

MEMORANDUM

Date: 11/26/08

To: Agricultural Policy Advisory Commission

From: Alice Daly, Project Planner

Re: 07-0646 Revisions

Agenda Date: December 18, 2008

Agenda Item: 6

Time: After 1:30 PM

On 10/16/08, your commission reviewed application # 07-0646 for a Lot Line Adjustment between lands owned by Coast Dairies and CEMEX USA. The project required your recommendation to the Board of Supervisors regarding approval for a proposed rescission of a Williamson Act contract and simultaneous adoption of a new Williamson Act contract for APN 058-122-12 to reflect the adjusted parcel boundary.

It was subsequently discovered that a second parcel that is also under the same Williamson Act contract, APN 058-122-13, is a part of the proposed project, but had been left out of the application materials and the map exhibit for the project.

APN 058-122-13 is a 1,469-acre parcel, out of which less than 0.03 acres (1,306 square feet) is proposed to be transferred out of the existing Williamson Act contract. The change in adjusted area under consideration is minimal, and the findings that are required by California Government Code Section 51257 can still be made.

Therefore, the staff recommendation to your Commission is for APAC to:

- Approve revised Application 07-0646, based on the attached findings and conditions.
- Recommend to the Board of Supervisors the rescission of the Land Conservation Contract (Williamson Act) recorded on December 28, 1998 that includes APN 058-122-12, APN 058-122-13 and other lands, and the simultaneous adoption of a new contract describing the newly adjusted lot line for APN 058-122-12 and 058-122-13, along with the other lands in the original contract as previously described.



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **07-0646**

Applicant: Coast Dairies and Land Co /
Tily Shue

Date: December 18, 2008

Owner: Coast Dairies and Land

Agenda Item #:

APN: 058-071-04, 058-122-12, 058-122-13

Time: 1:30 p.m.

Project Description:

Proposal to transfer 1.91 acres from APN 058-122-12 and 0.03 acres from APN 058-122-13 to APN 058-071-04, and the related rescission and simultaneous adoption of a new Williamson Act contract for APN 058-122-12 and 058-122-13 to reflect the adjusted parcel boundary; and also to combine APN 058-071-02 with APN 058-071-04, to result in one 73.7 acre parcel (APN 058-122-12) under Agricultural Preservation (Williamson Act) contract and one 116 acre parcel (APN 058-071-04). Requires a Lot Line Adjustment, Agricultural Policy Advisory Commission (APAC) review and County Board of Supervisors adoption of a resolution to rescind a Williamson Act contract and adopt a new Williamson Act contract.

Location:

The subject parcels are located on the northeast side of Highway 1 between the CEMEX cement plant and the Town of Davenport at 700 Highway 1.

Permits Required: Lot Line Adjustment and Amendment (rescission and simultaneous adoption of a new contract) to the Williamson Act contract for APN 058-122-12 and 058-122-13.

Staff Recommendation:

- Approval of Application 07-0646, based on the attached findings and conditions.
- Recommend to the Board of Supervisors the rescission of the Land Conservation Contract (Williamson Act) recorded on December 28, 1998 that includes APN 058-122-12, APN 058-122-13 and other lands, and the simultaneous adoption of a new contract describing the newly adjusted lot line for APN 058-122-12 and 058-122-13, along with the other lands in the original contract as previously described.

Exhibits

- | | | |
|----|---|-------------------------------------|
| A. | Lot Line Adjustment plan | 12/28/98 for APN 058-122-12 and |
| B. | Findings | 058-122-13 and other lands |
| C. | Conditions | H. Deed description and Map of area |
| D. | Categorical Exemption (CEQA determination) | proposed to be transferred to |
| E. | Assessor's parcel map | CEMEX (APN 058-071-04, 1.9 acre |
| F. | Zoning map | portion of APN 058-122-12 and 0.03 |
| G. | Land Conservation Contract (Williamson Act contract) recorded | acre portion of APN 058-122-13) |

Parcel Information

Parcel Sizes:	Existing: 75.6 acres (APN 058-122-12)
	1468.95 acres (APN 058-122-13)
	109.3 acres (APN 058-071-04)
	4.8 acres (APN 058-071-02, to be combined with APN 058-071-04)
	Proposed: 73.7 acres (APN 058-122-12)
	1468.92 acres (APN 058-122-13)
	116 acres (APN 058-071-04)
Existing Land Use - Parcels:	Heavy Industrial (APNs 058-071-04 and 058-07102)
	Agriculture and Open Space (APN 058-122-12, -13)
Existing Land Use - Surrounding:	Agricultural, Residential, Industrial
Project Access:	From CEMEX Cement Plant northeast of the Town of Davenport at 700 Hwy 1.
Planning Area:	North Coast
Land Use Designation:	R-M, Mountain Residential (APN 058-071-02)
	CA, Commercial Agriculture (APNs 058-071-04 and 058-122-12, -13)
Zone District:	M-2-L (Commercial Agriculture, Multi-Family Residential, Industrial Overlay), CA-P (Commercial Agriculture, Agricultural Preserve Contract)
Supervisory District:	Third (District Supervisor: Neal Coonerty)
Within Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Mapped as potential resource site- no new site disturbance proposed

Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No
Water Supply: Private well
Sewage Disposal: Private septic
Fire District: County Fire
Drainage District: N/a

Analysis and Discussion

In 1998, the Coast Dairies and Land Company, Inc. was purchased by the Trust for Public Land (TPL), in order to preserve the Coast Dairies property as open space and transfer the property into public ownership. On December 28, 1998, a Williamson Act Land Conservation Contract for 5,205 acres of Coast Dairies/ TPL land, including APN 058-112-12 and APN 058-112-13, was recorded with the County of Santa Cruz.

Coast Dairies/ TPL is now in the process of transferring some of its property to the Federal Bureau of Land Management (BLM) for continued management as public open space. Coast Dairies/ TPL property includes APNs 058-122-12 and APN 058-112-13 (the subject parcels under Williamson Act contract) and APN 058-071-02 (not under Williamson Act contract) along the eastern perimeter of the CEMEX USA cement plant in Davenport; both are directly adjacent to APN 058-071-04, which is on the CEMEX property.

One component of the proposed Lot Line Adjustment is a request to transfer 1.9 acres of APN 058-122-12 and 0.03 acres of APN 058-112-13 to CEMEX-owned APN 058-071-04, as this area is part of a 5.8-acre landfill (the rest of the landfill acreage is already on CEMEX property) and is currently under license to the cement plant, whose personnel control the access to this area. The landfill received industrial waste and cement kiln dust related to cement plant operations from 1906 until 1984. A closure and post-closure maintenance plan was put in place in 1994 under the authority of the Central Coast Regional Water Quality Control Board and with assistance from the California Integrated Waste Management Board. The landfill cap is to remain in place in perpetuity, so the 1.9 acres to be transferred out of Williamson Act contract are not suitable for agricultural uses either now or in the future, and there is no proposed change of use.

As the other part of the proposed Lot Line Adjustment, the applicants are proposing to merge 4.8-acre APN 058-071-02 with the CEMEX-owned parcel APN 058-071-04 in order to avoid safety issues involved in public management of a steep-walled canyon area adjacent to a pond that is on the CEMEX property. The CEMEX-owned 109-acre APN 058-071-04 that is being adjusted to include additional acreage is zoned M-2-L (Commercial Agriculture, Multi-Family Residential, Industrial Overlay) and is not under Williamson Act contract. APN 058-071-02 is also not under Williamson Act contract.

Williamson Act Considerations

Government Code Section 51257 regulates minor lot line adjustments for properties under Williamson Act contract. APN 058-122-12 and APN 058-112-13 were entered into a Williamson Act contract on December 28, 1998 with 21 other parcels, and the contract was recorded May 13, 1999 (Exhibit G). The contract has automatically renewed and remains in effect. However, because the proposed Lot Line Adjustment will change the area of APN 058-122-12 and APN 058-112-13 described in the existing contract, a new contract is required.

The Board of Supervisors has final approval of the new contract. The Board must make the findings (specified in Government Code 51257) that the new contract would restrict the property for at least 10 years and that there would be no net decrease in the amount of acreage restricted. At least 90 percent of the land under the former contract must remain in the new contract. After the lot line adjustment, the parcel of land under the Williamson Act contract must be large enough to sustain the agricultural use and shall not compromise the long-term agricultural productivity of the parcel. The lot line adjustment shall not result in the removal of adjacent land from agricultural use. The lot line adjustment shall not result in a greater number of developable parcels than existed prior to the adjustment and the adjusted lot must remain consistent with the General Plan.

Findings are on file in the County Planning Department.

Recommendation

- Approval of Application 07-0646, based on the attached findings and conditions.
- Recommend to the Board of Supervisors the approval of the rescission of the Land Conservation Contract (Williamson Act) recorded on December 28, 1998 that includes APN 058-122-12 and other lands, and the simultaneous adoption of a new contract describing the newly adjusted lot line for APN 058-122-12 and APN 058-112-13, along with all the lands in the original contract as previously described.

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.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Santa Cruz County Planning Department
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Santa Cruz CA 95060
Phone Number: (831) 454-3259
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Report Reviewed By: Paia Levine
Principal Planner
Development Review

**Required Findings for a Rescission for a Lot Line Adjustment on Parcel(s) Under
Agricultural Preserve Contract
(CA Government Code Section 51257)**

1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

This finding can be made, in that the new contract would have the very same terms as the existing one that is proposed to be rescinded, with the only change being a new parcel description to reflect the adjusted lot line. Thus, the new contract would have a minimum term of 10 years, subject to any future notice of non-renewal.

2. There is no net decrease in the amount of acreage restricted.

This finding can be made, in that while the new contract will describe a parcel that is 73.7 acres rather than 75.6 acres (APN 058-122-12), and a parcel that is 1468.92 acres rather than 1468.95 acres (APN 058-112-13) the 1.9 acres to be transferred out of the contract acreage is capped landfill that is not currently, nor in the foreseeable future, suitable for agricultural uses. No new development or use is proposed for this landfill area, which will remain open and undisturbed regardless of whether or not it is under agricultural preserve contract due to the landfill management requirements. Thus, there is no net decrease in the amount of acreage restricted.

3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

This finding can be made, in that the new contract will contain more than 97% of the land that is in the existing contract.

4. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

This finding can be made, as the parcel under contract will be 73.7 acres, which is well above the 40-acre minimum for less-than-prime agricultural land specified under Section 51222.

5. The Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

This finding can be made, as the Lot Line Adjustment only involves 1.9 acres of capped landfill that is not presently agriculturally productive, and the landfill must remain capped in perpetuity under the postclosure plan administered by the Central Coast Regional Water Quality Board.

6. The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

This finding can be made, in that no new uses or development are proposed for the adjusted area, nor

EXHIBIT B

on any adjacent parcels. Most of the adjacent land that is not part of the ongoing cement plant operations is under the ownership of Coast Dairies/ TPL or in the process of being transferred to the Federal Bureau of Land Management for continued stewardship as open space/ agricultural use.

7. The Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

This finding can be made, as no new developable parcels would be created as a result of this minor Lot Line Adjustment. Further, the adjusted lots are consistent with all applicable land use policies specified in Chapter 2 of the General Plan.

Lot Line Adjustment Conditions of Approval

Exhibit A: Lot Line Adjustment Map, 1 sheet, prepared by Robert L. DeWitt & Associates, Inc, Civil Engineers and Land Surveyors, dated 7/1/08 and revised 11/13/08.

- I. No parcel map is required. File deed(s) of conveyance (which must result in parcel configurations that match the approved Exhibit "A" for this permit) with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership.
- II. The deed(s) of conveyance must contain the following statement after the description of the properties or portion(s) of property to be transferred:
 - A. "The purpose of the deed is to adjust the boundary between Assessor's Parcel Number 058-071-04, and Assessor's Parcel Numbers 058-071-02, 058-122-12 and APN 058-112-13 as approved by the County of Santa Cruz under Application 07-0646. This conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated."
- III. Return a conformed copy of the deed(s) to the Planning Department.
- IV. If a map is also to be recorded with the County Surveyor's office (which is not required to implement this approval), you must include a copy of these Conditions of Approval to the County Surveyor with the map to be recorded.
- V. Operational Conditions:
 - A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
 - B. Any future proposed change of use on APN 058-071-04 shall be reviewed by the Planning Department, and may require an application for a General Plan Amendment and re-zone.

Williamson Act Rescission/ Simultaneous Adoption of New Contract Conditions of Approval

- I. All conditions of the original Land Conservation Contract between the County of Santa Cruz and Coast Dairies as recorded on December 28, 1998 shall remain in effect and shall be included in the new contract for APN 058-122-12, and APN 058-112-13 and other lands.

Minor Variations to this permit that do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires two years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Appeals: 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 County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 07-0646

Assessor Parcel Number: 058-071-04, 058-122-12, and 058-112-13

Project Location: 700 Hwy 1, Davenport

Project Description: Lot Line Adjustment requiring rescission of Williamson Act contract and simultaneous adoption of new Williamson Act contract

Person or Agency Proposing Project: Coast Dairies and Land Co attn Tily Shue

Contact Phone Number: 415-495-5660

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemptions**

Specify type: Class 5- Minor Alterations in Land Use Limitations (Section 15305), and Class 17- Open Space Contracts or Easements (Section 15317)

F. Reasons why the project is exempt:

Minor lot line adjustment that does not result in the creation of a new parcel (Sec. 15305), and the making and renewal of an open space contract under the Williamson Act (Sec. 15317)

In addition, none of the conditions described in Section 15300.2 apply to this project.

Alice Daly, Project Planner

Date: _____

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 07-0646

Assessor Parcel Number: 058-071-04, 058-122-12, and 058-112-13

Project Location: 700 Hwy 1, Davenport

Project Description: Lot Line Adjustment requiring rescission of Williamson Act contract and simultaneous adoption of new Williamson Act contract

Person or Agency Proposing Project: Coast Dairies and Land Co attn Tily Shue

Contact Phone Number: 415-495-5660

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemptions**

Specify type: Class 5- Minor Alterations in Land Use Limitations (Section 15305), and Class 17- Open Space Contracts or Easements (Section 15317)

F. Reasons why the project is exempt:

Minor lot line adjustment that does not result in the creation of a new parcel (Sec. 15305), and the making and renewal of an open space contract under the Williamson Act (Sec. 15317)

In addition, none of the conditions described in Section 15300.2 apply to this project.

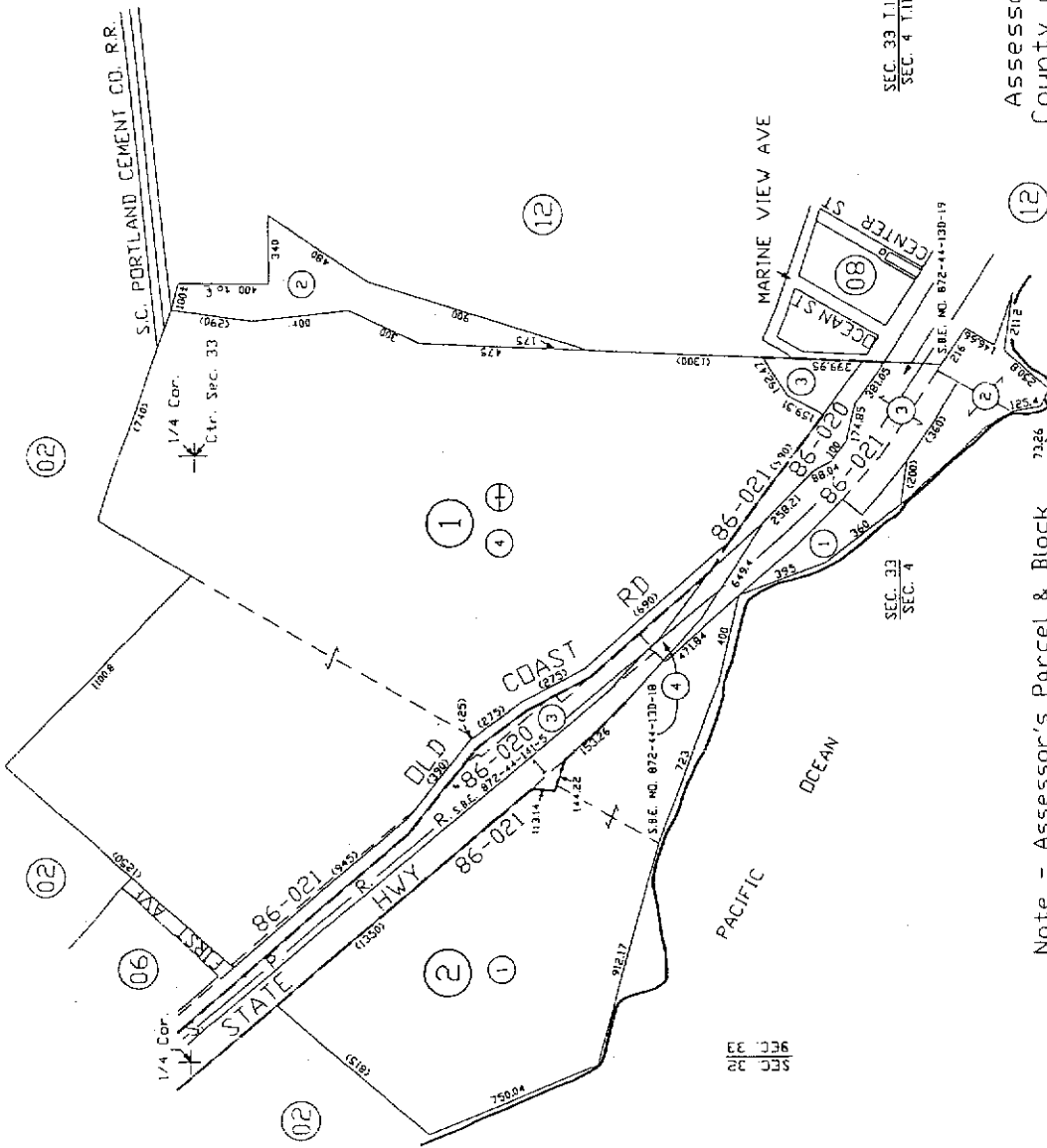
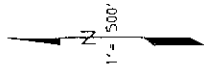
Alice Daly, Project Planner

Date: _____

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 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY
 IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT
 COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

58-07



SEC. 33 T.10S.
 SEC. 4 T.11S.

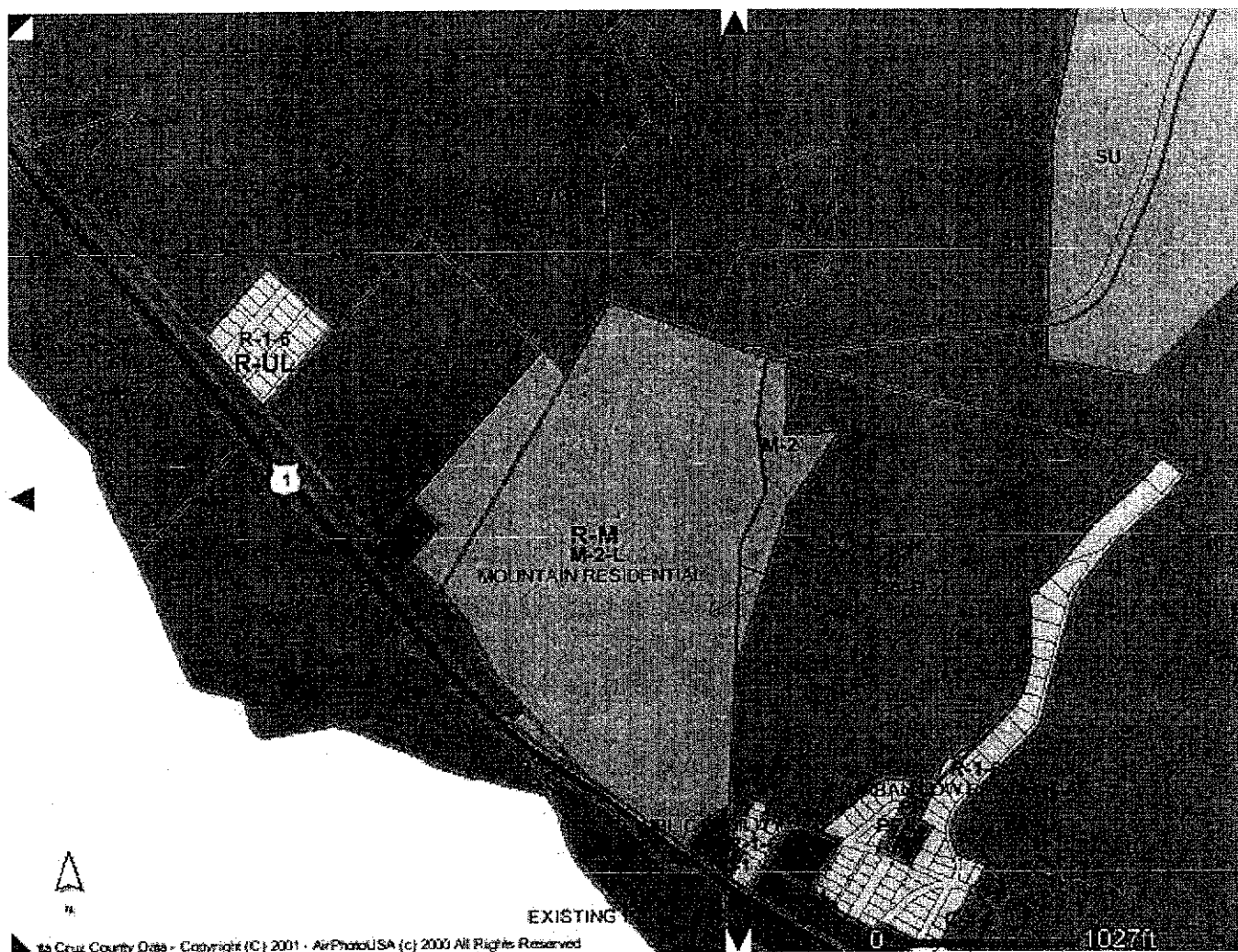
SEC. 33
 SEC. 4

SEC. 33
 SEC. 36

Assessor's Map No. 58-07
 County of Santa Cruz, Calif
 Oct. 1999

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

Electronically redrawn 1/1/99 KSA



1027ft
Santa Cruz County Data - Copyright (C) 2001 - AirPhotoUSA (c) 2000 All Rights Reserved

1998-0079594

This document recorded by
and when recorded return to:

The Trust for Public Land
116 New Montgomery Street
3rd Floor
San Francisco, CA 94105
Attn: Ann Cole

Recorded
Official Records
County Of
SANTA CRUZ
RICHARD W. BEDAL
Recorder

REC FEE .00
OR CERT 23.00

02:48PM 28-Dec-1998

MLD
Page 1 of 9

LAND CONSERVATION CONTRACT

LAND CONSERVATION CONTRACT

THIS CONTRACT, made and entered into this 18th day of DECEMBER, 19 98, 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 51240).
2. During the term of this contract the above described land shall be used for the

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.

6. The initial term of this contract shall be effective commencing on the 1ST day of JANUARY, 1999, 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.

8. 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 51280 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.

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 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 51283.1 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

COAST DAIRIES & LAND COMPANY, INC. by

Ann Cole

OWNER, VICE PRESIDENT

By

Jan Beautz
Jan Beautz
Chairperson of the Board of Supervisors

OWNER

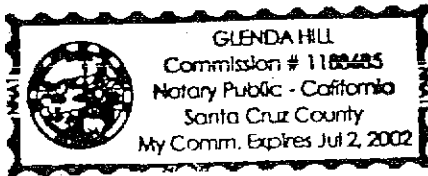
APPROVED AS TO FORM:

Quigley L. Hen
County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
 County of Santa Cruz
 On December 18, 1998 before me, Glenda Hill Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Ann Cole
Name(s) of Signer(s)

☐ personally known to me -- OR -- ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Glenda Hill
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Land Conservation Contract
 Document Date: 12-18-98 Number of Pages: 12
 Signer(s) Other Than Named Above: none

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing:

**RIGHT THUMBPRINT
OF SIGNER**
 Top of thumb here

Signer's Name: Ann Cole

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☒ Other: Vice

President

Signer Is Representing:

Coast Dairies &
Land Co., Inc.

**RIGHT THUMBPRINT
OF SIGNER**
 Top of thumb here



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Cruz } ss.

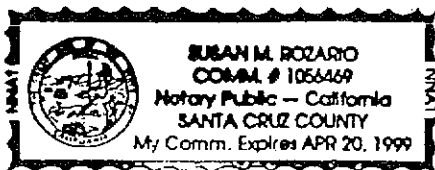
On December 23, 1998, before me,

Susan Rozario, Notary Public
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Jean Beauty

Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Susan M. Rozario
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Land Conservation Contract

Document Date: 12/24/98 Number of Pages: 5

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

EXHIBIT "A"

Assessor's Parcel Numbers:

058-021-07
058-022-11
058-122-09
058-021-01
058-021-03
058-042-01
058-121-01
058-121-02
058-122-12
059-011-03
059-011-04
059-011-05
059-011-06
059-011-10
059-011-11
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- 011-01)

EXHIBIT A
PLANT AREA TWO
(SLURRY DEPOSIT AREA)

SITUATE in the County of Santa Cruz, State of California, described as follows:

BEING a portion of the San Vicente Rancho and a portion of the 75.61 Acre, more or less, Parcel (APN 058-122-12) lying within a Southeasterly portion of lands conveyed to Coast Dairies and Land Company, a California Corporation, by Deed recorded May 7, 1901, in Book 136 of Deeds, Page 453, Official Records of Santa Cruz County and all of Lease Parcel C3 as said Lease Parcel is described in the Memorandum of Lease between Coast Dairies and Land Company, a California corporation, as Lessor and Pacific Cement and Aggregates, a division of Lone Star Cement Corporation, a Maine corporation, as Lessee, recorded March 12, 1969 in Book 1950 at Page 286, Official Records of Santa Cruz County, California, and more particularly described as follows:

BEGINNING at the point of intersection of the Easterly line of Parcel 8 as described in that certain Deed recorded in Book 1064, Page 121 of Official Records of Santa Cruz County, California, with the Southerly line of that certain 100 foot wide strip of land conveyed to Portland Cement Company by Deed recorded in Volume 167 of Deeds at Page 443, Official Records of Santa Cruz County; said point being distant, South 8° 30' 19" West, 10.67 feet, from the Northeast corner of said Parcel 8; thence along the said Southerly line of said 100 foot wide strip of land

1. North 82° 15' 19" East, 101.10 feet; thence leaving said Southerly line, and running along the general Easterly boundary of Parcel C3
2. South 2° 40' 19" West, 389.59 feet, to an angle point; thence
3. South 87° 14' 32" East, 329.34 feet, to an angle point; thence
4. South 44° 20' 19" West, 480.00 feet, to an angle point; thence
5. South 15° 06' 56" West, 304.84 feet, to an angle point; thence leaving said general Easterly boundary of Parcel C3
6. South 2° 29' 19" West, 930.71 feet, to an angle point; thence
7. North 87° 31' 41" West, 130.00 feet to a point on the Easterly boundary of said Parcel 8; thence along the said Easterly boundary of said Parcel 8
8. North 2° 28' 19" East, 350.00 feet, to the Southerly termination of said Parcel C3; thence continuing along the said Easterly boundary of Parcel 8, and along the Westerly boundary of said Parcel C3 as follows:
9. North 2° 28' 19" East, 175.00 feet, to an angle point; thence
10. North 3° 00' 19" East, 475.00 feet, to an angle point; thence
11. North 25° 30' 19" East, 300.00 feet, to an angle point; thence
12. North 6° 29' 41" West, 400.00 feet, to an angle point; thence

13. North 8° 30' 19" East, 289.33 feet, to the POINT OF BEGINNING

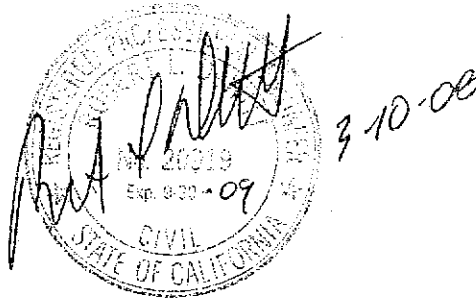
Containing 6.72 Acres, more or less.

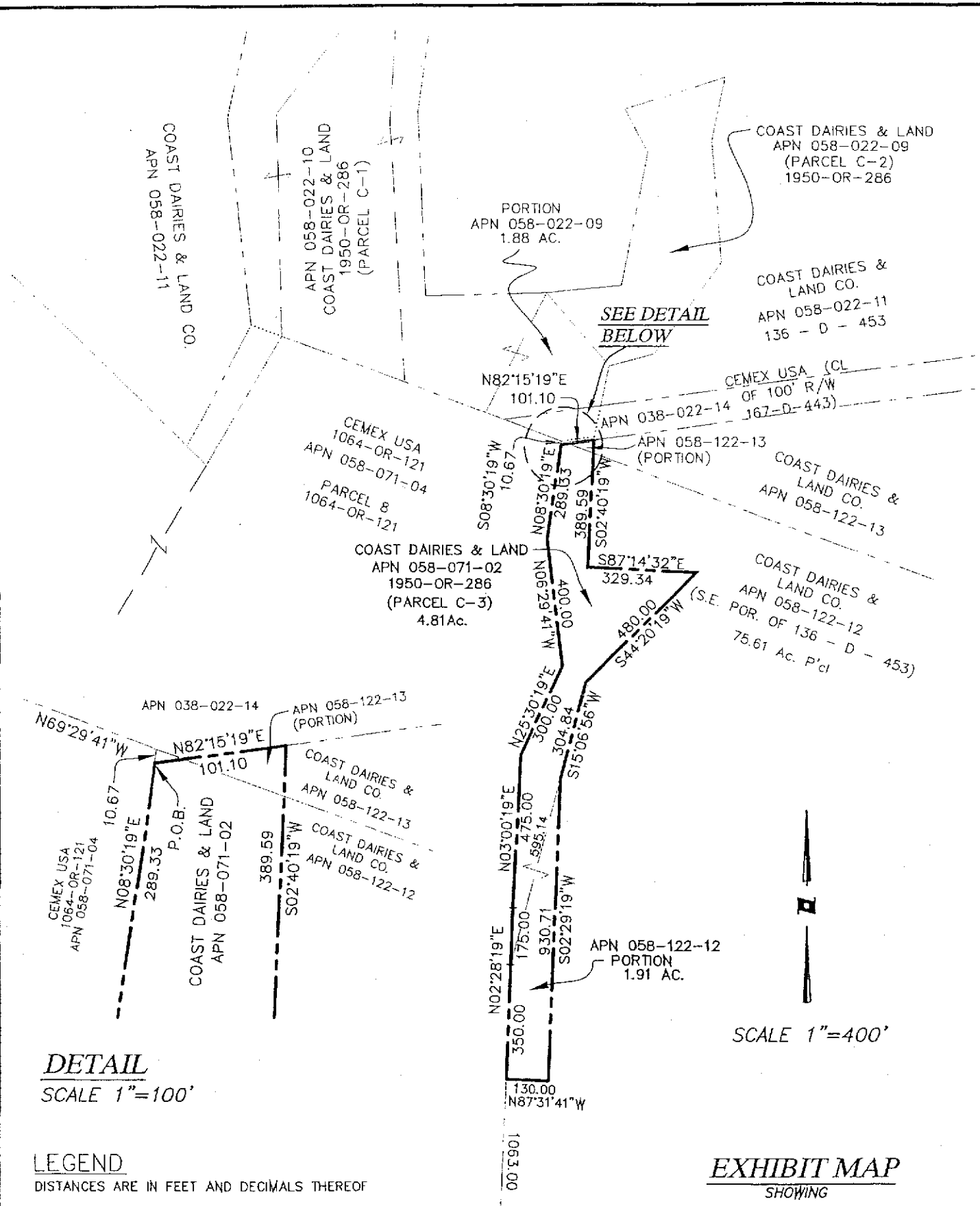
Description prepared by Robert L. DeWitt and Associates, Inc., Civil Engineers and Land Surveyors in December, 2005.

APN 058-071-02

APN 058-122-12 (portion)

APN 058-122-13 (portion)





Robert L. DeWitt
& Associates, Inc.

Civil Engineers & Land Surveyors

1607 Ocean Street, Suite 1
Santa Cruz, California, 95060.
(831) 426-1617 TEL
(831) 426-0224 FAX

PRO - 26 - R05065A

REV.: 3-10-08

PLANT-EXHIBIT.DWG

EXHIBIT MAP
SHOWING
PLANT AREA TWO
(SLURRY DEPOSIT AREA)
MODIFIED LEASE PARCEL

EXHIBIT H

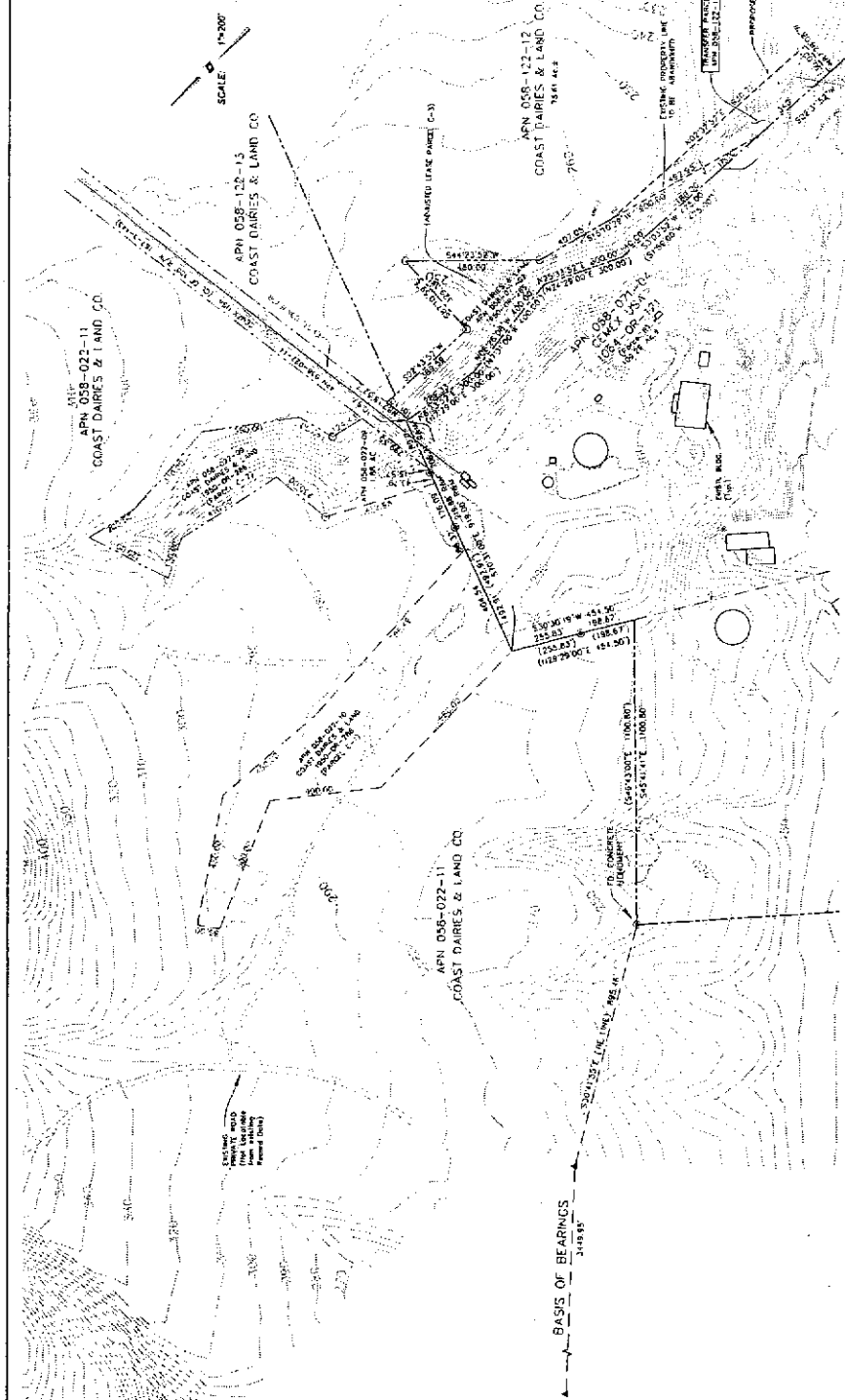
LINE TYPES

- EXISTING PROPERTY LINE TO BE ADJUSTED
- PROPOSED ADJUSTED PROPERTY LINE
- CONTOUR LINE (10' INTERVAL)
- CODE OF UNIFIED MAP ACT
- 10' FROM 100'

- APN 058-022-11 COAST DAIRIES & LAND CO.
- APN 058-122-12 COAST DAIRIES & LAND CO.
- APN 058-122-13 COAST DAIRIES & LAND CO.
- APN 058-071-02 COAST DAIRIES & LAND CO.
- APN 058-071-03 COAST DAIRIES & LAND CO.
- APN 058-071-04 COAST DAIRIES & LAND CO.
- APN 058-071-05 COAST DAIRIES & LAND CO.
- APN 058-071-06 COAST DAIRIES & LAND CO.
- APN 058-071-07 COAST DAIRIES & LAND CO.
- APN 058-071-08 COAST DAIRIES & LAND CO.
- APN 058-071-09 COAST DAIRIES & LAND CO.
- APN 058-071-10 COAST DAIRIES & LAND CO.
- APN 058-071-11 COAST DAIRIES & LAND CO.
- APN 058-071-12 COAST DAIRIES & LAND CO.
- APN 058-071-13 COAST DAIRIES & LAND CO.
- APN 058-071-14 COAST DAIRIES & LAND CO.
- APN 058-071-15 COAST DAIRIES & LAND CO.
- APN 058-071-16 COAST DAIRIES & LAND CO.
- APN 058-071-17 COAST DAIRIES & LAND CO.
- APN 058-071-18 COAST DAIRIES & LAND CO.
- APN 058-071-19 COAST DAIRIES & LAND CO.
- APN 058-071-20 COAST DAIRIES & LAND CO.
- APN 058-071-21 COAST DAIRIES & LAND CO.
- APN 058-071-22 COAST DAIRIES & LAND CO.
- APN 058-071-23 COAST DAIRIES & LAND CO.
- APN 058-071-24 COAST DAIRIES & LAND CO.
- APN 058-071-25 COAST DAIRIES & LAND CO.
- APN 058-071-26 COAST DAIRIES & LAND CO.
- APN 058-071-27 COAST DAIRIES & LAND CO.
- APN 058-071-28 COAST DAIRIES & LAND CO.
- APN 058-071-29 COAST DAIRIES & LAND CO.
- APN 058-071-30 COAST DAIRIES & LAND CO.
- APN 058-071-31 COAST DAIRIES & LAND CO.
- APN 058-071-32 COAST DAIRIES & LAND CO.
- APN 058-071-33 COAST DAIRIES & LAND CO.
- APN 058-071-34 COAST DAIRIES & LAND CO.
- APN 058-071-35 COAST DAIRIES & LAND CO.
- APN 058-071-36 COAST DAIRIES & LAND CO.
- APN 058-071-37 COAST DAIRIES & LAND CO.
- APN 058-071-38 COAST DAIRIES & LAND CO.
- APN 058-071-39 COAST DAIRIES & LAND CO.
- APN 058-071-40 COAST DAIRIES & LAND CO.
- APN 058-071-41 COAST DAIRIES & LAND CO.
- APN 058-071-42 COAST DAIRIES & LAND CO.
- APN 058-071-43 COAST DAIRIES & LAND CO.
- APN 058-071-44 COAST DAIRIES & LAND CO.
- APN 058-071-45 COAST DAIRIES & LAND CO.
- APN 058-071-46 COAST DAIRIES & LAND CO.
- APN 058-071-47 COAST DAIRIES & LAND CO.
- APN 058-071-48 COAST DAIRIES & LAND CO.
- APN 058-071-49 COAST DAIRIES & LAND CO.
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- APN 058-071-55 COAST DAIRIES & LAND CO.
- APN 058-071-56 COAST DAIRIES & LAND CO.
- APN 058-071-57 COAST DAIRIES & LAND CO.
- APN 058-071-58 COAST DAIRIES & LAND CO.
- APN 058-071-59 COAST DAIRIES & LAND CO.
- APN 058-071-60 COAST DAIRIES & LAND CO.
- APN 058-071-61 COAST DAIRIES & LAND CO.
- APN 058-071-62 COAST DAIRIES & LAND CO.
- APN 058-071-63 COAST DAIRIES & LAND CO.
- APN 058-071-64 COAST DAIRIES & LAND CO.
- APN 058-071-65 COAST DAIRIES & LAND CO.
- APN 058-071-66 COAST DAIRIES & LAND CO.
- APN 058-071-67 COAST DAIRIES & LAND CO.
- APN 058-071-68 COAST DAIRIES & LAND CO.
- APN 058-071-69 COAST DAIRIES & LAND CO.
- APN 058-071-70 COAST DAIRIES & LAND CO.
- APN 058-071-71 COAST DAIRIES & LAND CO.
- APN 058-071-72 COAST DAIRIES & LAND CO.
- APN 058-071-73 COAST DAIRIES & LAND CO.
- APN 058-071-74 COAST DAIRIES & LAND CO.
- APN 058-071-75 COAST DAIRIES & LAND CO.
- APN 058-071-76 COAST DAIRIES & LAND CO.
- APN 058-071-77 COAST DAIRIES & LAND CO.
- APN 058-071-78 COAST DAIRIES & LAND CO.
- APN 058-071-79 COAST DAIRIES & LAND CO.
- APN 058-071-80 COAST DAIRIES & LAND CO.
- APN 058-071-81 COAST DAIRIES & LAND CO.
- APN 058-071-82 COAST DAIRIES & LAND CO.
- APN 058-071-83 COAST DAIRIES & LAND CO.
- APN 058-071-84 COAST DAIRIES & LAND CO.
- APN 058-071-85 COAST DAIRIES & LAND CO.
- APN 058-071-86 COAST DAIRIES & LAND CO.
- APN 058-071-87 COAST DAIRIES & LAND CO.
- APN 058-071-88 COAST DAIRIES & LAND CO.
- APN 058-071-89 COAST DAIRIES & LAND CO.
- APN 058-071-90 COAST DAIRIES & LAND CO.
- APN 058-071-91 COAST DAIRIES & LAND CO.
- APN 058-071-92 COAST DAIRIES & LAND CO.
- APN 058-071-93 COAST DAIRIES & LAND CO.
- APN 058-071-94 COAST DAIRIES & LAND CO.
- APN 058-071-95 COAST DAIRIES & LAND CO.
- APN 058-071-96 COAST DAIRIES & LAND CO.
- APN 058-071-97 COAST DAIRIES & LAND CO.
- APN 058-071-98 COAST DAIRIES & LAND CO.
- APN 058-071-99 COAST DAIRIES & LAND CO.
- APN 058-071-100 COAST DAIRIES & LAND CO.

NOTES

1. CONTIGUOUS AREAS, 10' FEET.
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. APPROXIMATE.
4. EXISTING ELEVATION.
5. THE NEW UNIMPROVED LOT, 10' FROM 100'.
6. SAN FRANCISCO, CA 94105.
7. (415) 465-1000 FAX: (415) 465-1001
8. (415) 508-0000 (415) 508-0001



LOT LINE ADJUSTMENT TABLE

EXISTING PARCELS	ADJUSTED PARCELS	PROPOSED PARCELS
APN	AREA (ACRES)	AREA (AC)
058-122-12	28.81 AC	28.81 AC
058-071-02	1.01 AC	1.01 AC
058-071-03	1.01 AC	1.01 AC
058-071-04	1.01 AC	1.01 AC
058-071-05	1.01 AC	1.01 AC
058-071-06	1.01 AC	1.01 AC
058-071-07	1.01 AC	1.01 AC
058-071-08	1.01 AC	1.01 AC
058-071-09	1.01 AC	1.01 AC
058-071-10	1.01 AC	1.01 AC
058-071-11	1.01 AC	1.01 AC
058-071-12	1.01 AC	1.01 AC
058-071-13	1.01 AC	1.01 AC
058-071-14	1.01 AC	1.01 AC
058-071-15	1.01 AC	1.01 AC
058-071-16	1.01 AC	1.01 AC
058-071-17	1.01 AC	1.01 AC
058-071-18	1.01 AC	1.01 AC
058-071-19	1.01 AC	1.01 AC
058-071-20	1.01 AC	1.01 AC
058-071-21	1.01 AC	1.01 AC
058-071-22	1.01 AC	1.01 AC
058-071-23	1.01 AC	1.01 AC
058-071-24	1.01 AC	1.01 AC
058-071-25	1.01 AC	1.01 AC
058-071-26	1.01 AC	1.01 AC
058-071-27	1.01 AC	1.01 AC
058-071-28	1.01 AC	1.01 AC
058-071-29	1.01 AC	1.01 AC
058-071-30	1.01 AC	1.01 AC
058-071-31	1.01 AC	1.01 AC
058-071-32	1.01 AC	1.01 AC
058-071-33	1.01 AC	1.01 AC
058-071-34	1.01 AC	1.01 AC
058-071-35	1.01 AC	1.01 AC
058-071-36	1.01 AC	1.01 AC
058-071-37	1.01 AC	1.01 AC
058-071-38	1.01 AC	1.01 AC
058-071-39	1.01 AC	1.01 AC
058-071-40	1.01 AC	1.01 AC
058-071-41	1.01 AC	1.01 AC
058-071-42	1.01 AC	1.01 AC
058-071-43	1.01 AC	1.01 AC
058-071-44	1.01 AC	1.01 AC
058-071-45	1.01 AC	1.01 AC
058-071-46	1.01 AC	1.01 AC
058-071-47	1.01 AC	1.01 AC
058-071-48	1.01 AC	1.01 AC
058-071-49	1.01 AC	1.01 AC
058-071-50	1.01 AC	1.01 AC
058-071-51	1.01 AC	1.01 AC
058-071-52	1.01 AC	1.01 AC
058-071-53	1.01 AC	1.01 AC
058-071-54	1.01 AC	1.01 AC
058-071-55	1.01 AC	1.01 AC
058-071-56	1.01 AC	1.01 AC
058-071-57	1.01 AC	1.01 AC
058-071-58	1.01 AC	1.01 AC
058-071-59	1.01 AC	1.01 AC
058-071-60	1.01 AC	1.01 AC
058-071-61	1.01 AC	1.01 AC
058-071-62	1.01 AC	1.01 AC
058-071-63	1.01 AC	1.01 AC
058-071-64	1.01 AC	1.01 AC
058-071-65	1.01 AC	1.01 AC
058-071-66	1.01 AC	1.01 AC
058-071-67	1.01 AC	1.01 AC
058-071-68	1.01 AC	1.01 AC
058-071-69	1.01 AC	1.01 AC
058-071-70	1.01 AC	1.01 AC
058-071-71	1.01 AC	1.01 AC
058-071-72	1.01 AC	1.01 AC
058-071-73	1.01 AC	1.01 AC
058-071-74	1.01 AC	1.01 AC
058-071-75	1.01 AC	1.01 AC
058-071-76	1.01 AC	1.01 AC
058-071-77	1.01 AC	1.01 AC
058-071-78	1.01 AC	1.01 AC
058-071-79	1.01 AC	1.01 AC
058-071-80	1.01 AC	1.01 AC
058-071-81	1.01 AC	1.01 AC
058-071-82	1.01 AC	1.01 AC
058-071-83	1.01 AC	1.01 AC
058-071-84	1.01 AC	1.01 AC
058-071-85	1.01 AC	1.01 AC
058-071-86	1.01 AC	1.01 AC
058-071-87	1.01 AC	1.01 AC
058-071-88	1.01 AC	1.01 AC
058-071-89	1.01 AC	1.01 AC
058-071-90	1.01 AC	1.01 AC
058-071-91	1.01 AC	1.01 AC
058-071-92	1.01 AC	1.01 AC
058-071-93	1.01 AC	1.01 AC
058-071-94	1.01 AC	1.01 AC
058-071-95	1.01 AC	1.01 AC
058-071-96	1.01 AC	1.01 AC
058-071-97	1.01 AC	1.01 AC
058-071-98	1.01 AC	1.01 AC
058-071-99	1.01 AC	1.01 AC
058-071-100	1.01 AC	1.01 AC

ELEVATION DATUM

COORDINATES AS SHOWN HEREON DERIVED FROM SANTA CRUZ COUNTY (G.L.S. DATA)

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP WAS OBTAINED BY MEANS OF THE U.S. GEOLOGICAL SURVEY STATE PLANE COORDINATES AS SHOWN ON THAT CERTAIN RECORD OF SURVEY RECORDED IN VOLUME 17 OF MAPS, AT PAGE 45, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, AND AS SHOWN HEREON. THE TWO CONTROL POINTS USED WERE "MOUNTAIN CREST" AND "MOUNTAIN CREST" (G.L.S. DATA). THE U.S. BEARS 5 123000° C.



UNNOTICED CHANGE: I USES THE SYSTEM PROPERTY OF THE STATE OF CALIFORNIA, SANTA CRUZ COUNTY, AND AS SHOWN HEREON. THE TWO CONTROL POINTS USED WERE "MOUNTAIN CREST" AND "MOUNTAIN CREST" (G.L.S. DATA). THE U.S. BEARS 5 123000° C.

UNNOTICED CHANGE: I USES THE SYSTEM PROPERTY OF THE STATE OF CALIFORNIA, SANTA CRUZ COUNTY, AND AS SHOWN HEREON. THE TWO CONTROL POINTS USED WERE "MOUNTAIN CREST" AND "MOUNTAIN CREST" (G.L.S. DATA). THE U.S. BEARS 5 123000° C.

PROPOSED LOT LINE ADJUSTMENT MAP

Coast Dairies and Land Co.
APN's 058-071-02 and 058-122-12
County of Santa Cruz, California

DATE

10/10/00

10/10/00

10/10/00

10/10/00