



## **Staff Report to the Agricultural Policy Advisory Commission**

**Application Number: 10-0116**

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**Applicant:** Ottone Leach Olsen & Ray, LLP

**Date:** January 20, 2010

**Owner:** Willoughby

**Agenda Item #:** 7

**APN's:** 051-481-01 & 051-731-13 (one legal parcel); 052-581-09

**Time:** 1:30 p.m.

**Project Description:** Proposal to enter into a Farmland Security District (20 year Williamson Act Contract) on two separate parcels: APN's 051-731-13 & 051-481-01 (one legal parcel) and APN 052-581-09. Requires a Rezoning to add the Farmland Security -P Combining District to the existing CA and CA-W zone district designations and approval of a new Williamson Act Contract for agricultural preservation.

**Locations:** APN's 051-731-13 & 051-481-01 are located on the north and south sides of Highway 129 in Watsonville, about  $\frac{3}{4}$  of a mile from Lakeview Road. APN 052-581-09 is located on the south side of West Beach Road about 550 feet west of Lee Road.

**Permits Required:** Rezoning of APN's 051-731-13 & 051-481-01 (one legal parcel) and 052-281-09 to add the Farmland Security -P Combining District Designation and approval to enter both parcels into a Super Williamson Act Contract.

### **Staff Recommendation:**

- Adopt the attached resolution (Exhibit E), sending a recommendation to the Board of Supervisors for **Approval** of Application Number **10-0116**, based on the attached findings.

### **Exhibits**

- A. Project plans
- B. Findings
- C. Categorical Exemption (CEQA)
- D. Assessor's, Location, Zoning, and General Plan maps
- E. APAC Resolution (with attached Ordinance & Rezoning Map)
- F. Land Conservation Contract
- G. Comments & Correspondence

**Parcel Information for APN's 051-731-13 & 051-481-01 (one legal parcel)**

Parcel Size: 86.5 acres  
Existing Land Use - Parcel: Commercial Agriculture  
Existing Land Use - Surrounding: Commercial Agriculture  
Project Access: Via Riverside Road  
Planning Area: Salsipuedes  
Land Use Designation: AG (Agriculture)  
Zone District: CA (Commercial Agriculture)  
Supervisorial District: 4th (District Supervisor: Campos)  
Within Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

**Services Information**

Inside Urban/Rural Services Line: ☐ Yes ☒ No  
Water Supply: Private Well  
Sewage Disposal: Septic  
Fire District: Pajaro Valley Fire Service Area  
Drainage District: Zone 7

**Parcel Information for APN 052-581-09**

Parcel Size: 82.8 acres  
Existing Land Use - Parcel: Commercial Agriculture  
Existing Land Use - Surrounding: Commercial Agriculture  
Project Access: Via West Beach Road  
Planning Area: San Andreas  
Land Use Designation: AG (Agriculture)  
Zone District: CA-W (Commercial Agriculture with Watsonville Utility Prohibition Combining District)  
Supervisorial District: 2nd (District Supervisor: Pirie)  
Within Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

**Services Information**

Inside Urban/Rural Services Line: ☐ Yes ☒ No  
Water Supply: Pajaro Valley Water Management Agency  
Sewage Disposal: Septic  
Fire District: Pajaro Valley Fire Service Area  
Drainage District: Zone 7

**Analysis and Discussion**

The applicant and property owners are proposing to enter two parcels (with three APN's) into a 20-year Williamson Act Contract with the County of Santa Cruz: APN's 051-481-01 & 051-731-

13 (one legal parcel split by a right of way) and APN 052-581-09.

APN's 051-481-01 & 051-731-13 have been retained as one parcel by the property owner and are therefore one legal parcel but cannot be combined under one parcel number because they are separated by Riverside Road. The total acreage of both parcels is 86.5 with about 66 acres under cultivation. APN 052-581-09 is located about four miles south of APN's 051-481-01 & 051-731-13, on the ocean side of Highway 1 and is 82.8 acres with a total of about 82.6 acres under cultivation. A Williamson Act contract can include parcels that are not contiguous as long as the property owner(s) remains consistent, which is true for the subject application.

APN 052-581-09 is also currently designated as within a Watsonville Utility Prohibition District (-W), however, no new development is proposed and the agricultural preservation contract will further limit development on the parcel.

The more typical Williamson Act Contract is established for a 10 year period, however, the current proposal is to establish a 20 year Williamson Act Contract, also referred to as a Farmland Security District or a Super Williamson Act Contract. The proposed contract would be established for a 20-year period. When the contract has an unexpired term of nine years remaining, one year will be automatically added to the term of the contract each year on the anniversary date. The properties will remain under contract unless a non-renewal or cancellation is approved.

Lands under contract for agricultural preservation within the County of Santa Cruz are designated with a -P combining district; therefore, an approval to enter into a Williamson Act Contract also requires rezoning the properties to reflect the combining district as indicated in the following table:

	<b>APN's 051-481-01 &amp; 051-731-13</b> (one legal parcel)	<b>APN 052-581-09</b>
Existing Zoning	CA Commercial Agriculture	CA-W Commercial Agriculture with Watsonville Utility Prohibition Combining District (CA-W)
Proposed Zoning	CA-P Commercial Agriculture with Farmland Security Combining District *Rezoning Required	CA-W-P Commercial Agriculture with Watsonville Utility Prohibition and Farmland Security Combining Districts *Rezoning Required
Existing GP Designations	(A) Agriculture No GP amendment required.	

The subject parcels meet the required criteria to enter into a Williamson Act Contract:

1. The parcels are zoned CA (Commercial Agriculture) and have General Plan Designations of A (Agriculture). [County Code Section 13.10.473]
2. The parcels are designated as Agricultural Resource Types in the County General Plan: APN's 051-481-01 & 051-731-13 are designated as Type 1A Viable

Agricultural Land and APN 052-581-09 is designated as Type 3 Coastal Zone Prime Agricultural Land. [State Government Code 51242]

3. The resulting parcels will each have a minimum of 10 acres of prime farmland. [State Government Code 51222]

The subject parcels also meet the additional criteria required to enter into a 20 year Farmland Security Contract [Government Code 51296]:

1. The landowner initiated the 20-year contract proposal.
2. The parcels are designated as Prime Farmland on the Important Farmland Series Maps (US Soil Conservation Service & the Department of Conservation).
3. The parcels are not located within a City's Sphere of Influence.

The establishment of a 20 year Williamson Act Contract on three parcels meets the intent of General Plan Objective 5.13 (Commercial Agriculture) to preserve Commercial Agriculture (CA) zoned land for exclusive agricultural uses and to prevent the conversion of commercial agricultural land to non-agricultural uses.

### **Subventions**

Property owners who enter into a Williamson Act contract with the County of Santa Cruz for agricultural or open space protection receive a reduced land value assessment of the parcel(s) under contract and therefore benefit from a reduced property tax. To support this incentive and offset revenue loss, the State of California has, until recently, been providing annual subvention payments to local governments. The Santa Cruz County Assessor's Office has determined that historically, Santa Cruz County received about \$25,000 per year in State subvention payments, which is essentially the difference between Williamson Act adjusted values and Non-Williamson Act base year values. The County General Plan strongly supports the preservation of commercial agricultural land. Permitted uses on Commercial Agriculture (CA) zoned land are strictly limited by the County Code; therefore, the assessed value of CA zoned land is already less than that of a more developable property in a different zone district, even without the benefit of a Williamson Act contract. Additionally, many large parcels within the County are welfare exempt or are subject to Proposition 13 and would not benefit from a reduced assessment in that, the Prop. 13 fair market value of the land is already lower than that which would result from a Williamson Act contract.

For the 2009-2010 fiscal year, Open Space subvention act entitlement amounts were all but eliminated with these disbursements were limited to a combined total of \$1000 for all participating counties.<sup>1</sup> For the 2010-2011 fiscal year, each participating county will receive a one-time, pro-rata share of a \$10 million fund based on the total subvention claims for the fiscal year 2010-2011.<sup>2</sup>

The following statement was published on the California Department of Conservation's website regarding the suspension of Williamson Act subvention payments for the 2009-2010 budget year:

"Suspension of Williamson Act subvention payments to local government is an

<sup>1</sup> The California Land Conservation (Williamson) Act (2010 status report). California Conservation.

<sup>2</sup> State of California Department of Conservation. <http://www.consrv.ca.gov/>

unfortunate, but not unexpected, result of the state's fiscal constraints. While subvention payments have been customary for many years, they have never been guaranteed. The Williamson Act contracts between landowners and local governments are important to the state's agricultural production and remain in force, regardless of the availability of subvention payments. Landowners and local governments can non-renew Williamson Act contracts, but the Department doesn't anticipate a mass exodus from the program. Once the economy rebounds, the Department is hopeful that subvention payments will be available again and the Williamson Act program will continue to have a significant, positive impact on California agriculture and land-use planning."<sup>3</sup>

The following table shows the financial impact of implementation of a Farmland Security Zone/Contract on the proposed subject properties:

	Situs	Difference in Assessed Land Value w/Contract*	Resulting Reduced Property Tax**
051-481-01	622 Riverside Dr.	\$22,949	\$245/year
051-731-13	105 Thompson Rd.	\$78,317	\$835/year
052-581-09	W. Beach Street	Prop 13 value is lower than anticipated contract reduction. No difference.	

\*Based on 2010 tax year yield rates. 2011 tax year yield rates may be different.

\*\*Note that the County only receives a portion of the total property taxes collected each year.

According to the Assessor's Office, the financial impact of contracting with the three subject parcels (two legal parcels) is minimal. The resulting protection of commercial agricultural land is in compliance with current General Plan Policies and Objectives.

#### **Staff Recommendation**

- Adopt the attached resolution (Exhibit E), sending a recommendation to the Board of Supervisors for **Approval** of Application Number **10-0116**, based on the attached findings and conditions.

**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](http://www.co.santa-cruz.ca.us)**

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Application #: 10-0116  
APN: 051-731-13 & 051-481-01, 052-581-09  
Owner: Willoughby

Page 6

Report Reviewed By: Ken Hart  
Principal Planner  
Development Review

## **Rezoning Findings**

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land-use designations of the adopted General Plan; and,

This finding can be made, in that the project site has an Agriculture (A) General Plan land designation which will not change as a result of the proposed rezonings from Commercial Agriculture (CA) to Commercial Agriculture with Farmland Security Combining District (CA-P) on APN's 051-481-01 & 051-731-13 and from CA-W (Watsonville Utility Prohibition Combining District) to CA-W-P on APN 052-581-09.

2. The proposed zone district is appropriate of the level of utilities and community service available to the land; and,

This finding can be made, in that the proposed rezonings are required to add the -P (Farmland Security) Combining District to recognize a 20-year Williamson Act Contract. The use of the land will not change and will be preserved in the current commercial agricultural use under a 20-year Williamson Act contract; therefore, the existing level of utilities and community services available to the subject parcels are appropriate for the proposed zone districts.

3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district; or,

This finding can be made, in that the subject parcels are currently being used for commercial agriculture and the County General Plan supports and encourages the long term protection of commercial agricultural resources over non-agricultural development; therefore, the proposed rezonings from Commercial Agriculture (CA) to Commercial Agriculture with Farmland Security Combining District (CA-P) on APN's 051-481-01 & 051-731-13 and from CA-W (Watsonville Utility Prohibition Combining District) to CA-W-P on APN 052-581-09 will ensure that the commercial agricultural use of the parcels will not be impacted by future non-agricultural development.

# 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: 10-0116

Assessor Parcel Number: 051-481-01, 051-731-13 & 052-581-09

Project Location: 622 Riverside Drive, 105 Thompson Road, & the vicinity of West Beach Road

**Project Description: Proposal to enter into a Super Williamson Act Contract (20 year) on two separate parcels: APN's 051-731-13 & 051-481-01 (retained as one parcel) and APN 052-581-09. Requires a Rezoning to add the Farmland Security -P Combining District to the existing CA and CA-W zone district designations and approval of a new Williamson Act Contract for agricultural preservation.**

**Person or Agency Proposing Project: Ottone Leach Olsen & Ray, LLP**

**Contact Phone Number: (831) 758-2401**

- 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 Exemption**

Specify type: Class 17 - Open Space Contracts or Easements - Section 15317

F. **Reasons why the project is exempt:**

Proposal to establish an agricultural preservation contract on three parcels.

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

\_\_\_\_\_  
Samantha Haschert, Project Planner

Date: \_\_\_\_\_

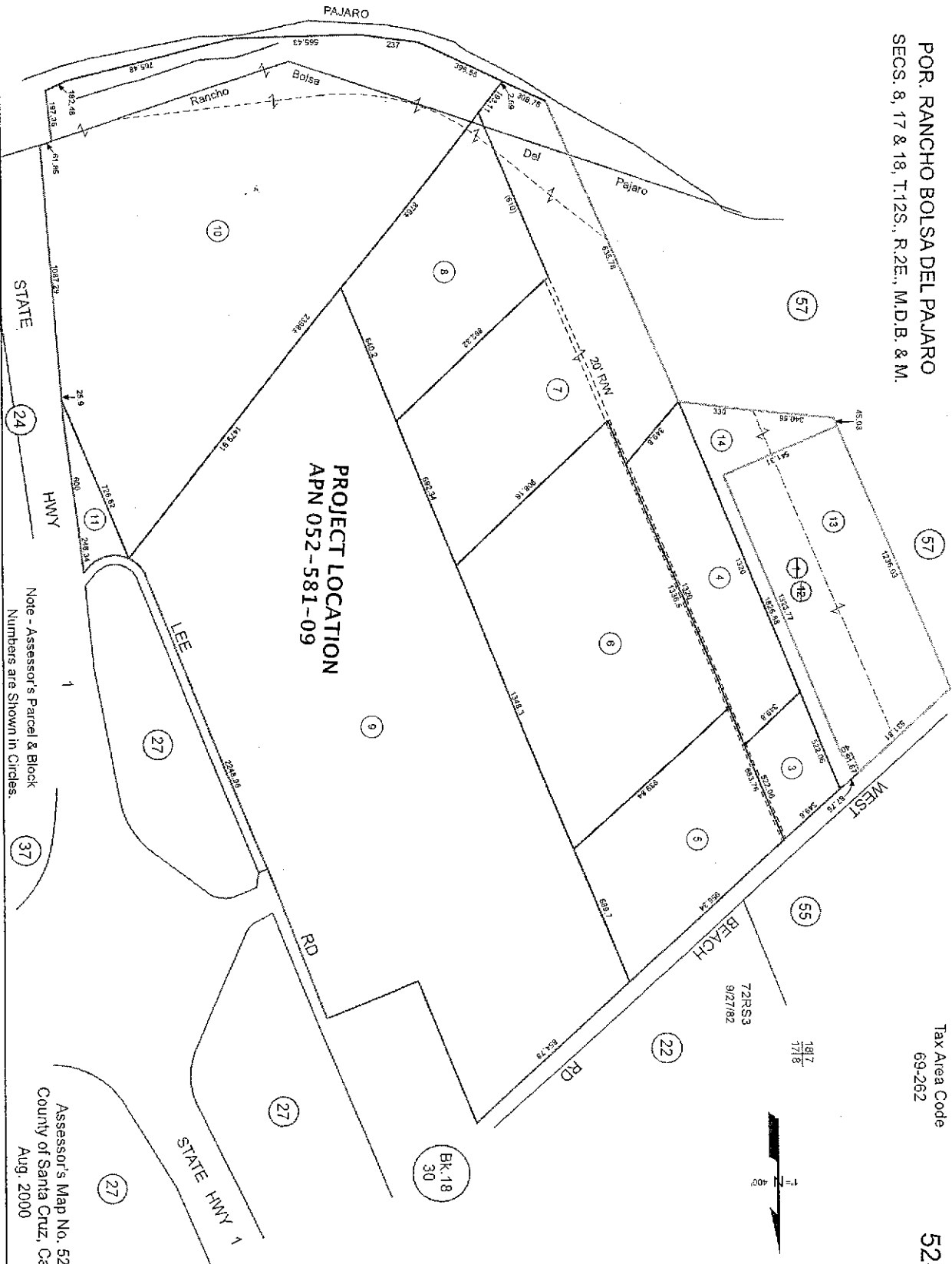


Electronically redrawn 6/13/00 KSA  
 Rev. 8/13/00 KSA (Per. form Pg. 24)  
 Rev. 11/24/04 mme (Per. form Pg. 52-57)  
 Rev. 5/4/06 mme (Comb. Form. 1-12)  
 Rev. 12/26/07 CB (7-0062-73, Sec. 1-13 & 14)

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POR. RANCHO BOLSA DEL PAJARO  
 SECS. 8, 17 & 18, T.12S., R.2E., M.D.B. & M.



Tax Area Code  
 69-262

52-58

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

Assessor's Map No. 52-58  
 County of Santa Cruz, Calif.  
 Aug. 2000

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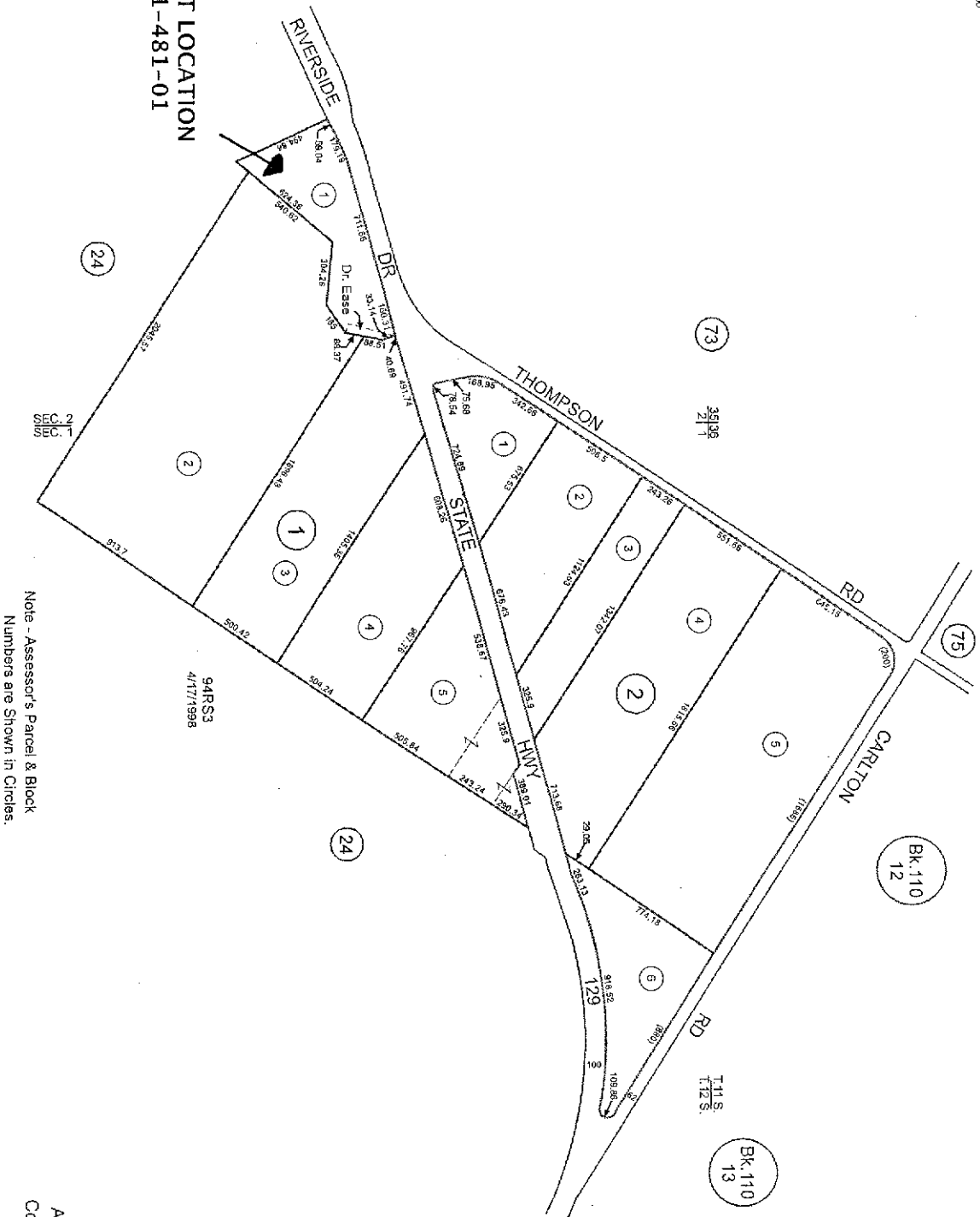
SEC. 36, T.11S., & SECS. 1 & 2, T.12S., R.2E., M.D.B. & M.

Tax Area Code  
69-258

51-48

Electronically redrawn 7/25/00 KSA  
Rev 12/10/03 CB (Spatial Adjustment)

PROJECT LOCATION  
APN 051-481-01



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

Assessor's Map No. 51-48  
County of Santa Cruz, Calif.  
July 2000

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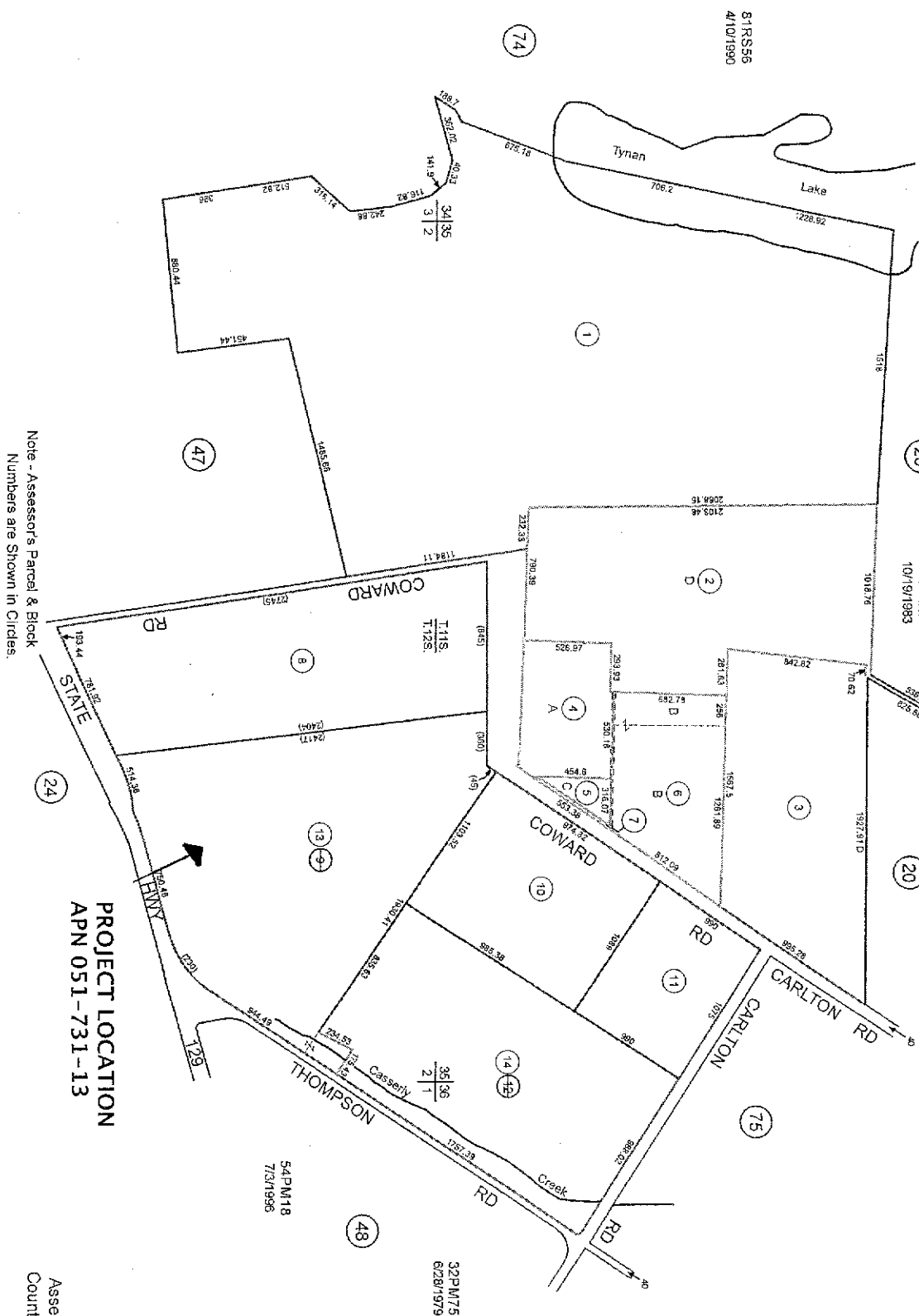
## FOR SALSIPUEDES RANCHO

POR. SECS 34, 35 & 36, T.11S., &  
POR. SECS. 1, 2 & 3, T.12S., R.2E., M.D.B. & M.

Tax Area Code  
69-258

51-73

Electronically redrawn 8/23/00 KSA  
Rev. 8/23/00 KSA (Par. from Pg. 20)  
Rev. 3/15/04 CB 100r, to body of T-01  
Rev. 8/2/04 DD (4-0028803, LBA 1-13 & 14)  
Rev. 10/22/06 ms (spatial adjustment)



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

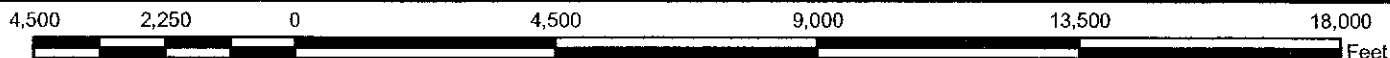
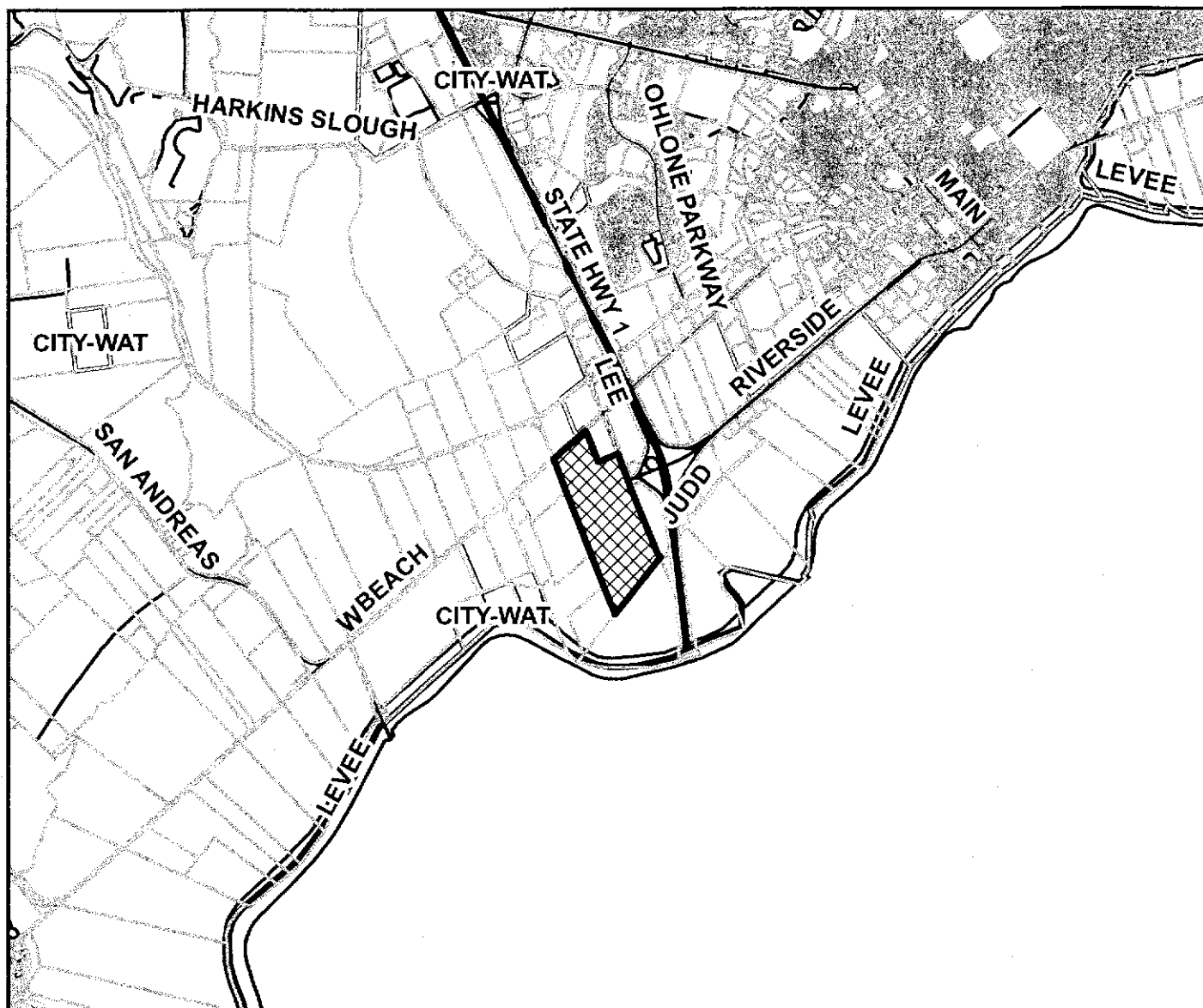
**PROJECT LOCATION**  
APN 051-731-13

Assessor's Map No. 51-73  
County of Santa Cruz, Calif.  
June 2000








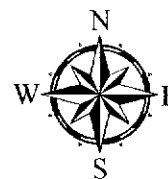
# Location Map

APN: 052-581-09



## LEGEND

-  APN: 052-581-09
-  Assessors Parcels
-  Streets
-  State Highways
-  WATSONVILLE
-  County Boundary

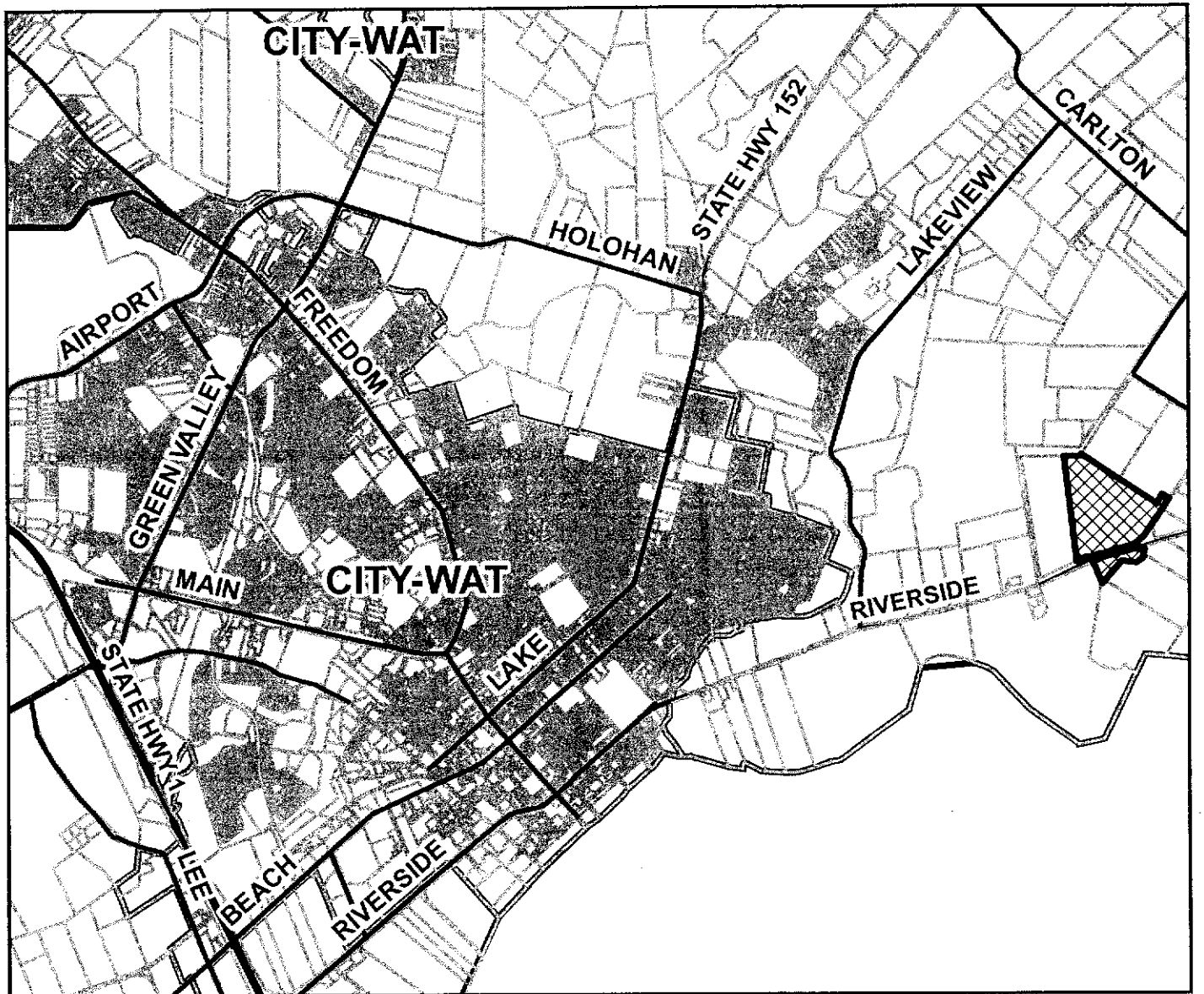


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May 2010



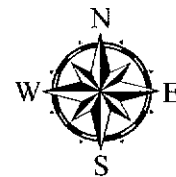
# Location Map

APN'S: 051-731-13  
051-481-01



## LEGEND

-  APN: 051-731-13
-  APN: 051-481-01
-  Assessors Parcels
-  Major Roads
-  State Highways
-  WATSONVILLE
-  County Boundary

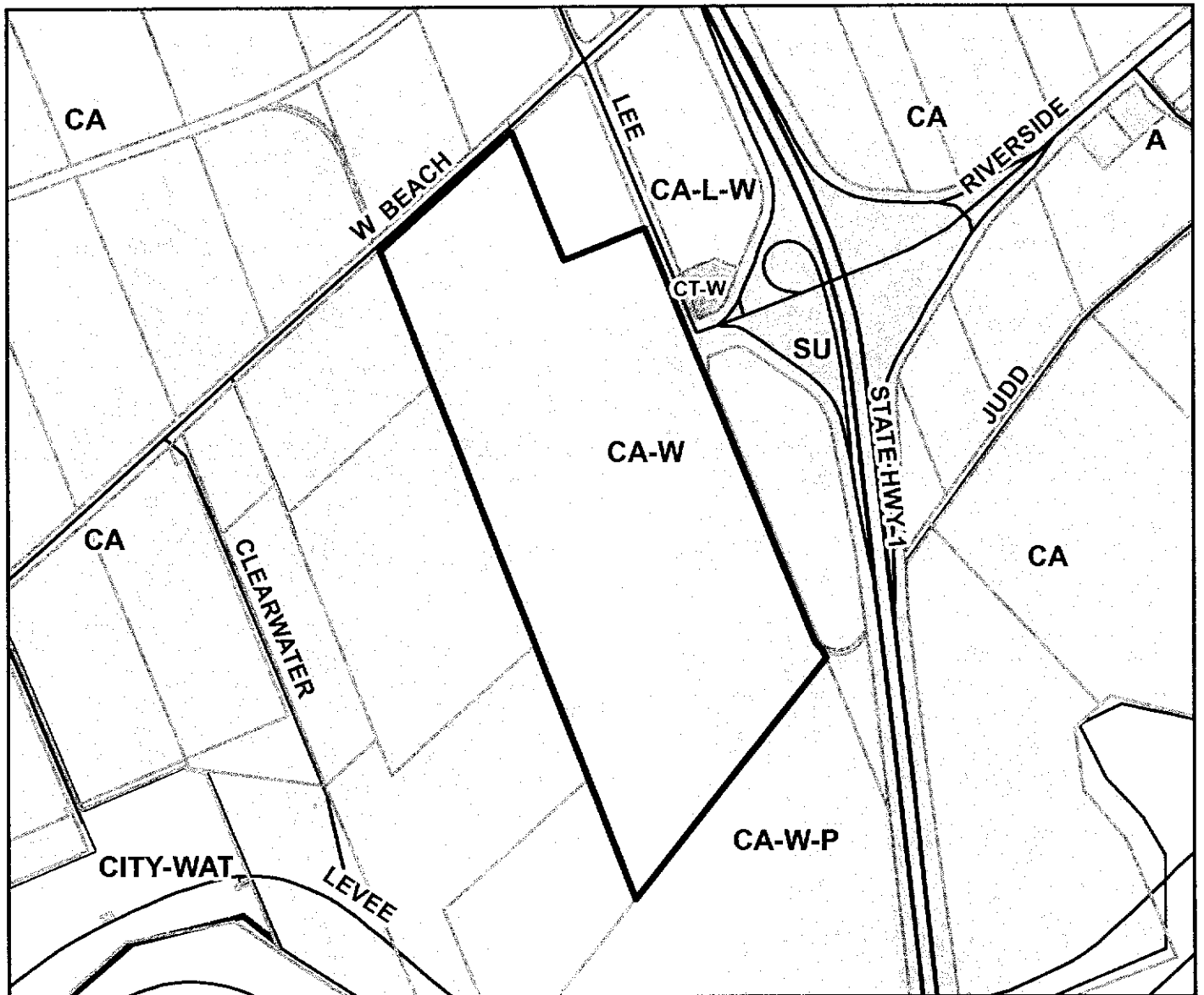


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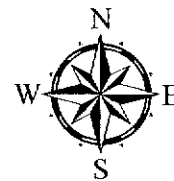
# Zoning Map

APN: 052-581-09



## LEGEND

- |                   |                        |
|-------------------|------------------------|
| APN: 052-581-09   | County Boundary        |
| Assessors Parcels | AGRICULTURE COMMERCIAL |
| Streets           | AGRICULTURE            |
| State Highways    | COMMERCIAL-TOURIST     |
| WATSONVILLE       |                        |

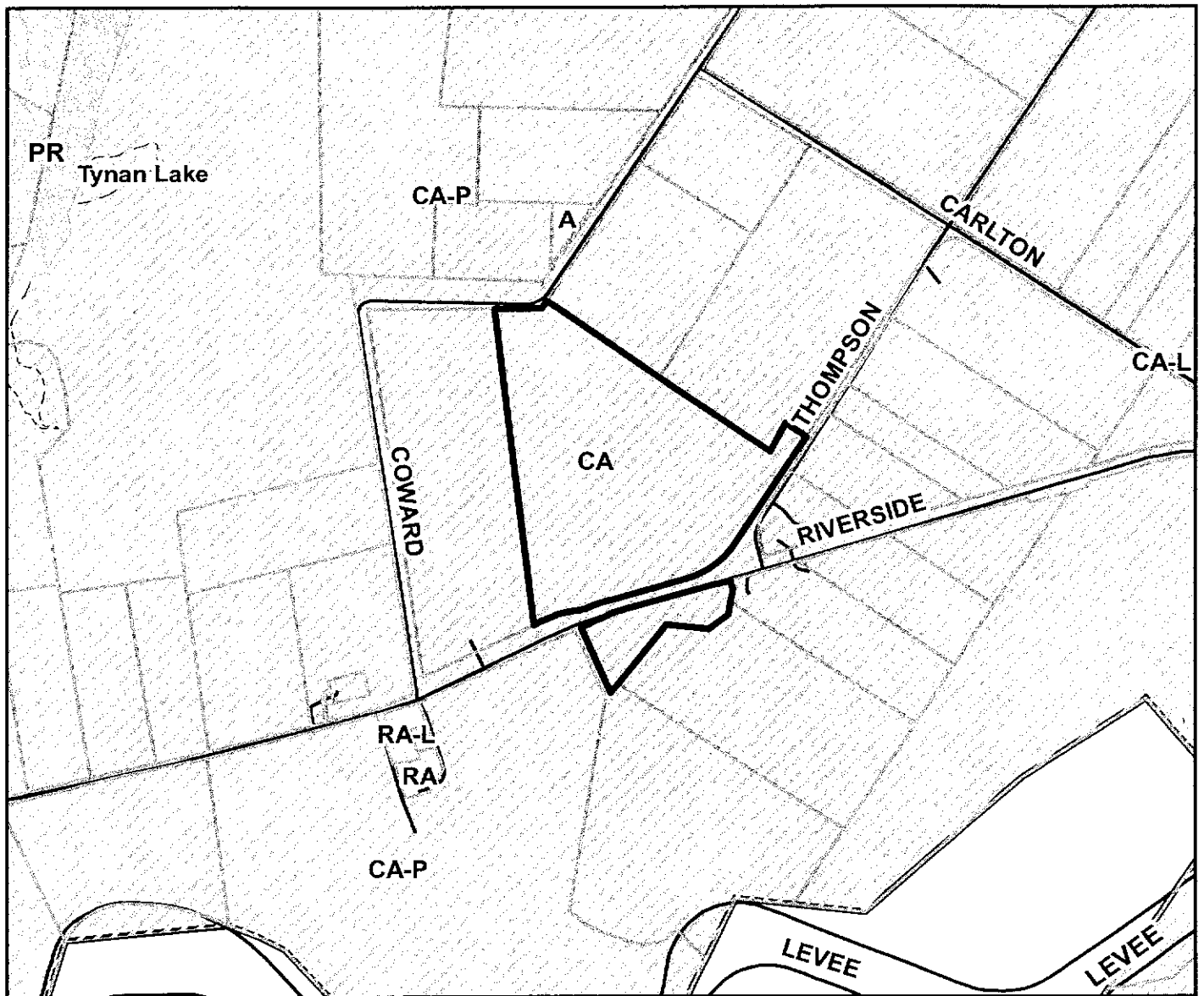


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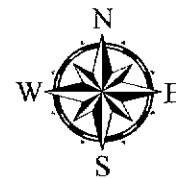
# Zoning Map

APN'S: 051-731-13  
051-481-01



## LEGEND

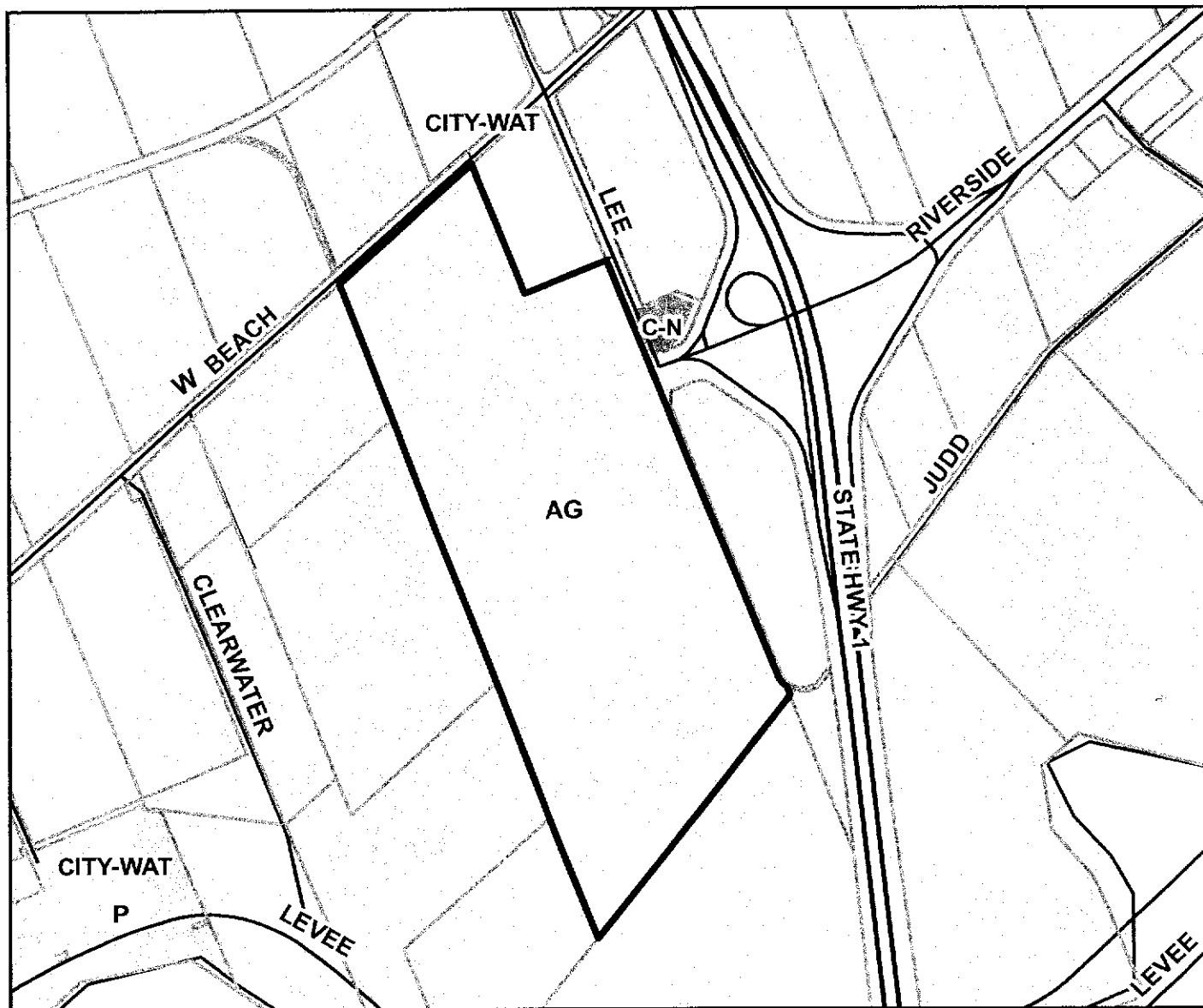
- |  |                   |  |                         |
|--|-------------------|--|-------------------------|
|  | APN: 051-731-13   |  | Lakes                   |
|  | APN: 051-481-01   |  | AGRICULTURE COMMERCIAL  |
|  | Assessors Parcels |  | AGRICULTURE             |
|  | Streets           |  | AGRICULTURE RESIDENTIAL |
|  | County Boundary   |  |                         |



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May 2010

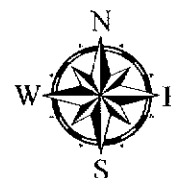


# General Plan Designation Map



## LEGEND

- |                   |                         |
|-------------------|-------------------------|
| APN: 052-581-09   | County Boundary         |
| Assessors Parcels | Agriculture             |
| Streets           | Public Facilities       |
| State Highways    | Commercial-Neighborhood |
| WATSONVILLE       |                         |

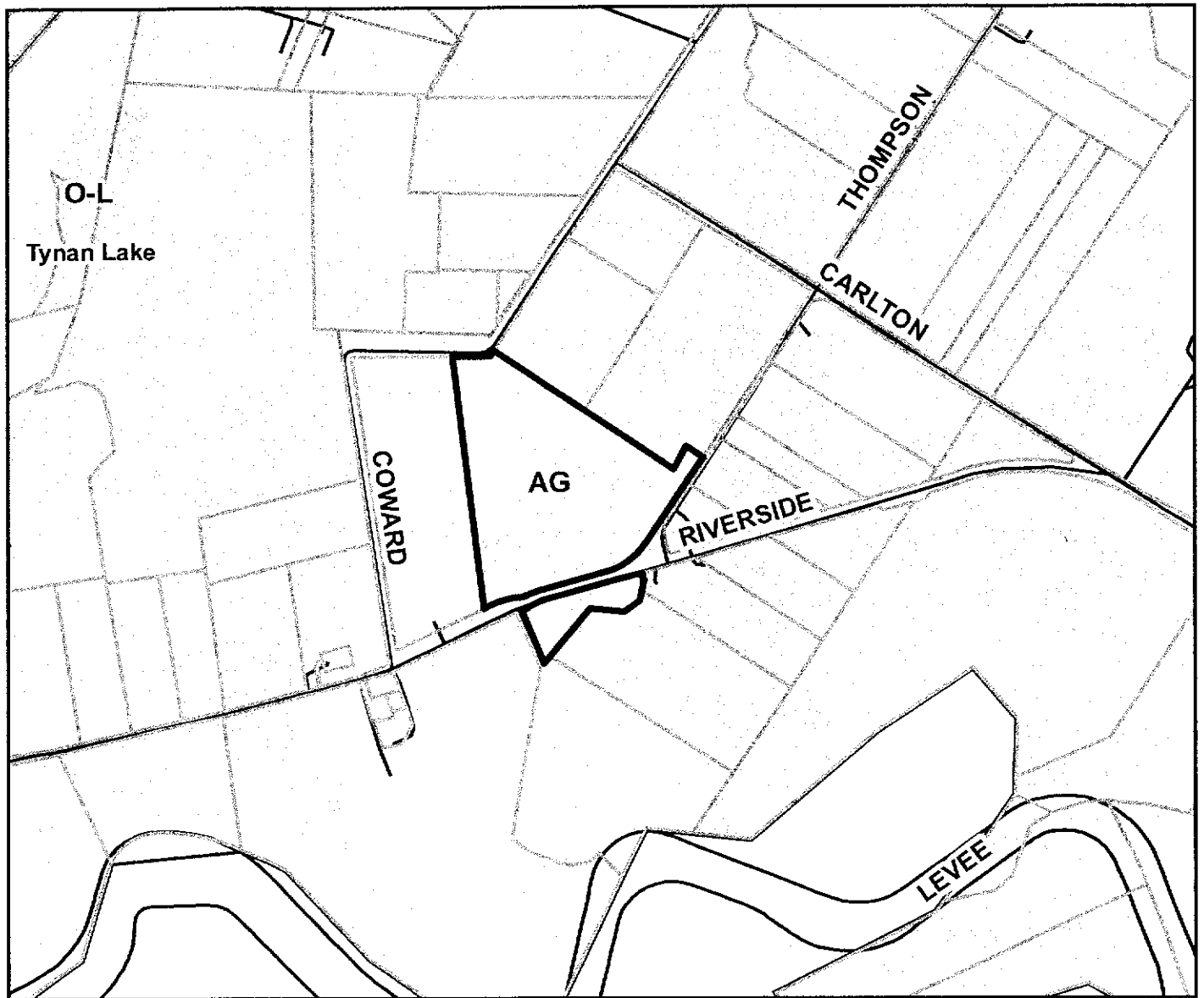


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May 2010





# General Plan Designation Map



## LEGEND

- APN: 051-731-13
- APN: 051-481-01
- Assessors Parcels
- Streets
- County Boundary
- Agriculture
- Lake



Map Created by  
County of Santa Cruz  
Planning Department  
May 2010

BEFORE THE AGRICULTURAL POLICY ADVISORY COMMISSION  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Commissioner  
duly seconded by Commissioner  
the following Resolution is adopted:

AGRICULTURAL POLICY ADVISORY COMMISSION RESOLUTION  
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS  
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

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WHEREAS, the Agricultural Policy Advisory Commission has held a public hearing on Application No. 10-0116 involving three parcels: APN's 051-481-01 & 051-731-13 (retained as one parcel) located on the north and south sides of Riverside Road (Hwy.129) in Watsonville, and APN 052-581-09 located on the south side of West Beach Road in Watsonville and the Agricultural Policy Advisory Commission has considered the proposed rezoning indicating the adoption of a 20-year Williamson Act contract, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Agricultural Policy Advisory Commission recommends that the Board of Supervisors enter into a 20-year Williamson Act contract and adopt the attached ordinance amending the Zoning Ordinance by changing APN's 051-481-01 & 051-731-13 (retained as one parcel) from the "CA" Commercial Agriculture zone district to the "CA-P" Commercial Agriculture zone district with Farmland Security combining district per the attached rezoning map and by changing APN 052-581-09 from the "CA-W" Commercial Agriculture zone district with Watsonville Utility Prohibition combining district to the "CA-W-P" Commercial Agriculture zone district with Watsonville Utility Prohibition and Farmland Security combining districts per the attached rezoning map.

BE IT FURTHER RESOLVED, that the Agricultural Policy Advisory Commission makes findings on the proposed rezoning as contained in the Report to the Agricultural Policy Advisory Commission.

PASSED AND ADOPTED by the Agricultural Policy Advisory Commission of the County of Santa Cruz, State of California, this 17th day of June, 2010, by the following vote:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS


ABSTAIN: COMMISSIONERS

---

Bruce Dau, Chairperson

ATTEST: \_\_\_\_\_  
Mark Deming, Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COUNTY COUNSEL

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

ORDINANCE AMENDING CHAPTER 13  
OF THE SANTA CRUZ COUNTY CODE  
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER

---

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the following properties:

APN's 051-481-01 & 051-731-13 (retained as one parcel) - located on the north and south sides of Riverside Road (Hwy 129) in Watsonville; and

APN 052-581-09 - located on the south east side of West Beach Road in Watsonville; and

finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16 of the County Code have been complied with by the preparation and certification of a CEQA Exemption the project.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Agricultural Policy Advisory Commission and Planning Commission for the Zoning Plan Amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

SECTION III

Chapter 13.10, Zoning Regulations of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
051-481-01	CA	CA-P
051-731-13	CA	CA-P
052-581-09	CA-W	CA-W-P

**SECTION IV**

This ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:            SUPERVISORS  
NOES:           SUPERVISORS  
ABSENT:        SUPERVISORS  
ABSTAIN:       SUPERVISORS

\_\_\_\_\_  
Tony Campos  
Chairperson of the Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

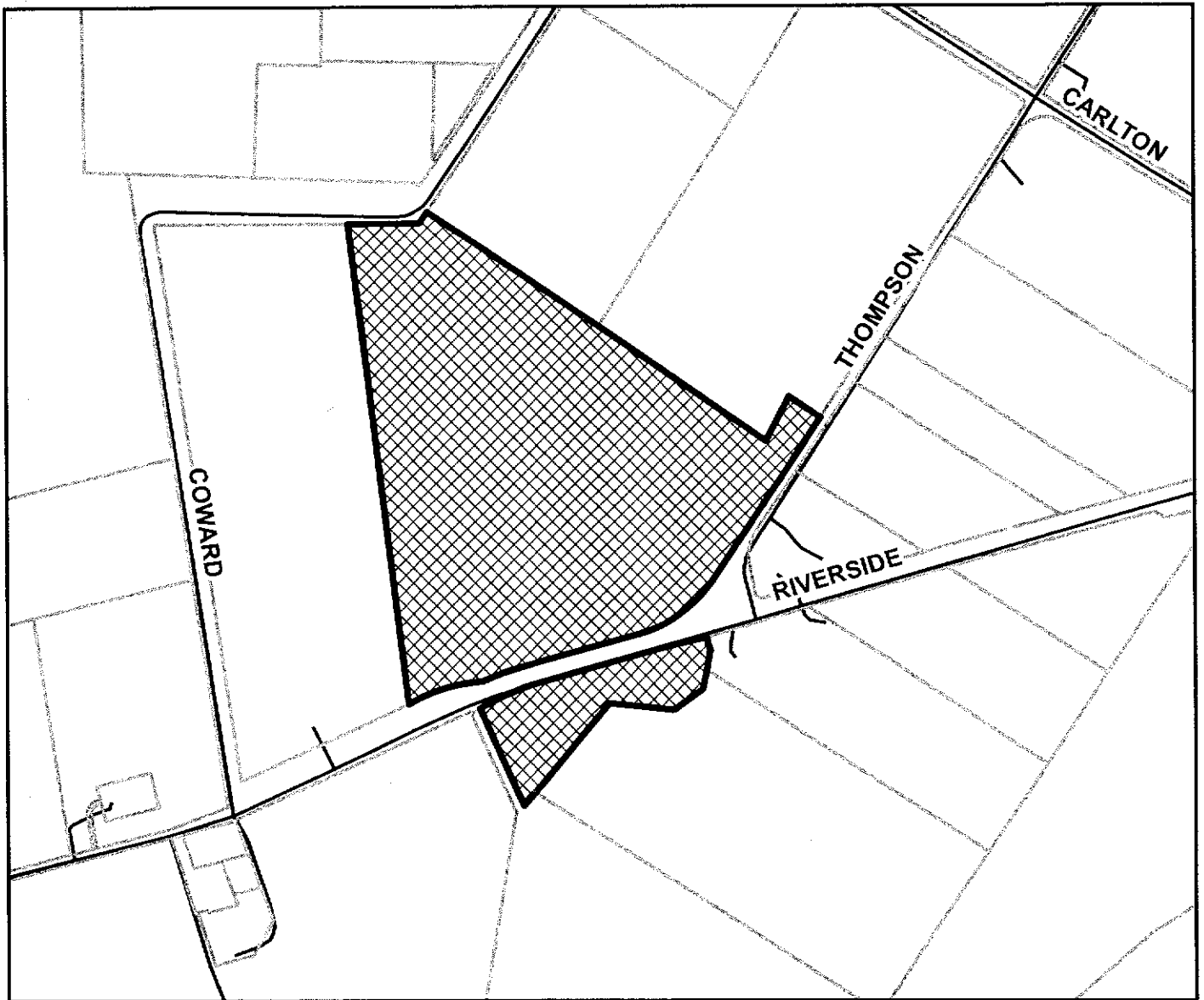
  
\_\_\_\_\_  
Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION:    County Counsel  
                         Planning - Samantha Haschert  
                         Assessor



# Rezoning Map

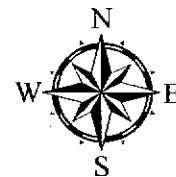


## LEGEND

Rezone CA to CA-P

APN 051-481-01

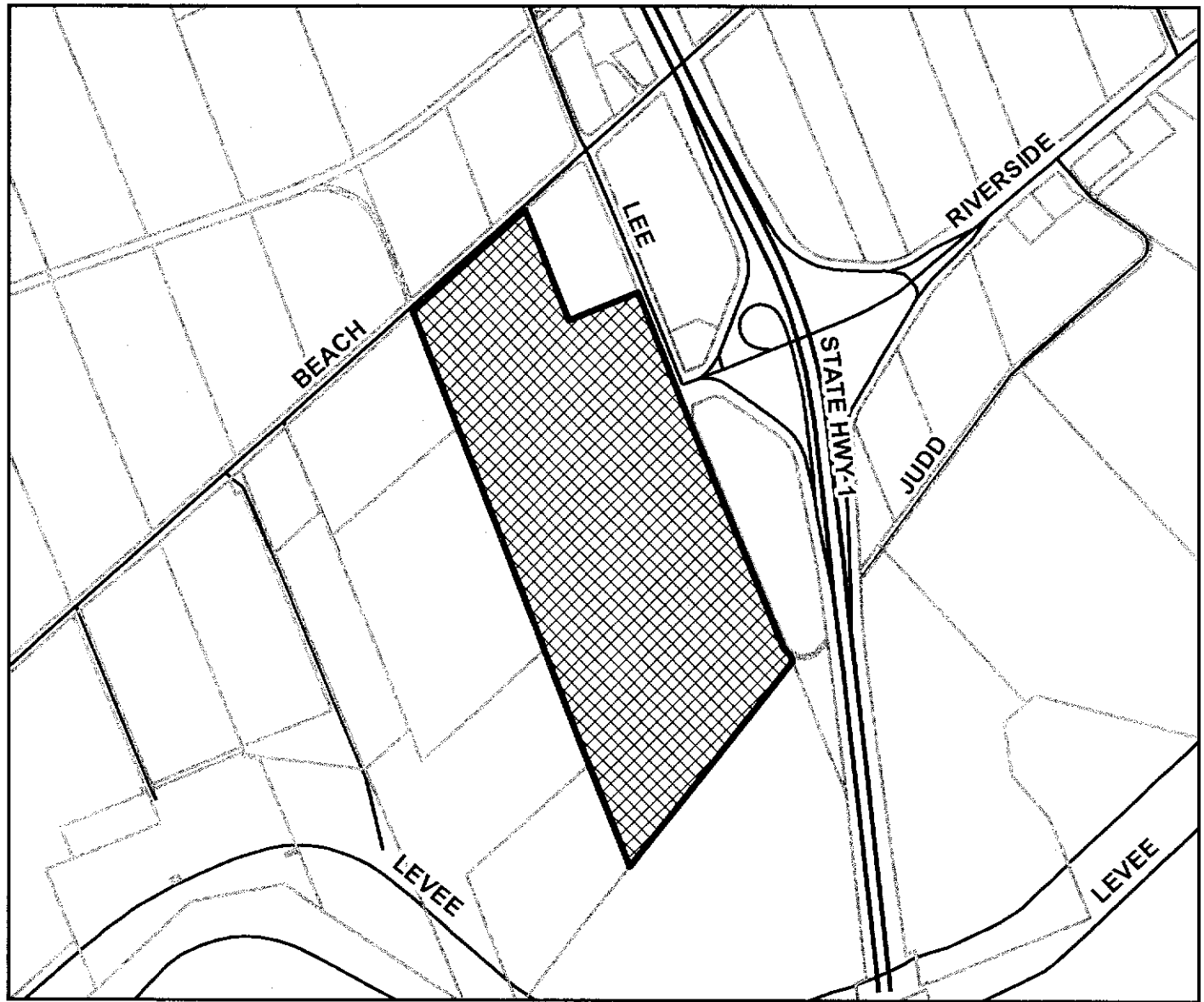
APN 051-731-13



Map Created by  
County of Santa Cruz  
Planning Department  
May 2010



# Rezoning Map

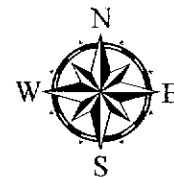


1,250 625 0 1,250 2,500 3,750 5,000 Feet

## LEGEND

Rezone CA-W to CA-W-P

APN 052-581-09



Map Created by  
County of Santa Cruz  
Planning Department  
May 2010

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Samantha Haschert  
Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

(Space above this line for Recorder's use only)

**LAND CONSERVATION CONTRACT**

THIS CONTRACT, made and entered into by and between \_\_\_\_\_  
\_\_\_\_\_ hereinafter collectively referred to  
as Owner, and the COUNTY OF SANTA CRUZ, a Political Subdivision of the State of California,  
hereinafter referred to as County (collectively the "parties").

**WITNESSETH:**

WHEREAS, Owner is the owner of certain real properties in the County of Santa Cruz,  
which properties are presently devoted to agricultural use and are described in Exhibit "A" attached  
hereto (the "Property"); and,

WHEREAS, said Property are 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, aesthetic, and economic asset to the 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 and agriculturally compatible uses.

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 Contract is made and entered into pursuant to the California Land Conservation Act of 1965, California Government Code §51200 et seq. including all amendments thereto and related County regulations including County Code Chapter 16.50.
2. During the term of this Contract the above-described land shall be used for the commercial production of agricultural commodities and/or those compatible uses allowed in the CA (Commercial Agricultural) and the 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 its Property to those uses authorized in the CA (Commercial Agricultural) and the P (Agricultural Preserve) Combining District. Owner further agrees that he 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 General Plan, County Code, and State law.
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 other 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 a remaining portion that is rendered unsuitable for agricultural or compatible uses.

6. This contract shall be effective commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and shall remain in effect for a period of twenty (20) years therefrom. The anniversary date of the Contract is the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. On the anniversary date of this contract beginning in the year when this Contract will have an unexpired term of 9 years, one year shall be automatically added to the term of this contract unless a notice of non-renewal is given as required by the County Code.
7. Either party hereto may cause this contract to expire at the end of nineteen (19) years from the first renewal date after the Effective date or 9 years after the last automatic 1 year renewal date, by serving a written notice of non-renewal consistent with the County Code and State law.
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 execution of this contract is the substantial public benefit to be derived herefrom 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 cancelled except upon a petition by the Owner to the Board of Supervisors of the County consistent with State and local law and provided that such board, after a public hearing held in accordance with the provisions of Section 51284 of the Government Code, finds including but not limited to:
  - a. That the cancellation is not inconsistent with the purposes of the California Land Conservation Act of 1965; and
  - 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 reason or comparable agricultural use to which the land may be put.

Upon such cancellation, the landowner shall pay to County an amount equal to fifty percent (50%) of the full market value of the land when relieved of the restriction, as found by the

County Assessor, multiplied by the latest County assessment ratio published pursuant to Section 401 of the Revenue and Taxation Code when the Contract was initially entered into.

The Board of Supervisors of County may waive or defer such payments or any portion thereof 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 that produces a greater economic return of the Owner.

The Board of Supervisors of the County may make any such waiver or deferral of payment contingent upon the future use made of the land and its economic return to the landowner for a period not to exceed the unexpired period of the 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 of deferral is made contingent.

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

APPROVED AS TO FORM:

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

COUNTY OF SANTA CRUZ  
A Political Subdivision of the  
State of California

\_\_\_\_\_  
OWNER

By \_\_\_\_\_  
Chairperson, Board of Supervisors

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
NOTARY PUBLIC    date

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
OWNER

## EXHIBIT "A"

Situate in the unincorporated area of Santa Cruz County, California, and more particularly described as follows:

Being a part of the Ranch Salsipuedes and bounded and particularly described as follows:

BEGINNING in the Southeast line of the County Road (Riverside Road) at the southeast corner of lands of Charles O. Silliman as described in Deed, recorded in Volume 23 of Deeds at pages 172 and 173, Santa Cruz County Records, and running thence along the Easterly line of said last named land N. 9° West 37.54 chains to the Northeast corner of same in the southerly line of lands of Sarah R. Coward; thence along said line of lands of Frank Franusich, et al.; thence along the Southwesterly line of last mentioned lands and the Southwesterly line of lands of Hannah Sullivan, et al., South 57 ½° East 31.55 chains to the Southeast corner of lands of said Sullivan in the Northwesterly line of said Riverside road; thence along said line of said Road South 31° 51' West 12.35 chains and South 53° 26' West 1.90 chains; thence crossing said Road and along the Westerly line of lands of C.F. Kuhlitz South 41° 40' East 2.04 chains; South 18° 40' East 1.00 chains; South 10 ° 40' West 2.68 chains; South 53° 21' West 2.50 chains; North 85° 45' West 4.61 chains; South 38 ° 30' West 9.46 chains; North 25 ¾° West 7.94 chains to the Southeast line of said Riverside Road; and thence along said line of said Road South 63° 50' West 4.64 chains to the place of beginning. Containing 77.276 acres.

EXCEPTING therefrom that portion thereof lying Southerly of the Northerly lines of Riverside Drive and Thompson Road.

APN 051-731-13

Situate in the unincorporated area of Santa Cruz County, California, and more particularly described as follows:

Being a part of the Ranch Salsipuedes and bounded and particularly described as follows:

BEGINNING in the Southeast line of the County Road (Riverside Road) at the southeast corner of lands of Charles O. Silliman as described in Deed, recorded in Volume 23 of Deeds at pages 172 and 173, Santa Cruz County Records, and running thence along the Easterly line of said last named land N. 9° West 37.54 chains to the Northeast corner of same in the southerly line of lands of Sarah R. Coward; thence along said line of lands of Frank Franusich, et al.; thence along the Southwesterly line of last mentioned lands and the Southwesterly line of lands of Hannah Sullivan, et al., South 57 ½° East 31.55 chains to the Southeast corner of lands of said Sullivan in the Northwesterly line of said Riverside road; thence along said line of said Road South 31° 51' West 12.35 chains and South 53° 26' West 1.90 chains; thence crossing said Road and along the Westerly line of lands of C.F. Kuhlitz South 41° 40' East 2.04 chains; South 18° 40' East 1.00 chains; South 10 ° 40' West 2.68 chains; South 53° 21' West 2.50 chains; North 85° 45' West 4.61 chains; South 38 ° 30' West 9.46 chains; North 25 ¾° West 7.94 chains to the Southeast line of said Riverside Road; and thence along said line of said Road South 63° 50' West 4.64 chains to the place of beginning. Containing 77.276 acres.

EXCEPTING therefrom that portion thereof lying Northerly of the Southerly lines of Riverside Drive.

APN 051-481-01

### LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Santa Cruz, State of California, described as follows:

#### PARCEL ONE:

BEING A PART OF THE RANCHO BOLSA DEL PAIARO AND BEGINNING IN THE MIDDLE OF THE BEACH ROAD AND ON THE NORTHEASTERN BOUNDARY LINE OF LANDS FORMERLY OWNED BY ONE GALLAGHER; THENCE ALONG THE SAID NORTHEASTERN BOUNDARY OF SAID LANDS FORMERLY OWNED BY GALLAGHER SOUTH 22° EAST 51.07 CHAINS TO LANDS OF ONE JUDD; THENCE ALONG THE BOUNDARY OF SAID LANDS OF JUDD NORTH 37° 55' EAST 22.42 CHAINS; THENCE ALONG THE SOUTHWESTERN SIDE OF A PRIVATE ROAD LEADING FROM SAID LANDS OF JUDD TO THE SAID BEACH ROAD NORTH 22° 47' WEST 47.03 CHAINS TO THE MIDDLE OF THE AFORESAID BEACH ROAD AND THENCE ALONG THE CENTERLINE THEREOF SOUTH 47° WEST 20.09 CHAINS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THE LANDS DESCRIBED IN THE DEED FROM DAVID F. WILLOUGHBY ET UX DATED APRIL 23, 1969, RECORDED MAY 8, 1969 IN BOOK 1949, PAGE 431 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

ALSO EXCEPTING THEREFROM THE LANDS DESCRIBED IN THE DEED FROM DAVID F. WILLOUGHBY, DATED JULY 1, 1959, RECORDED JULY 7, 1959 IN VOLUME 1257, PAGE 159 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

#### PARCEL TWO:

AN EASEMENT 5 FEET IN WIDTH, FOR DRAINAGE PURPOSES, AS RESERVED IN THE DEED TO PACIFIC EXTRUSIONS, INC., RECORDED JULY 7, 1959 IN VOLUME 1257, PAGE 159, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

#### PARCEL THREE:

AN EASEMENT 5 FEET IN WITH, FOR DRAINAGE PURPOSES, AS RESERVED IN THE DEED TO PACIFIC EXTRUSIONS, INC., RECORDED MAY 8, 1969, IN VOLUME 1949, PAGE 431, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

APN: 052-581-09

C O U N T Y   O F   S A N T A   C R U Z  
Discretionary Application Comments

Project Planner: Samantha Haschert  
Application No.: 10-0116  
APN: 051-481-01

Date: May 4, 2010  
Time: 10:35:18  
Page: 1

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**Long Range Planning Completeness Comments**

===== REVIEW ON APRIL 30, 2010 BY SARAH R NEUSE =====  
NO COMMENT  
===== UPDATED ON APRIL 30, 2010 BY SARAH R NEUSE =====

**Long Range Planning Miscellaneous Comments**

===== REVIEW ON APRIL 30, 2010 BY SARAH R NEUSE ===== .Note should be made  
to rezone out of -P when contract expires. ===== UPDATED ON APRIL 30, 2010 BY  
SARAH R NEUSE =====  
===== UPDATED ON APRIL 30, 2010 BY SARAH R NEUSE =====