoned parcel, including these parcels in the contract is reasonable and justified. The applicant has agreed to combine these parcels as described.

See Attachment 1 for a list of the properties requested for inclusion in this contract and their current uses.

Under most circumstances, a request to enter into a Land Conservation Contract is accompanied by an application to rezone the property to include a "P," Agricultural Preserve," combining zone on the property. The rezoning and the contract are usually approved concurrently. Due to time constraints, it is recommended that the proposed rezoning application, on file with the Planning Department, be considered by the Planning Commission and scheduled for your Board's consideration at a future date. That application also includes a request to rezone the "RA," "PR," and "SU" zoned parcels described above to the "CA-P" zone district.

### Recommendation

It is therefore RECOMMENDED that your Board:

1. Recognize that the subject properties meet the Williamson Act criteria for prime agricultural land,
2. Approve the determination that the project is Categorically Exempt from the California Environmental Quality Act (Attachment 3),
3. Approve Application No. 98-0605, to enter the subject properties into Williamson Act Contracts, and

**EXHIBIT 1**



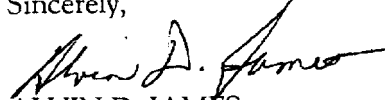
Board of Supervisors  
Agenda Date: December 8, 1998

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0317

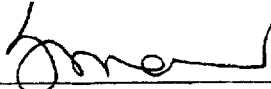
4. Direct the Chairperson of the Board of Supervisors to sign the Land Conservation Contract (Attachment 2).

Sincerely,



ALVIN D. JAMES  
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

Attachments:

1. List of Properties to be included in the Williamson Act Contract
2. Land Conservation Contract
3. Environmental Exemption
4. Map of Coast Dairies Properties

cc: Debra Geiler, Trust for Public Land, 116 New Montgomery Street - Suite 300,  
San Francisco CA 94 105  
Robert Bosso, Coast Dairies and Land, P.O. Box 1822, Santa Cruz CA 95061

SAM/ADJ/MJJ

C:\Core\WP\Letters\CoastLandsBoardLetter.wpd

EXHIBIT 40

## PROPERTIES TO BE INCLUDED IN THE WILLIAMSON ACT CONTRACT

	Assessor's Parcel Number	Parcel Size (Acres)	Land Use	Zoning
1.	058-021-07	49	Row Crops	"CA"
2.	058-022-11	1,775	Row Crops and Grazing	"CA"
3.	058-122-09	1,470	Row Crops and Grazing	"CA"
4.	059-011-13	290	Row Crops and Grazing	"CA"
5.	058-021-01	125	Row Crops	"CA"
6.	058-021-03	8	Row Crops	"CA"
7.	058-042-01	14	Abalone Cultivation	"CA"
8.	058-121-01	26	Row Crops	"CA"
9.	058-121-02	12	Row Crops	"CA"
10.	058-122-12	76	Row Crops and Grazing	"CA"
11.	059-011-03	418	Grazing	"CA"
12.	059-011-04	580	Grazing	"CA"
13.	059-011-05	78	Grazing	"CA"
14.	059-011-06	7	Row Crops	"CA"
15.	059-011-10	13	Row Crops	"CA"
16.	059-011-11	129	Row Crops and Grazing	"CA"
17.	059-012-02	101	Row Crops	"CA"
18.	059-012-03	16	Row Crops	"CA"
19.	059-012-04	13	Row Crops	"CA"
20.	058-051-05	1	Agricultural Buffer	"RA"
21.	058-051-07	1	Agricultural Buffer	"RA"
22.	059-012-01	28	Coastal Access	"PR"
23.	059-151-01 (formally: 059-011-01)	171	Grazing	"SU"

ATTACHMENT 1

EXHIBIT 1

LAND CONSERVATION CONTRACT

THIS CONTRACT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_  
19,\_\_\_\_ by and between Coast Dairies and Land Company, Inc., hereinafter referred to as  
“OWNER”, and the County of Santa Cruz, a political subdivision of the State of California,  
hereinafter referred to as “COUNTY”;

WHEREAS OWNER is the owner of certain real property in the County of Santa Cruz,  
which property is presently devoted to agricultural use and is described in Exhibit “A” attached  
hereto; and

WHEREAS said property is located in an agricultural preserve heretofore established by  
COUNTY; and

WHEREAS both OWNER and COUNTY desire to limit the use of said property to  
agricultural uses and those compatible uses allowed in the CA (Commercial Agricultural) District  
and the P (Agricultural Preserve) Combining District in order to discourage premature and  
unnecessary conversion of such land to urban use, recognizing that such land has substantial  
public value as open space, and that the preservation of such land in agricultural production  
constitutes an important physical, social, esthetic, and economic asset to COUNTY; and

WHEREAS the parties have determined that the highest and best use of such land during  
the life of this contract, or any renewal thereof, is for agricultural purposes;

NOW, THEREFORE, the parties, in consideration of the mutual covenants and  
conditions set forth herein and the substantial public benefits to be derived therefrom do hereby  
agree as follows:

1. The within contract is made and entered into pursuant to the California Land  
Conservation Act of 1965 (Article 3, commencing with Government Code Section 5 1240).
2. During the term of this contract the above described land shall be used for the

EXHIBIT - A0  
TT

commercial production of food and fiber commodities and/or those compatible uses allowed in the CA (Commercial Agricultural) and P (Agricultural Preserve) Combining District of the County Zoning Ordinance. No structures shall be erected upon said land except such structures as may be incidental to and compatible with such uses.

3. In consideration of the execution hereof by OWNER and the execution of similar contracts by other property owners within the same agricultural preserve, COUNTY agrees not to authorize any uses, other than those permitted by the County Zoning Ordinance in the CA (Commercial Agricultural District) and the P (Agricultural Preserve) Combining District, during the term of this contract or any renewal thereof. Nothing herein shall prohibit a change of boundaries of said Agricultural Preserve to omit lands not subject to a contract or to include additional lands.

4. In consideration of the execution hereof by COUNTY, OWNER agrees to restrict his/her property to those uses authorized in the CA (Commercial Agricultural) District and the P (Agricultural Preserve) Combining District. OWNER further agrees that they will not convey any part of the above described property unless any parcel proposed to be conveyed complies in all respects with the provisions of the CA (Commercial Agricultural) District and the P (Agricultural Preserve) Combining District.

5. In the event that an action in eminent domain for the condemnation of any land described herein is hereafter filed by any public agency, or when such land is acquired in lieu of eminent domain for a public improvement, this contract shall be deemed null and void as of the date the action is filed or the land is so acquired, provided that the condemnation or acquisition is of the fee title or other interest less than the fee which would prevent the land from being used for agricultural or compatible uses and provided that the contract shall be null and void only as to land actually so condemned or acquired or as to such land and remaining portion that is rendered unsuitable for agricultural or compatible uses.

**EXHIBIT 1**

6. The initial term of this contract shall be effective commencing on the \_\_\_\_\_ day of <sup>0321</sup> \_\_\_\_\_, 19\_\_\_\_, and shall remain in effect for a period of 10 years therefrom.

This contract shall be automatically renewed at the end of each year for an additional one year period, thus maintaining the term of the contract at ten years, unless notice of non-renewal is given as provided below.

7. Either party hereto may cause this contract to expire at the end of nine years from the next renewal date by serving a written notice of non-renewal on the other party at least ninety days prior to such renewal date, if OWNER is serving notice, and sixty days prior to such renewal date if the COUNTY is serving notice. If OWNER discontinues the use of the majority of the acreage for the production of commodities for food or fiber for a period of three consecutive years, the COUNTY may elect to serve a notice of non-renewal.

a. OWNER shall not receive any payment from COUNTY in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the executive of this contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to OWNER in the event of any reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein.

9. The within contract shall run with the land described herein and shall be binding upon the heirs, successors, and assignees of the parties hereto.

10. This contract may not be canceled except upon a petition by the OWNER to the Board of Supervisors of COUNTY, and provided that such Board, after a public hearing held in accordance with the provisions of Sections 5 1280 et. seq. of the Government Code, finds:

- (a) That the cancellation is not inconsistent with the purposes of the California Land Conservation Act of 1965; or
- (b) That cancellation is in the public interest.

The existence of an opportunity for another use of the land shall not be sufficient reason

for cancellation. A potential alternative use of the land may be considered only if there is no proximate land not subject to a Land Conservation Act contract or agreement suitable for the use to which it is proposed the subject land be put. The uneconomic character of an existing agricultural use shall not be sufficient reason for cancellation. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put. 0322

Prior to giving tentative approval to the cancellation of the contract, the Board of Supervisors shall direct the County Assessor to certify to the Board the cancellation valuation of the land based on the current full cash value of the land at the time of the petition for cancellation.

As a condition to the cancellation of the contract, the OWNER shall pay to the COUNTY an amount equal to 12 ½ percent of the cancellation valuation of the land.

The Board of Supervisors of the COUNTY may waive or defer such payment or any portion thereof pursuant to the provisions of Section 51283 of the Covenant Code provided the Board finds:

- (a) It is in the public interest and the best interest of the program to conserve agricultural land that such payment be waived or deferred; and
- (b) The reason for the cancellation is an involuntary transfer or involuntary change in the use of the land and the land is not suitable and will not be immediately used for a purpose which produces a greater economic return to the OWNER; and
- (c) Any waiver is approved by the Secretary of the State Resources Agency.

The Board of Supervisors of the COUNTY may make such waiver or deferral of payment contingent upon the future use made of the land and economic return to the land owner for a period of time not to exceed the unexpired period of contract, had it not been canceled and a

lien shall be on the subject land to secure the performance of the act or acts upon which the 0323  
waiver or deferral is made contingent.

In addition to the cancellation fee provided for in the foregoing paragraphs, the land  
owner shall be required to pay additional deferred taxes determined in accordance with the  
provisions of Section 5 1283.1 of the Government Code unless the Board finds it is in the public  
interest to waive the payment of the additional deferred tax or any portion thereof.

The additional deferred taxes shall be collected in the same manner and at the same time  
as the cancellation fee provided for by the foregoing paragraphs.

IN WITNESS WHEREOF, the parties hereto have executed the within contract the day  
and year first above written.

COUNTY OF SANTA CRUZ, a political  
subdivision of the State of California

\_\_\_\_\_  
OWNER

BY \_\_\_\_\_  
Jan Beutz  
Chairperson of the Board of Supervisors

\_\_\_\_\_  
OWNER

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

EXHIBIT 1

0324

## EXHIBIT "A"

Assessor's Parcel Numbers:

058-021-07
058-022-1 1
058-122-09
058-021-01
058-021-03
058-042-01
058-121-01
<b>058- 121-02</b>
<b>058- 122-12</b>
059-011-03
059-011-04
059-011-05
059-011-06
059-01 I-IO
059-01 I-I 1
059-011-13
059-012-02
059-012-03
059-012-04
058-051-05
058-051-07
059-012-01
059-151-01 (formally: 059- 01 I-01)

EXHIBIT 1



NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document. 0325

Application No. 98-0605

Project Location: Adjacent to both sides of State Route One beginning at Laguna Creek and extending north to Molino Creek to a pumping station, but excluding the RMC Lone Star Company cement plant and the community of Davenport.

Project Description: Proposal to enter various parcels into Agricultural Preserve Contracts.

Person or Agency Proposing Project: Trust for Public Land

Phone Number: (415) 495-5660

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
- B. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.
- C. Statutory Exemption other than a Ministerial Project.  
Specify type:

D. Categorical Exemption

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. Existing Facility</li> <li>2. Replacement or Reconstruction</li> <li>3. New Construction of Small Structure</li> <li>___ 4. Minor Alterations to Land</li> <li>5. Alterations in Land Use Limitations</li> <li>6. Information Collection</li> <li>___ 7. Actions by Regulatory Agencies for Protection of the Environment</li> <li>___ 8. Actions by Regulatory Agencies for Protection of Nat. Resources</li> <li>9. Inspection</li> <li>10. Loans</li> <li>11. Accessory Structures</li> <li>12. Surplus Govt. Property Sales</li> <li>13. Acquisition of Land for Wild-Life Conservation Purposes</li> <li>14. Minor Additions to Schools</li> <li>15. Minor Land Divisions</li> <li>16. Transfer of Ownership of Land to Create Parks</li> </ul> | <ul style="list-style-type: none"> <li><u>XX</u> 17. Open Space Contracts or Easements</li> <li>18. Designation of Wilderness Areas</li> <li>19. Annexation of Existing Facilities/Lots for Exempt Facilities</li> <li>20. Changes in Organization of Local Agencies</li> <li>21. Enforcement Actions by Regulatory Agencies</li> <li>22. Educational Programs</li> <li>23. Normal Operations of Facilities for Public Gatherings</li> <li>24. Regulation of Working Conditions</li> <li>25. Transfers of Ownership of Interests in Land to Preserve Open Space</li> <li>26. Acquisition of Housing for Housing Assistance Programs</li> <li>27. Leasing New Facilities</li> <li>28. Small Hydroelectric Projects at Existing Facilities</li> <li>29. Cogeneration Projects at Existing Facilities</li> </ul> |
|--|---|

  
 \_\_\_\_\_  
 Martin J. Jacobson, AICP  
 Project Planner

Date: Nov. 23, 1998

