



County of Santa Cruz

PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

April 19, 2002

Agenda: May 7, 2002

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

SUBJECT: REPORT ON 1) AN AMENDMENT TO COUNTY CODE CHAPTER 16.50 TO COMBINE RELEVANT ASPECTS OF A MODEL RIGHT-TO-FARM ORDINANCE WITH THE AGRICULTURAL LAND PRESERVATION AND PROTECTION ORDINANCE (CHAPT. 16.50), AND 2) AN AMENDMENT TO COUNTY CODE SECTION 13.10.361(e)1, REGULATIONS FOR FARM WORKERS QUARTERS

Members of the Board:

Two proposed amendments to the County Code that deal with agriculture are addressed in this report. The first involves amendments to Chapter 16.50 of the County Code regarding protection of agricultural land. The second involves an amendment to Section 13.10.631(e)1 of the County Code regarding the definition of farmworker as that word applies to farmworker housing projects.

I. AGRICULTURAL LAND PROTECTION AND PRESERVATION ORDINANCE

Agriculture is an important part of the economy and lifestyle of Santa Cruz County as recognized by the General Plan and by County Code Chapter 16.50, the Agricultural Land Preservation and Protection Ordinance. Your Board has considered amendments to Chapter 16.50 that would provide more specific and comprehensive notification and information to owners of property adjacent to agricultural land regarding agricultural operations.

A. Background

On December 15, 1998, your Board continued consideration of a recommendation of the Agricultural Policy Advisory Commission (APAC) and reports from County Counsel and the Planning Department about a proposed Right-to-Farm ordinance. Your Board directed the Planning Department “to return with a proposal to combine the relevant aspects of the model Right-to-Farm ordinance with the Agricultural Land Preservation Ordinance.” The minute order further states “that the definitions of nuisance contained in the model ordinance be made consistent with State law; and that an analysis be done of any inconsistencies with the General Plan or zoning ordinance that would need to be dealt with in some way.”

B. Current Status

Attachment 1 is a draft proposed combination of the relevant aspects of the model Right-to-Farm ordinance with the Agricultural Land Preservation Ordinance (County Code Chapter 16.50). This includes a definition of nuisance that is consistent with State law.

The following existing General Plan policy and Zoning Ordinance section would be inconsistent with the proposed amendments to the Agricultural Land Preservation Ordinance and would need to be revised as part of the amendment process.

1. General Plan Policy 5.13.32: Agricultural Statement of Acknowledgment

The full text of this policy can be found at Attachment 2. This policy currently requires that before building permits are issued for parcels within 200 feet of commercial agricultural land a statement acknowledging agricultural practices on adjacent parcels be recorded, or evidence provided that such a statement has already been recorded on the deed. The existing language of this policy would need revisions to maintain consistency with the proposed amendment to Chapter 16.50. Specifically, language would have to be added requiring 1) a real estate transfer disclosure statement for all real estate transfers involving land within 200 feet of agricultural land and 2) notification on the annual tax bill to all owners of property within 200 feet of agricultural land that legitimate agricultural operations may cause inconveniences and discomforts and will not be considered a nuisance by the County.

2. Zoning Ordinance Section 14.01.407.5: Agricultural notification

The full text of this section can be found at Attachment 2. This section applies to newly subdivided parcels and requires that notification of adjacent agricultural activities be included on the Final Map or Parcel Map and on the deed for each newly created lot. Minor wording revisions are necessary to maintain consistency with the proposed amendment to Chapter 16.50.

C. Further Processing

Further processing of the proposed amendment would involve Environmental Review and review by the Planning Commission prior to coming back to your Board for final approval. **A**

tentative schedule for further processing, based on acceptance of this report by your Board today, would be:

Environmental Review	May 20,2002
Planning Commission	June 26,2002 (and August 14,2002 if needed)
Board of Supervisors	August 6,2002 (September 10,2002)

II. DEFINITION OF FARMWORKER AS IT APPLIES TO FARMWORKER HOUSING

On January 29, 2002, your Board accepted a report by the Redevelopment Agency regarding an amendment to the definition of farmworker found in Section 13.10.631(e)1 as it applies to farmworker housing projects and referred the item to the Planning Department for formal processing.

According to the report from the Redevelopment Agency, farmworker housing funding sources often

have their own way of defining eligible farmworkers, sometimes at odds with the County's Zoning Ordinance definition. In particular, our Ordinance requires farmworkers to be employed in farm activities ten months of the year. In many instances, farmworkers may not be working ten months due to a variety of circumstances – the most common is extended wet weather periods. Other minor changes have been suggested to clarify ambiguous language.

The Redevelopment Agency's proposed language has several changes.

1. The current wording states that the occupancy of a farm worker dwelling "shall be limited to farm workers employed, in part, within the County of Santa Cruz. . ." The proposed revision would state that the dwelling "shall be limited to farm workers employed, in whole or in part, within Santa Cruz County. . ."
2. It would change the income standards by changing who must earn income from agriculture and whether the income must be counted as part of a household's income or the individual farm worker's income. Currently, subsection 13.10.631(e)1 states in part that "[e]ach farm worker household. . .must earn at least 50% of the household's income from an agricultural operation. . . ." As proposed to be revised, subsection 13.10.631(e)1 would state in part that "[t]he qualifying adult farm worker. . .must earn at least 50% of his/her income from an agricultural operation. . . ."
3. It would change the current language that says that the agricultural operation includes harvesting, packing, and loading of crops "at the field where grown and driving them from the field to next point of handling" by deleting the words "at the field where grown" and "from the field."
4. Under the current wording, if a farm worker's agricultural employment is interrupted by a "temporary layoff of less than 90 days for lack of work" that layoff "shall not be considered a cessation of employment" for purposes of being classified as a farm worker

eligible for farm worker housing. The proposed new wording would delete “90 days” and replace it with “150 days”.

Attachment 3 is the complete text of the proposed revision. Planning Department staff have reviewed the proposed amendment and do not anticipate any policy conflicts or other problems with it. General Plan Policy 5.13.30, Farm Labor Housing, applies to the location of farm labor housing and does not contain any wording about occupancy of farm worker housing. The Housing Element has references to and some discussion of farm worker housing, but nothing that appears to conflict with the proposed revisions to subsection 13.10.631(e)1.

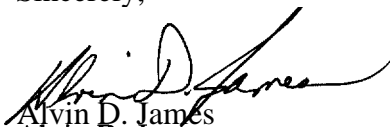
If your Board so directs, the Planning Department will formally process the proposed amendment. This will include Environmental Review and Planning Commission review before returning to your Board for final review and action. This further processing will most likely follow the tentative timeline given above for the amendments to Chapter 16.50.

11.1. RECOMMENDATION

Therefore, it is RECOMMENDED that your Board take the following actions:

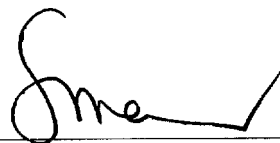
1. Accept and file this report; and
2. Direct the Planning Department to continue processing the amendment to Chapter 16.50 as proposed in Attachment 1, along with related policies and ordinance sections, through Environmental Review and the Planning Commission; and
3. Direct the Planning Department to process the amendment to Section 13.10.631(e)1 as proposed in Attachment 3.

Sincerely,


Alvin D. James

Planning Director

RECOMMENDED



Susan A. Mauriello
County Administrative Officer

- Attachments:
1. Draft proposed combination of the relevant aspects of the model Right-to-Farm ordinance with the Agricultural Land Preservation Ordinance (County Code Chapter 16.50).
 2. Text of General Plan Policy 5.13.32 and County Code Section 14.01.407.5
 3. Proposed amendment to Section 13.10.631(e)1

cc: County Counsel
Agricultural Policy Advisory Commission
Santa Cruz Farm Bureau
Agricultural Commissioner
Redevelopment Agency

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Chapter 16.50 AGRICULTURAL LAND PRESERVATION AND PROTECTION

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16.50.010 Purposes.

16.50.015 Scope.

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16.50.080 Preservation of Type 3 agricultural lands.

16.50.085 Protection of noncommercial agricultural land.

16.50.090 ~~Public~~ **Notification and disclosure statement** requirements

16.50.095 Agricultural buffer setbacks.

16.50.100 Appeals.

16.50.110 Agricultural policy advisory commission hearing notices.

16.50.115 Violations.

16.50.010 Purposes.

(a) The Board of Supervisors of Santa Cruz County finds that commercially viable agricultural land exists within the county, that it is in the public interest to preserve and protect this land for exclusive agricultural use **and to enhance and encourage agricultural operations within the County**, and that certain agricultural land in the county, not presently of commercial value, also merits protection. The Board of Supervisors of Santa Cruz County also finds that ~~residential non-agricultural~~ development adjacent to certain of these lands often leads to restrictions on farm operations, to the detriment of the adjacent agricultural uses and the economic viability of the county's agricultural industry as a whole. **It is the determination of the Board of Supervisors that residents living near agricultural land should be prepared to accept inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and healthy agricultural sector.**

(b) The purposes of this chapter, therefore, are to promote the public health, safety and welfare; **to support and encourage continued agricultural operations in the County**, to implement the policies of the Santa Cruz County General Plan, the Local Coastal Program Land Use Plan, and the 1978 Growth Management Referendum (Measure J) by designating those commercial agricultural lands the County intends to preserve and protect for exclusive agricultural use, and by protecting noncommercial agricultural land; to support and encourage continued agricultural operations in the county; to maintain in exclusive agricultural use commercial agricultural land which is located within utility assessment districts, while recognizing that equitable compensation may be due because of the assessment district-caused encumbrances; and to forewarn prospective purchasers and residents of property adjacent to agricultural operations of the necessary sounds, odors, dust and hazardous chemicals that accompany agricultural operations. It is an additional purpose of this chapter to ensure the maximum protection of commercially viable agricultural land by weighting decisions, in cases where there is not clear evidence of the unsuitability of the agricultural land, in favor of the preservation of the land for agricultural use (Ord. 2621, 1/23/79; 3336, 11/23/82; 3447, 8/23/83)

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(c) Accordingly, no agricultural activity, operation, or facility or appurtenances thereof shall be or become a nuisance, public or private, if it has been conducted or maintained for commercial purposes, and in ~~a~~ manner consistent with proper and accepted customs and standards and with all chapters of the Santa Cruz County Code, as established and followed by similar agricultural operations, after it has been in operation for more than three years if it was not a nuisance when it began. This ~~is~~ not to be construed as in any way modifying or abridging Federal law or State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, ~~or~~ any other applicable provision ~~of~~ Sate law relative to nuisances; rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.

16.50.015 Scope.

This chapter establishes a system for classifying various types of commercial agricultural land in Santa Cruz County, including specific criteria for applying each different agricultural land type designation and a procedure and findings for amending such designations. This chapter also contains the development regulations which apply to commercial agricultural land, including reference to the specific criteria in the Zoning Ordinance (Chapter 13.10) which govern the division of commercial agricultural parcels. Policy regulating divisions of noncommercial agricultural land, requirements pertaining to “buyer beware” notification, **annual notification to landowners within 200 feet of the boundaries of agricultural land regarding nuisance**, and regulations for agricultural buffer setbacks are also established in this chapter. (Ord. 3336, 11/23/82; 3447, 8/23/83)

16.50.020 Amendment.

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.10 of the County Code, and shall be subject to approval by the California Coastal Commission. (Ord. 3336, 11/23/82; 3447, 8/23/83)

16.50.025 Definitions.

Agricultural land. All that real property within the boundaries of Santa Cruz County that is defined as commercial agricultural land in the General Plan – Local Coastal Program Land Use Plan.

Agricultural operations. Includes, but is not limited to the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing harvesting, and processing of any agricultural commodity, including yet not limited to viticulture, horticulture, mushroom farming, insectaries, apiculture, raising of livestock, fur bearing animals, fish or poultry; and any agricultural practices, including composting, aerial or terrestrial application of fertilizers, pesticides, and herbicides, performed as incidental to or in conjunction with such operation, including preparation for market, delivery to storage or *to* market, or to carriers for transportation to market.

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Transfer. For the purposes of this title includes, but is not limited to, the following: sale, exchange, installment land sale contract, lease with option to purchase, any other option to purchase, or ground lease coupled with improvements or residential stock cooperative improved with residential units.

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Nuisance. The term “nuisance” shall have the same meaning as defined in California Civil Code **3479** that reads, in part, “[a]nything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the use of property, **so as to interfere with the comfortable enjoyment of life or property . . . is a nuisance.**”

16.50.030 Designation of agricultural land types.

The Agricultural Resource lands designated by the County General Plan shall be further classified into the following agricultural land types as shown on the map on file in the Planning Department entitled “Agricultural Resources,” and as amended from time to time. These types of agricultural land shall be defined individually and in the aggregate as “Agricultural Resource Land” or “Commercial Agricultural Land.” Commercial Agricultural Land also includes all land which is enforceably restricted with a Land Conversation Act Contract for Agricultural Preserve.

- (a) Type 1A--Viable Agricultural Land
- (b) Type 1B--Viable Agricultural Land in Utility Assessment Districts
- (c) Type 2A--Limited Agricultural Lands in Large Blocks
- (d) Type 2B--Geographically Isolated/Limited Agricultural Lands
- (e) Type 2C--Limited Agricultural Lands in Utility Assessment Districts
- (f) Type 2D--Limited Agricultural Lands Experiencing Use Conflicts
- (g) Type 2E--Vineyard Lands
- (h) Type 3--Coastal Zone Prime Agricultural Land (Ord. 2621, 1/23/79, 3336, 11/23/82; 3447, 8/23/83; 3602, 11/6/84)

16.50.040 Criteria for designation.

The following criteria shall be used to determine into which agricultural land type the commercial agricultural lands of the county will be classified:

- (a) Type 1 Commercial Agricultural Land. This type is for viable agricultural lands outside the Coastal Zone which have been in, or have a history of, commercial agriculture over a long period of time, and are likely to continue to be capable of commercial agricultural use in the foreseeable future.

1. Type 1A--Viable Agricultural Land. Type 1A agricultural lands comprise areas of known high productivity which are not located in any utility assessment district for which bonded indebtedness has been incurred. These lands essentially meet the U. S. Department of Agriculture Soil Conservation Service and the California Department of Food and Agriculture criteria for “prime” and “unique” farmland and “prime” rangeland.

2. Type 1B--Viable Agricultural Land in Utility Assessment Districts. This type includes viable agricultural lands, as defined above, which are within a utility assessment district for which bonded indebtedness has been incurred, except Agricultural Preserves.

- (b) Type 2 Commercial Agricultural Land. This category is for agricultural lands outside the Coastal Zone which would be considered as Type 1A, except for one or more limiting factors,

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such as parcel size, topographic conditions, soil characteristics or water availability or quality, which may adversely affect continued productivity or which restrict productivity to a

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narrow range of crops. Despite such limitations, these lands are considered suitable for commercial agricultural use. Type 2 agricultural lands are currently in agricultural use (on a full-time or part-time basis), or have a history of commercial agricultural use in the last ten years and are likely to continue to be capable of agricultural use for a relatively long period. In evaluating amendments to Type 2 designations the preceding factors, along with adjacent parcel sizes, degree of nonagricultural development in the area and proximity to other agricultural uses, shall be considered in addition to the criteria listed under each individual type below.

1. Type 2A--Limited Agricultural Lands in Large Blocks. These lands are in fairly large blocks, are not in any utility assessment district which has incurred bonded indebtedness, and are not subject to agricultural-residential use conflicts.

2. Type 2B--Geographically Isolated Agricultural Land with Limiting Factors. This category includes agricultural lands with limiting factors which are geographically isolated from other agricultural areas. These lands are not in a utility assessment district which has incurred bonded indebtedness and are not subject to agricultural-residential use conflicts.

3. Type 2C--Limited Agricultural Lands in Utility Assessment Districts. This type includes agricultural lands with limiting factors which are in a utility assessment district which has incurred bonded indebtedness.

4. Type 2D--Limited Agricultural Lands Experiencing Use Conflicts. These are agricultural lands with limiting factors which are experiencing extreme pressure from agricultural-residential land use conflicts such as pesticide application, noise, odor or dust complaints, trespass or vandalism.

5. Type 2E--Vineyard Lands.

(c) Type 3--Coastal Zone Prime Agricultural Land. This category includes all of the following lands outside the Urban Services Line and the Rural Services Line within the Coastal Zone in Santa Cruz County:

1. Land which meets the U. S. Department of Agriculture Soil Conservation Service criteria of prime farmland soils and which are physically available (i.e., open lands not forested or built on) for agricultural use.

2. Land which meets the California Department of Food and Agriculture criteria for prime rangeland soils and which are physically available (i.e., open lands not forested or built on) for agricultural use.

3. Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years, and which normally return during the commercial bearing period on an annual basis from the production of unprocessed plant production not less than \$200 per acre; the \$200 per acre value shall be utilized to establish a base value per acre as of 1965. This base value per acre figure shall be adjusted annually in accordance with any change in the San Francisco Bay Area Consumer Price Index to reflect current values.

4. Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the five previous years, as provided in subsection 3. above.

5. Land which meets the California Department of Food and Agriculture criteria for unique farmland of statewide importance and which is physically available (i.e., open lands not forested or built on) for agricultural use.

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The criteria for “prime farmland soils,” “prime rangeland soils,” and “unique farmland of statewide importance” are further defined in the General Plan and Local Coastal Program Land Use Plan Glossary. (Ord. 2621, 1/23/79; 3336, 11/23/82; 3447, 8/12/83; 4406, 2/12/86; 4416, 6/11/86)

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16.50.050 Amendment of designations.

(a) Amendments to the designations of agricultural land types may be initiated by an applicant, the Board of Supervisors, the Planning Commission or the Planning Department. Consideration of such proposals for the addition, removal or change of agricultural land type designations shall be limited to instances where new information has become available regarding the appropriateness of specific designations based on the criteria set forth under Section 16.50.040.

(b) Applications for approvals granted pursuant to this Chapter shall be made in accordance with the requirements of Chapter 18.10, Level VII.

(c) Applications to amend the designations of agricultural land types shall be reviewed on an annual basis timed to coincide with the Land Conservation Act/Agricultural Preserve application review process. All proposed amendments shall be subject to a report and environmental review by the Environmental coordinator, a hearing and recommendation by the Agricultural Policy Advisory Commission, and pursuant to Chapter 18.10, Level VII, a public hearing and recommendation by the Planning Commission and a public hearing and final decision by the Board of Supervisors.

(d) The Board of Supervisors, after a public hearing, may approve a proposed amendment, consisting of either the removal or change of a Type 1 or Type 2 designation if it makes the following findings:

1. That there has been new information presented, which was not available or otherwise considered in the original decision to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses.
2. That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in Section 16.50.040 of the Santa Cruz County Code, for the existing agricultural land type designation for said parcel(s).
3. That the proposed amendment will meet the intent and purposes of the Agricultural Land Preservation and Protection Ordinance and the Commercial Agriculture Zone District Ordinance.

(e) The Board of Supervisors may, after a public hearing, approve amendments to remove a Type 3 designation and the subsequent conversion (changing the land use designation from agriculture to nonagriculture uses) of agricultural lands, only if it makes the following findings:

1. That there has been new information presented, which was not available or otherwise considered in the original decisions to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses; and
2. That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in Section 16.50.040 of the Santa Cruz County Code, for the existing agricultural land type designation for said parcel(s); and

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3. That the proposed amendment will meet the intent and purposes of the Agricultural Land Preservation and Protection Ordinance and the Commercial Agriculture Zone District Ordinance; and

4. That the viability of existing or potential agricultural use is already severely limited by conflicts with the urban uses; the evaluation of agricultural viability shall include, but not be limited to an economic feasibility evaluation which contains at least:

a) an analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of filing the application.

b) analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of filing application.

5. That the conversion of such land around the periphery of the urban areas (as defined by the Urban Services Line or Rural Service Line) would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development; and

6. That the conversion of such land would not impair the viability of other agricultural lands in the area.

(f) Any amendment to eliminate or add a Type 1, Type 2 or Type 3 agricultural land designation constitutes a change in the County General Plan and must be processed concurrent with a General Plan amendment. Any amendment of a Type 3 designation also constitutes a change in the Local Coastal Program Land Use Plan which must be processed concurrently with a Land Use Plan amendment subject to approval by the State Coastal Commission. (Ord. 2621, 1/23/79; 2677, 5/15/79; 2800, 10/30/79; 3336, 11/23/82; 3447, 8/23/83; 3685, 10/1/85; 4416, 6/11/96)

16.50.060 Fees.

Fees for applications to amend designations of agricultural land types shall be set by resolution of the Board of Supervisors. (Ord. 2621, 1/23/79; 2677, 5/15/79; 2800, 10/30/79; 3336, 11/23/82; 3447, 8/23/83)

16.50.070 Preservation of Type 1 agricultural lands.

(a) Lands designated as Type 1 agricultural land shall be maintained in the Commercial Agriculture ("CA") Zone District, or if within an area designated as a Timber Resource, be maintained in the Timber Production ("TP") Zone District, or if within a public park, be maintained in the Parks and Recreation ("PR") Zone District. The following parcels, designated as Type 1 agricultural land, shall be maintained in the Agricultural Preserve ("AP") Zone District: Assessors Parcel Numbers 86-281-07, 86-281-24. Type 1 land shall not be rezoned to any other zone district unless the Type 1 designation is first removed pursuant to Section 16.50.050.

(b) Santa Cruz County shall not approve land division applications for parcels within the Type 1 designation except where it is shown, pursuant to Section 13.10.315 of the Santa Cruz County Code, that such divisions will not hamper or discourage long-term commercial agricultural operations.

(c) Santa Cruz County shall not approve or support expansion of sewer or water district boundaries, or expansion of municipal boundaries, onto Type 1 agricultural lands. (Ord. 2621, 1/23/79; 2677, 5/15/79; 2983, 9/2/80; 3336, 11/23/82; 3447, 8/23/83; 4496-C, 8/4/98)

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16.50.075 Preservation of Type 2 agricultural lands.

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(a) Lands designated as Type 2 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District, or if within an area designated as a Timber Resource, be maintained in the Timber Production (“TP”) Zone District, or if within a public park, be maintained in the Parks and Recreation (“PR”) Zone District. Type 2 land shall not be rezoned to any other zone district unless the Type 2 designation is first removed pursuant to Section 16.50.050.

(b) Santa Cruz County shall not approve land division applications for parcels with a Type 2 designation except where it is shown, pursuant to Section 13.10.315 of the Santa Cruz County Code, that the viability of the land for commercial agricultural use will not be reduced by such land division. (Ord. 2621, 1/23/79; 2677, 5/15/79; 2813, 11/20/79; 2983, 9/2/80; 3336, 11/23/82; 3447, 8/23/83; 4496-C, 8/4/98)

16.50.080 Preservation of Type 3 agricultural lands.

(a) Lands designated as Type 3 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District, or if within a Timber Resource, be maintained in the Timber Production (“TP”) Zone District, or if within a public park, be maintained in the Parks and Recreation (“PR”) Zone District. The following parcels, designated as Type 3 agricultural land, shall be maintained in the Agricultural Preserve (“AP”) Zone District: Assessor’s Parcels Number 46-021-05, 54-261-05, 57-121-25, 57-201-13. Type 3 land shall not be rezoned to any other zone district unless the Type 3 designation is first removed pursuant to Section 16.50.050.

(b) Santa Cruz County shall not approve land divisions for parcels within the Type 3 designation except where such land divisions meet the requirements set forth in Section 13.10.315 of the Santa Cruz County Code.

(c) Santa Cruz County shall prohibit the placement of sewer or water lines, other than for agricultural use, on Type 3 agricultural land. Sewer transmission lines to and from the City of Watsonville sewage treatment plant and raw water transmission lines from North Coast sources to the City of Santa Cruz shall be exempt from this policy only if safeguards are adopted which assure that such facilities will not result in the conversion of Type 3 agricultural lands to nonagricultural uses. Such safeguards shall include, but not be limited to:

1. Deed restrictions to prohibit hookups to trunk lines through agricultural lands, and
2. Prohibit the levying of assessment fees against prime agricultural land for the construction of sewage transmission lines running through them.

(d) Santa Cruz County shall oppose the expansion of municipal boundaries which would include Type 3 agricultural land within municipal boundaries. (Ord. 2621, 1/23/79; 2677, 5/15/79; 2813, 11/20/79; 2983, 9/2/80; 3336, 11/23/82; 3447, 8/23/83; 4496-C, 8/4/98)

16.50.085 Protection of noncommercial agricultural land.

(a) The division of land which is designated in the General Plan as Agriculture land use but which is not designated as Type 1, Type 2 or Type 3 commercial land shall be permitted only to minimum parcel sizes in the range of 10 to 40 acres per parcel based on Chapter 13.14, of the County Code pertaining to rural residential density requirements. Where the Agricultural Policy Advisory Commission confirms that such land is not viable for commercial

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agricultural use, land divisions may be permitted to minimum parcel sizes in the range of 2-1/2 to 20 acres per parcel based on Chapter 13.14 unless the parcel is surrounded to the extent of 50 percent or more by lands within 1/4 mile of the subject property designated in the General Plan as Agricultural Resource (commercial agricultural land) and/or Mountain Residential, all proposed building sites are not within 1/2 mile of a through County maintained road and adequate buffering cannot be provided between any proposed non-agricultural use and adjacent commercial uses, in which case the density range shall stay at 10 to 40 acres per parcel.

(b) Land without a Type 1 or Type 2 designation may be divided from parcels with such a designation (including parcels subject to Land Conservation Act contracts) only when:

1. Potential use of the "removed" parcel will not adversely impact the agricultural activities of the larger area; and
2. There is little likelihood for subsequent intrusion of nonagricultural development into larger, exclusively agricultural areas; and
3. The "removed" property is at the edge of an agricultural area and is physically separated from the adjacent agriculture by topographic features, extensive vegetation, or physical structures; or the nonagricultural land is part of an agricultural parcel which exists separately from other agricultural areas; and
4. A cancellation petition is filed, prior to filing of the final map, for the "removed" parcel when the property is subject to a Land Conservation Act contract.

(c) The division of land designated for agricultural land use on the Local Coastal Program Land Use Plan but not designated as Type 3 agricultural land shall be permitted only to minimum parcel sizes in the range of 10 to 40 acres per parcel based on Chapter 13.14 of the Santa Cruz County Code pertaining to rural residential density requirements and only where:

1. It is documented that renewed or continued agricultural use of such land is not feasible; and
2. It is documented that such land does not meet the criteria for Type 3 agricultural land as defined in Section 16.50.040 (c); and
3. It is shown that such division will not hamper or discourage long-term agricultural use of adjacent lands; and
4. Adequate building setbacks can be maintained to buffer adjacent agricultural activities; and
5. The owner and residents of the subject property have executed a hold harmless agreement with the adjacent agricultural operators and owners. (Ord. 3336, 11/23/82; 3447, 8/23/83; 3602, 11/6/84; 3845, 6/23/87)

(d) Notwithstanding any other provision of this code, property inside the Coastal Zone with a minimum parcel size of 40 acres may have that portion of the land without a Type 3 designation divided from that portion with such a designation only when:

1. The division is for a public purpose on land in public ownership; and
2. Potential use of the "removed" parcel will not adversely impact the agricultural activities of the larger areas;
3. There is little likelihood for subsequent intrusion of nonagricultural development into larger, exclusively agricultural areas; and
4. The "removed" property is at the edge of an agricultural area and is physically separated from the adjacent agriculture by topographic features, extensive vegetation, or physical structures; or the nonagricultural land is part of an agricultural parcel which exists separately from other agricultural areas. (Ord. 3845, 6/23/87; 4406, 2/27/96; 4416, 6/11/96).

(Proposed new language is shown in **bold**; proposed language to be deleted is shown ~~struck through~~)

16.50.090 Public notification requirements.

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(a) A person who is acting as an agent for a seller of real property which is located adjacent to agricultural land, as designated on the Agricultural Resources Map of the County, or the seller if he or she is acting without an agent, shall disclose to the prospective purchaser that:

~~The property is located adjacent to agricultural land as designated on the Agricultural Resources Map of the County, and residents of the property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, insecticides and fertilizers; and from the pursuit of~~

~~agricultural operations including plowing, spraying, pruning and harvesting which occasionally generate dust, smoke, noise and odor. The County has established a 200 foot agricultural buffer setback on the herein described property to separate agricultural parcels and non-agricultural uses involving habitable spaces to help mitigate these conflicts. Any development on this property must provide a buffer and setback as specified in County Code. Santa Cruz County has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.~~

(b) The following statement shall be included in any deposit receipt for the purchase of real property adjacent to agricultural land, as designated on the Agricultural Resources Map of the County, and shall be included in any deed conveying the property:

~~The property described herein is adjacent to land utilized for agricultural purposes and residents of said property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, insecticides and fertilizers; and from the pursuit of agricultural operations including plowing, spraying, pruning and harvesting which occasionally generate dust, smoke, noise and odor. The County has established a 200 foot agricultural buffer setback on the herein described property to separate agricultural parcels and non-agricultural uses involving habitable spaces to help mitigate these conflicts. Any development on this property must provide a buffer and setback as specified in County Code. Santa Cruz County has established agriculture as a priority use on productive agriculture lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.~~

(c) The County Building Official shall require, prior to issuance of building permits for parcels adjacent to agricultural lands, as designated on the Agricultural Resources Map, either:

1. Recordation of the following statement of acknowledgement by the owners of the property on a form approved by the Building Official:

~~The undersigned _____ do hereby certify to be the owner(s) of the hereinafter legally described real property located in the County of Santa Cruz, State of California: _____ and do hereby acknowledge that the property described herein~~

(Proposed new language is shown in **bold**; proposed language to be deleted is shown ~~struckthrough~~)

~~is adjacent to land utilized for agricultural purposes and that residents or users of this property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, insecticides, and fertilizers; and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting which occasionally generate dust, smoke, noise and odor. It is understood that the County has established a 200 foot agricultural setback on the herein described property to separate agricultural parcels and nonagricultural uses involving habitable spaces to help mitigate these conflicts. Any development on this property must provide a buffer and setback as specified in County Code.~~

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~~And further acknowledge that Santa Cruz County has established agriculture as a priority use on productive agricultural lands, and that residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.~~

~~This statement of acknowledgement shall be recorded and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs or assignees. The statements contained in this statement of acknowledgement are required to be disclosed to prospective purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the property, and in any deed conveying the property.~~

Or

~~2. Evidence that the above statement has been made part of the parcel deed. (Ord. 2621, 1/23/79; 3336, 11/23/82; 3447, 8/23/83; 3750, 4/22/86)~~

16.50.090 Notification and disclosure statement requirements.

(a) The statements required by this section shall be used under the following circumstances and in the following manners:

- (1) The County of Santa Cruz shall mail with the annual tax bill to all owners of real property within 200 feet of the boundaries of agricultural lands in Santa Cruz County a copy of the following notification statement:**

*This property is within **200 feet** of the boundaries of agricultural land. The County of Santa Cruz permits operation of properly conducted agricultural operations within the County. You may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any **24 hour** period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, and pesticides. One or more or the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. You should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a*

(Proposed new language is shown in bold; proposed language to be deleted is ~~shown~~ → _____)

strong rural character and an active agricultural sector. The County of Santa Cruz will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance ~~if~~ such operations are legal, are consistent with accepted customs and standards, and are operated in a non-negligent manner.

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- (2) Upon any transfer of real property that is located within **200** feet of the boundaries **of** agricultural land by sale, exchange, installment land sale contract, lease with an option to purchase any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative improved with dwelling units, the

title company shall require that a statement containing the language set forth in subpart (b) shall be signed by the purchaser or lessee and recorded with the County Recorder in conjunction with the deed or lease conveying the interest in real property.

- (3) Upon the issuance of a discretionary development permit, including but not limited to subdivision permits and use permits, for use on agricultural land or within **200** feet of the boundaries of agricultural land, the discretionary development permit shall include a condition that the owners of the property shall be required to sign a statement of acknowledgment containing the Disclosure set out in subpart (b) 1, on forms provided by the Planning Department, which form shall then be recorded with the County Recorder.

- (4) Prior to issuance of a building permit for a structure on agricultural land or within **200** feet of the boundaries of agricultural land, the property owner shall be required to sign a statement of acknowledgment containing the Disclosure set out in subpart (b) 1, on forms provided by the Planning Department, which form shall then be recorded with the County Recorder, or provide evidence that such disclosure statement has been recorded previously as part of the property deed.

- (b) The disclosure required by Sections (a)(2), (a)(3), and (a)(4) is set forth herein, and shall be made on a copy of the following disclosure form:

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA DESCRIBED AS _____ . THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH ORDINANCE NO. _____ OF THE COUNTY CODE AS OF _____, 2002. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

(Proposed new language is shown in **bold**; proposed language to be deleted is shown ~~struckthrough~~)

I.

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SELLERS INFORMATION

The seller discloses the following information with the knowledge that even though this ~~is~~ not a warranty, prospective Buyers may rely **on** this information in deciding whether and **on** what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy **of** this statement to any person or entity **in** connection with any actual **or** anticipated sale ~~of~~ the property. **THE FOLLOWING ARE REPRESENTATION MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF SANTA CRUZ AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.**

The County of Santa Cruz permits operation of properly conducted agricultural operations within the County. The property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes and you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. The County of Santa Cruz will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are legal, are consistent with accepted customs and standards, and are operated in a non-negligent manner.

Seller certifies that the information herein is true and correct to the best of Seller's knowledge as of the date signed by the seller.

Seller _____

Date _____

Seller _____

Date _____

II.

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

(Proposed new language is shown in **bold**; proposed language to be deleted is shown ~~struckthrough~~)

Seller _____ Date _____ Buyer _____ Date _____

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Seller _____ Date _____ Buyer _____ Date _____

Agent (Broker
Representing Seller) _____

By _____ Date _____
(Associate Licensee or
Broker-Signature)

Agent (Broker
Obtaining the Offer) _____

By _____ Date _____
(Associate Licensee or
Broker-Signature)

State ~~of~~ California

County ~~of~~ _____

On this, the _____ day of _____, before me, the undersigned Notary Public,
personally appeared _____, personally known to
me. _____ provided to me on the basis of satisfactory evidence to be
the person(s) whose name(s) _____ subscribed to the within
instrument and acknowledged that _____ executed the same for the purposes
therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

Present A. P. No. _____

**A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU
DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.**

(c) Refusal to Sign Disclosure Statement.

**If a Buyer refuses to sign the disclosure statement set forth in Section 4 (b) the
transferor may comply with the requirements of this chapter by delivering the
statement to the Buyer as provided and by attaching the following declaration to the
statement:**

(Proposed new language is shown in **bold**; proposed language to be deleted is shown ~~struckthrough~~)

I, _____ (Name) _____, have delivered a copy of the foregoing disclosure statement as required by law to ~~(Buyer's name)~~ who has refused to sign.

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I declare the foregoing to be true.

Date: _____

(Sign) _____

Print Name:

16.50.095 Agricultural buffer setbacks.

(a) The purpose of the agricultural buffer setback requirements is to prevent or minimize potential conflicts between either existing or future commercial agricultural and habitable land uses (i.e., residential, recreational, institutional, commercial or industrial). This buffer is designed to provide a physical barrier to noise, dust, odor, and other effects which may be a result of normal commercial agricultural operations such as: plowing, discing, harvesting, spraying or the application of agricultural chemicals and animal rearing.

(b) All development for habitable uses within 200 feet of the property line of any parcel containing Type 1, Type 2, or Type 3 Commercial Agricultural land shall:

1. Provide and maintain a 200 foot buffer setback between Type 1, Type 2 or Type 3 commercial agricultural land and non-agricultural uses involving habitable spaces, including dwellings, habitable accessory structures and additions thereto; and commercial, industrial, recreational, or institutional structures, and their outdoor areas designed for public parking and intensive human use. For the purposes of this Section, outdoor areas designed for intensive human use shall be defined as surfaced ground areas or uncovered structures designed for a level of human use similar to that of a habitable structure. Examples are dining patios adjacent to restaurant buildings and private swimming pools. The 200 foot agricultural buffer setback shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts.

2. Provide and maintain a buffer setback distance of at least 200 feet where the subdivision of land results in residential development at net densities of one or more dwelling units per acre adjacent to Type 1, Type 2, Type 3 Commercial Agricultural land, with vegetative screening or other physical barriers as appropriate.

3. Comply with Sections 16.50.090(c) and/or 14.01.407.5 of the Santa Cruz County Code pertaining to recording deed notices of adjacent agricultural use. Such deed notice shall contain a statement acknowledging the required permanent provision and maintenance of the agricultural buffer setbacks and any required barriers (e.g., fencing or vegetative screening).

(c) Outside of the Coastal Zone, notwithstanding the provisions of Section 16.50.095(b) an agricultural buffer setback distance of less than 200 feet may be established for subdivision developments involving habitable uses on proposed parcels adjacent to lands designated as an Agricultural Resource by the County's General Plan maps, provided that,

1. The proposed land division site is:

(a) Located within the Urban Services Line,

(b) Suitable for development at buildout level within the carrying capacity of the area; and

2. The Agricultural Policy Advisory Commission (APAC) finds that one or more of the following special circumstances exist:

(Proposed new language is shown in **bold**; proposed language to be deleted is ~~shown~~ → _____)

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- (a) Significant topographic differences exist between the agricultural and non-agricultural uses which minimize or eliminate the need for a 200 foot setback; or
- (b) Permanent substantial vegetation (such as, a Riparian Corridor or Woodland permanently protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which minimize or eliminate the need for a 200 foot setback; or
- (c) The imposition of the 200 foot agricultural buffer setback would, in a definable manner, hinder: infill development or the development of a cohesive neighborhood, or otherwise, create a project incompatible with the character and setting of the existing surrounding residential development; and

3. APAC determines the need for agricultural buffering barriers based upon an analysis of the adequacy of the existing buffering barriers, the density of the proposed land division and the proposed setback reduction, in the event that APAC finds that one or more of the above special circumstances exist; and

4. The approving body finds that the proposed reduction of the agricultural buffer setback(s) will not hinder or adversely affect the agricultural use of the commercial agricultural lands located within 200 feet of the proposed development.

(d) Notwithstanding the provisions of Section 16.50.095(b) an agricultural setback distance of less than 200 feet may be established for developments involving habitable uses on existing parcels of record when one of the following findings are made in addition to the required finding in Section 16.50.095(e):

1. Significant topographic differences exist between the agricultural and non-agricultural uses which eliminates or minimizes the need for a 200-foot agricultural buffer setback; or

2. Permanent substantial vegetation (such as, a Riparian Corridor or Woodland protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which eliminate or minimize the need for a 200 foot agricultural buffer setback; or

3. A lesser setback distance is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural development and the adjacent agricultural land, based on the establishment of a physical barrier (unless it is determined that the installation of a barrier will hinder the affected agricultural use more than it would help it, or would create a serious traffic hazard on a public or private right-of-way) or the existence of some other factor which effectively supplants the need for a 200 foot agricultural buffer setback.

4. The imposition of a 200 foot agricultural buffer setback would preclude building on a parcel of record as of the effective date of this chapter, in which case a lesser buffer setback distance may be permitted, provided that the maximum possible setback distance is required, coupled with a requirement for a physical barrier (e.g., solid fencing and/ or vegetative screening) to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

(e) In the event that an agricultural buffer setback reduction is proposed and the proposed non-agricultural development is located on Type 1, Type 2 or Type 3 commercial agricultural land, the non-agricultural development shall be sited so as to minimize possible conflicts between the agricultural land use located on the subject parcel; and the non-agricultural development shall be located so as to remove as little land as possible from production or potential production.

(Proposed new language is shown in **bold**; proposed language to be deleted is shown ~~_____~~)

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(f) Notwithstanding the provisions of Section 16.50.095(b), farm worker housing developments located on Type 1, Type 2, or Type 3 commercial agricultural land shall provide a buffer between habitable structures and outdoor areas designed for human use and areas engaged in agricultural production located on the same parcel. Said buffer shall be 200 feet if feasible; and if a 200 foot buffer **is** not feasible, then the maximum buffering possible shall be provided, utilizing physical barriers, vegetative screening and other techniques as appropriate.

(g) Proposals to reduce the required 200 foot agricultural buffer setback for additions to existing residential construction (dwellings, habitable accessory structures and private recreational facilities) and for the placement of agricultural caretakers' mobile homes on agricultural parcels shall be processed as a Level **4** application by Planning Department staff as specified in Chapter 18.10 of the County Code with the exception that:

1. A notice that an application to reduce the buffer setback has been made shall be given to all members of the Agricultural Policy Advisory Commission at least 10 calendar days prior to the issuance of a pending action on an Agricultural Buffer Determination; and

2. Where a reduction in the buffer setback is proposed, the required notice of pending action shall be provided to the applicant, to all members of the Agricultural Policy Advisory Commission, to owners of commercial agricultural land within 300 feet of the project location, and to members of the Board of Supervisors, not less than 10 days prior to the issuance of the permit. There shall not be a minimum number of property owners required to be noticed; and

3. Buffer Determinations made by Planning Department staff are ~~appealable~~ **appealable** by any party directly to the Agricultural Policy Advisory Commission. Such appeals shall include a letter from the appellant explaining the reason for the appeal and the current administrative appeal processing fee.

(h) All other proposals to reduce the agricultural buffer setback shall be processed as a Level **5** application as specified in Chapter 18.10 of the County Code with the exception that:

1. The required notice that an application has been made to reduce the agricultural buffer setback shall be provided ~~only~~ **only** to owners of commercial agricultural land within 300 feet of the proposed project, not less than 10 days prior to the public hearing scheduled to consider the project. There shall not be a minimum number of property owners required to be noticed; and

2. All determinations shall be made by the Agricultural Policy Advisory Commission at a scheduled public hearing.

(i) An agricultural buffer setback shall not be required for repair or reconstruction of a structure damaged or destroyed as the result of a natural disaster for which a local emergency has been declared by the Board of Supervisors, when:

1. the structure, after repair or reconstruction, will not exceed the floor area, height or bulk of the damaged or destroyed structure by 10%, and

2. the new structure will be located in substantially the same location, but no closer to the agricultural land than was the original structure. (Ord. 2677, 5/15/79; 2813, 11/20/79; 3336, 11/23/82; 3447, 8/23/83; 4037, 12/5/89; 4284, 12/14/93; 4311, 5/24/94; 4496-C, 8/4/98)

16.50.100 Appeals.

(a) Any property owner or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of this chapter, may appeal the act or determination to the

(Proposed new language is shown in **bold**; proposed language to be deleted is shown ~~struck through~~)

Board of Supervisors in accordance with Chapter 18.10 of the Santa Cruz County Code. For this purpose the procedure therein set forth is incorporated herein and made a part of this chapter.

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(b) If any act or determination of the Agricultural Policy Advisory Commission in question is incorporated as part of the terms or conditions of a discretionary permit or other discretionary approval for which another appeal is provided, then such act or determination of the Agricultural Policy Advisory Commission shall be considered as part of the appeal on the discretionary permit or other discretionary approval. Within the Coastal Zone, such appeals shall also be subject to the provisions of Chapter 13.20 of the Santa Cruz County Code pertaining to Coastal Zone Permit procedures. (Ord. 2621, 1/23/79; 3336, 11/23/82; 3447, 8/23/83)

16.50.110 Agricultural policy advisory commission hearing notices.

Notice of hearings held by the Agricultural Policy Advisory Commission pursuant to Section 16.50.050 shall be given in accordance with Chapter 18.10, Level IV. (Ord. 3336, 11/23/82; 3447, 8/23/83)

16.50.115 Violations.

It shall be unlawful for any person whether as owner, principal, agent or employee or otherwise to perform an action or allow a situation to continue that violates the provisions of this chapter or violates any conditions of agricultural buffer setback determinations required pursuant to this Chapter. (Ord. 3750, 4/22/86; 4392A, 4/2/96)

DRAFT

5.13.29 Residential Use Ancillary to Commercial Agriculture

(LCP) Utilize the following criteria for determining when a residential use would be ancillary to commercial agriculture:

- (a) Documentation that the farmable portion of the subject parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops other than greenhouses suited to the soils, topography, and climate of the area; or
- (b) Documentation that the owners have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel by another party; and
- (c) Documentation that, concurrent with each of the above, the structure is sited in such a manner so as to minimize possible conflicts with commercial agriculture in the area, and to remove no land from production (or potential production) if any unfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

5.13.30 Farm Labor Housing

Allow farm operations to locate farm labor housing within commercial agricultural areas on unfarmable portions of the property, if available, sited so as to not create health problems from pesticides, herbicides and other adjacent agricultural activities, and with adequate buffering based on recommendations of the Agricultural Policy Advisory Commission.

5.1331 Agricultural Notification Recordation for Land Divisions

(LCP) Continue to require an Agriculture Notification statement to be included on the Final Map or Parcel Map and in each parcel deed for land divisions within 200 feet of commercial agriculture land in accordance with the Subdivision Regulations ordinance. The purpose of the statement is to inform property owners about adjacent agricultural practices, and advise them to be prepared to accept such inconvenience or discomfort from normal operations.

5.13.32 Agricultural Statement of Acknowledgement

(LCP) In accordance with the Agricultural Land Preservation and Protection ordinance and the Subdivision Regulations ordinance, continue to require, prior to issuance of building permits, the recordation of a Statement of Acknowledgement or evidence that the statement has already been made part of the parcel deed, for parcels within 200 feet of commercial agricultural land as identified on the Agricultural Resources Maps and General plan and LCP Land Use Maps. The purpose of the statement is to inform property owners about adjacent agricultural practices, and advise them to be prepared to accept such inconvenience or discomfort from normal operations. Where a reduction of the 200 foot buffer is approved, such deed notice shall also contain a statement that the permanent provisions and maintenance of the specified buffer setback shall be required, and shall include a notice of any requirement for fencing, vegetative screening and/or other barrier that has been incorporated as part of the required buffer.

5.1333 Density on Parcels Adjacent to Commercial Agricultural Lands

Require, in rural areas (i.e., areas outside the Urban Services Line and Rural Services Line), minimum densities of 2.5 net developable acres for newly created residential parcels which adjoin Commercial Agricultural Land except where the General Plan and LCP Land Use Map provides for suburban densities and

- (a) The new parcels constitute infill development within the mapped Suburban designation,
- (b) The resulting parcel sizes will be no smaller than the smallest existing conforming parcel within that designation which adjoins said agricultural land, and
- (c) The Agricultural Policy Advisory Commission has recommended that parcel sizes smaller than 2.5 net developable acres will not conflict with or otherwise hamper or discourage long-term commercial agricultural uses of said agricultural lands.

14.01.407.5 Agricultural notification.

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When a parcel adjacent to agricultural land, as designated on the Agricultural Resources Map established under Section 16.50.040 of the Santa Cruz County Code, is to be subdivided, the following statement shall, as a condition of approval, be included on the Final Map or Parcel Map, and in each parcel deed for the subdivision:

This subdivision is adjacent to property utilized for agricultural purposes, and residents of the subdivision may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers; and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting which occasionally generate dust, smoke, noise and odor. Santa Cruz County has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.

(Any deed conveying parcels or lots within this subdivision shall contain a statement substantially in the form stated above.)

PROPOSED AMENDMENT TO SANTA CRUZ COUNTY CODE SECTION 13.10.63 1(e) 1

“The occupancy of each dwelling, with the exception of a required, on-site managers units, shall be limited to farm workers employed, ~~in whole or in part,~~ within the County of Santa Cruz and their families (“farm worker households”). ~~Each~~ **The qualifying adult** farm worker household, during tenancy in the farm worker housing, must earn at least 50% of ~~the household’s~~ **his/her** income from ~~an~~ agricultural operation defined as employment by production agriculture (the art or science of cultivating the ground, including harvesting of crops, ~~packing and loading the crops at the field where grown and driving them from the field~~ to next point of handling, rearing and management of livestock, tillage, husbandry, farming, horticulture, fishing, and timber harvesting). There shall be ~~a~~ 30 day grace period for tenants to find other housing if employment ceases. A temporary layoff of less than ~~90~~ **150** days for lack of work shall not be considered a cessation of employment.”