



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **141095**

Applicant: Powers Land Planning
Owner: Maria and Taurino Gomez
APN: 051-101- 15, 20

Date: 11/20/2014
Agenda Item #: 8
Time: 1:30 p.m.

Project Description: Proposal to construct farm worker housing within 200 feet of adjacent agricultural resource parcels (38 feet south from APN 051-101-19, 97 feet north from 051-101-22, and 106 feet east from APN 051-101-77). Requires an Agricultural Buffer Reduction, Combined Geology/Soils Report Review, and an Archaeological Report Review.

Location: Northeast side of Minto Road, approximately a ½ mile east from Green Valley Road within the Pajaro Valley Planning area.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Approval of Application 141095, based on the attached findings and conditions.

Exhibits

- | | |
|------------------|--------------------------------------|
| A. Project plans | D. Assessor's, Location, Zoning, and |
| B. Findings | General Plan maps |
| C. Conditions | E. Comments & Correspondence |

Parcel Information

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|------------------------------------|---|
| Parcel Size: | APN 15- 5.6 acres, APN 20- 9.1 acres (Development proposed on this parcel) |
| Existing Land Use - Parcel: | Row Crops |
| Existing Land Use - Surrounding: | Agriculture-Orchards |
| Project Access: | Minto Road |
| Planning Area: | Pajaro Valley |
| Land Use Designation: | AG (Agriculture) |
| Zone District: | CA (Commercial Agriculture) |
| Supervisory District: | 4 (District Supervisor: XX) |
| Within Coastal Zone: | <input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside |
| Appealable to Calif. Coastal Comm. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Archaeological Resources
were not found

A presence/absence study was completed and resources

Services Information

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

Analysis and Discussion

The proposed project is to construct seven pre-manufactured homes for farm worker family housing on a 9.1 acre site containing one existing single family dwelling and organic row crops. The applicant is also proposing a separate driveway located on the side of the property to service the existing agricultural fields to ensure that agricultural operations are not interrupted by the proposed housing.

As your commission is probably aware, California Health & Safety Code 17021.6 deems farm worker housing, either group quarters up to 36 beds or up to 12 units, as an agricultural land use and exempts it from development permits except development permits that are required for any other agricultural activity in the same zone district. An agriculture buffer reduction is required for the proposed farm worker housing as this approval is required for all habitable uses within 200 feet of agricultural resource lands.

The housing is proposed as three bedroom, two bath dwellings and each unit is approximately 1,375 square in size. The proposed building site is within 200 feet of Commercial Agricultural land to the west, east, and south. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 38 feet to the west; 97 feet to the east; and, 106 feet to the south from APN 051-101-19; 051-101-22; 051-101-77, respectively.

The parcel is located outside the Urban Services Line within an established rural agricultural area in the Pajaro Valley Planning area. The subject property is characterized by flat topography along Minto Road and slopes steeply to the northeast toward College Lake (APN 15), which is located at the northeastern edge of the property. A single residential dwelling is located at the edge of the existing row crops, approximately 120 feet north of the property line. The parcel is located within the Agriculture (AG) General Plan designation and the implementing zone district is (CA) Commercial Agriculture. Commercial Agriculture zoned land is situated within 200 feet at the west, south, and east side of the parcel at Assessor's Parcel Number 051-101-19; 051-101-22; 051-101-77. Organic apple orchards are farmed immediately to the northwest and west of the property. The family owned parcel adjacent to the south of the property grows certified organic apples and blackberries.

The property contains a floodplain and riparian corridor associated with College Lake, a seasonal lake, two geologic faults, overhead utility lines, and mapped archaeological resource. An archaeological report review confirmed the absence of archaeological resources and the geologic/soils report identified the available building envelope and required design recommendations for the structures. Both reports were accepted by Environmental Planning.

A reduced agricultural buffer is recommended due to the fact that the property has an extremely limited building envelope resulting from physical constraints including overhead utilities along the front property line, steep slopes with row crops toward the central rear of the property, a flood plain with associated riparian corridor area at the rear of the site, two geologic fault lines across the property, which do not allow sufficient building area for allowed development meeting the required 200 foot setback from the adjacent Commercial Agriculture zoned properties.

An existing six foot wire fence is located along the front and sides of the property to College Lake. The applicant is proposing clusters of agricultural buffer plantings along the property frontage, except proposed driveway locations, to reduce the impact of agricultural activities on the proposed residential use, and to protect the agricultural interests on the Commercial Agriculture zoned parcel(s) in the vicinity of the property. The ordinance requires a solid hedge along impacted properties. The project is conditioned to provide a solid hedge along the full extent of residential development except in the area of the proposed driveways. The applicant will also be required to record a Statement of Acknowledgement regarding the issuance of a building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts.

Recommendation

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 38 feet; 97 feet; 106 feet feet to the single-family dwelling from the adjacent CA zoned property known as APN 051-101-19; 051-101-22; 051-101-77, proposed under Application # 141095, based on the attached findings and recommended 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

Report Prepared By: Sheila McDaniel
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2255
E-mail: sheila.mcdaniel@co.santa-cruz.ca.us

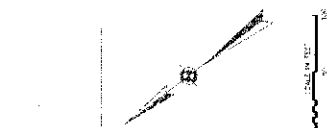
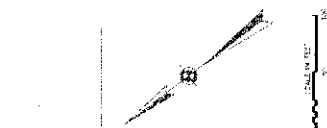
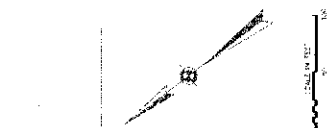
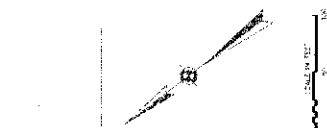
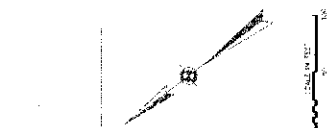
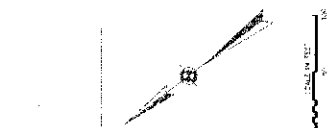
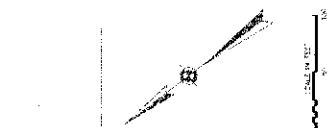
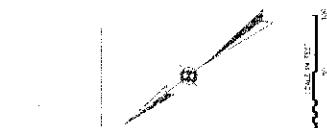
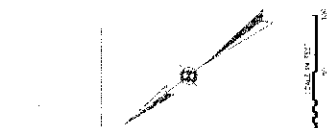
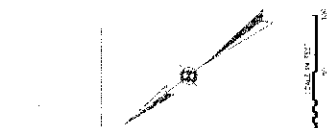
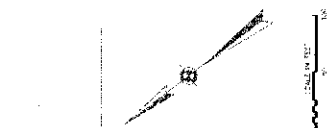
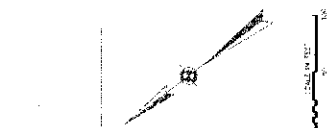
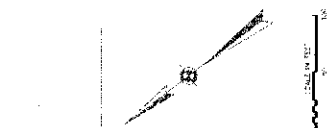
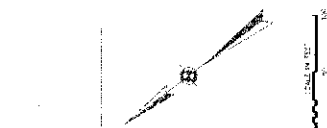
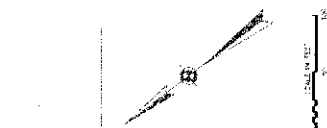
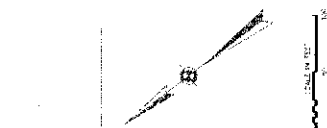
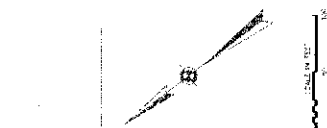
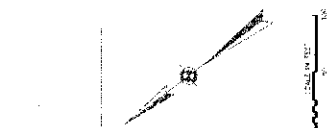
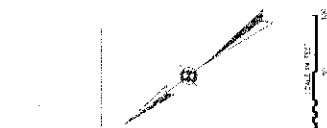
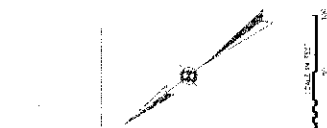
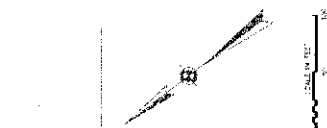
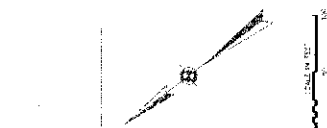
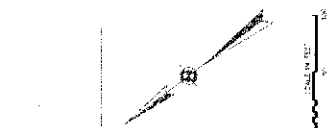
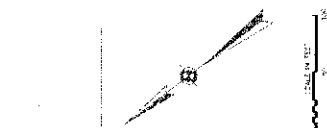
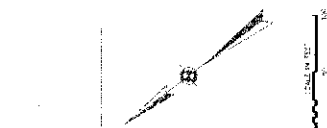
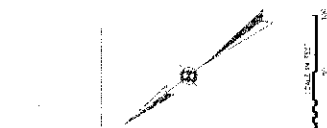
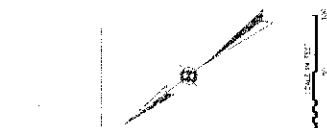
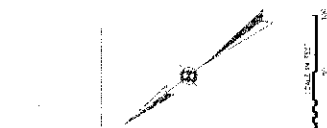
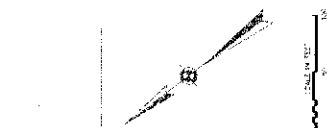
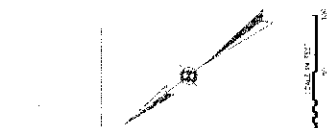
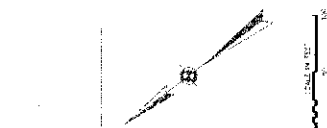
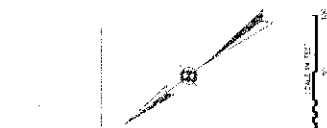
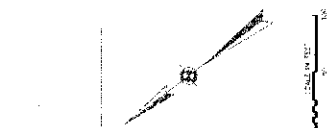
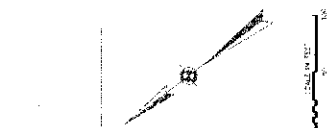
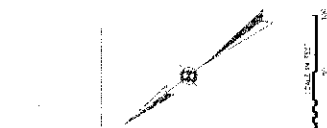
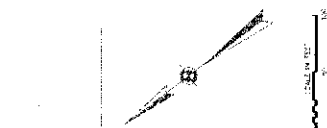
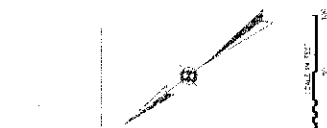
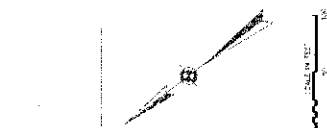
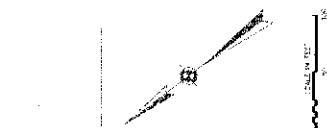
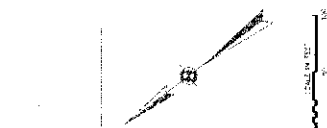
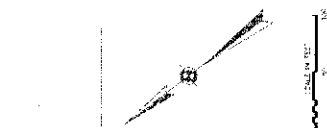
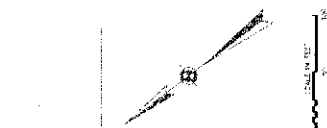
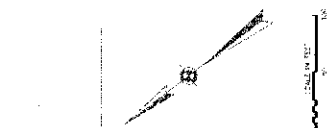
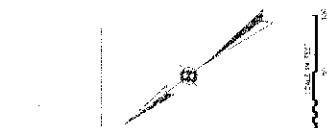
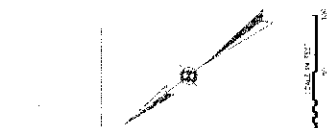
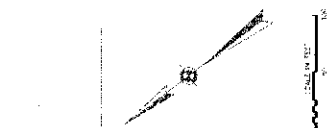
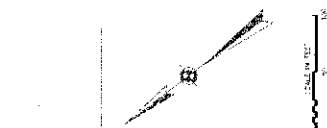
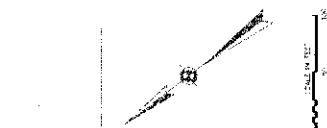
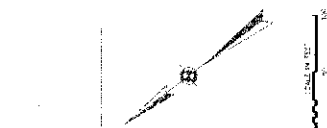
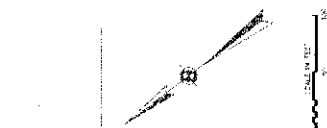
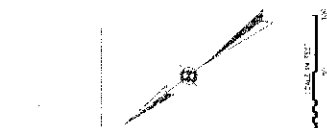
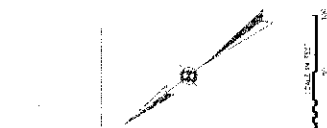
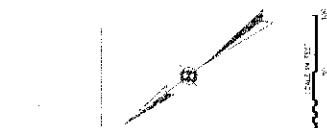
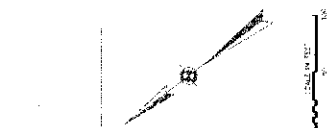
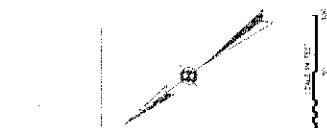
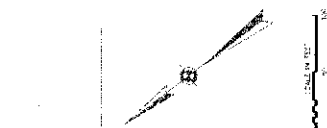
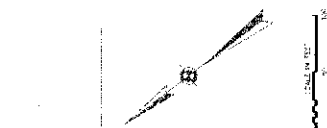
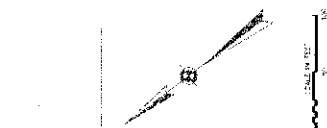
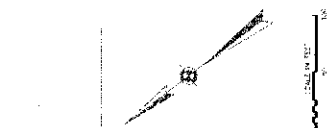
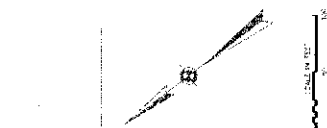
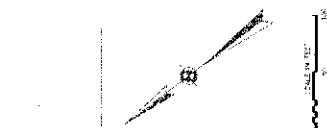
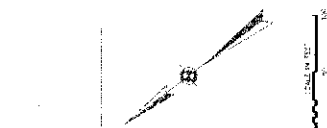
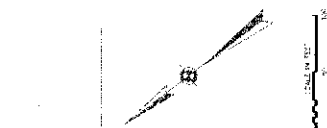
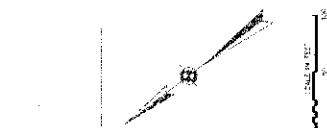
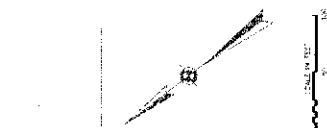
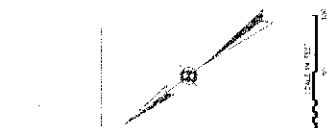
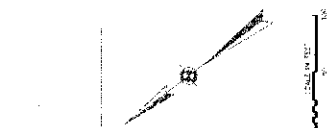
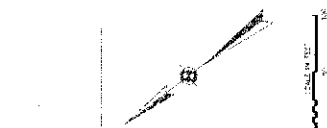
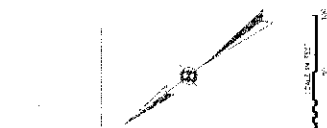
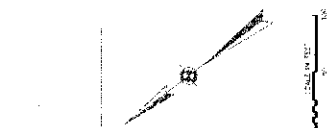
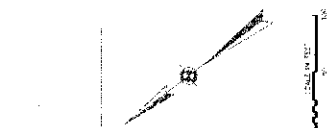
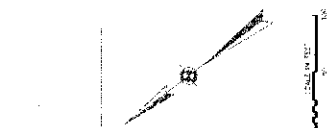
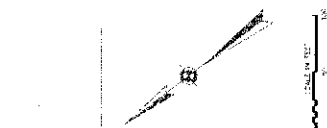
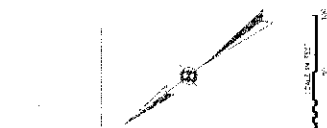
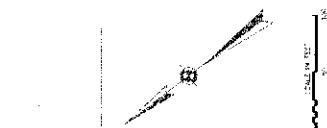
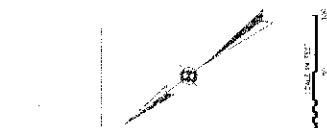
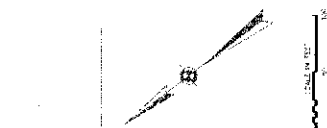
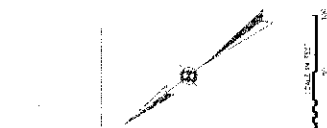
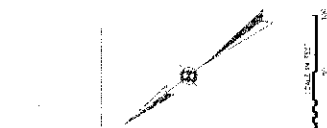
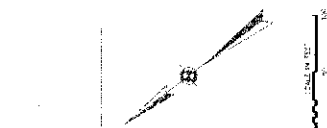
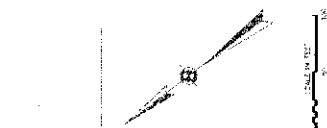
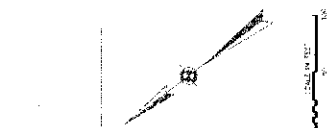
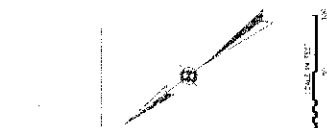
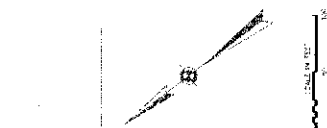
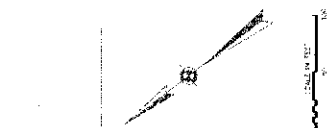
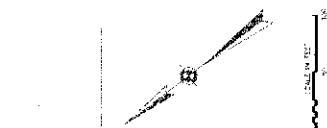
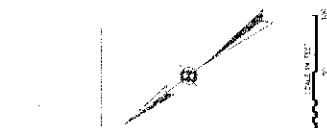
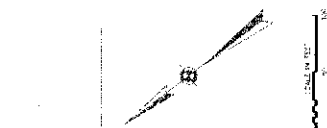
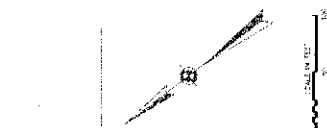
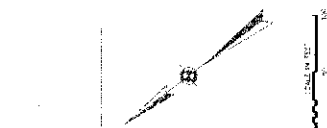
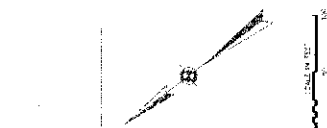
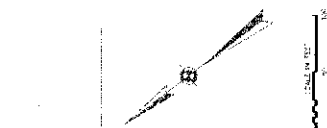
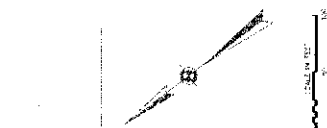
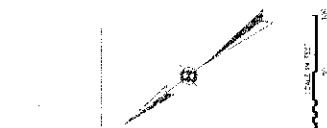
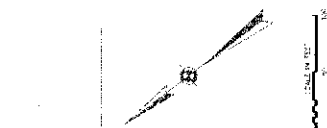
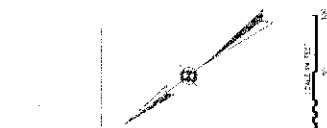
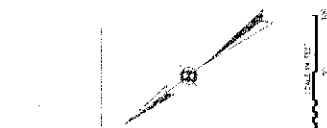
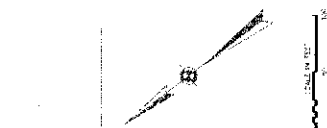
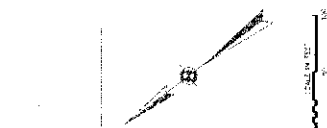
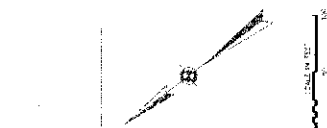
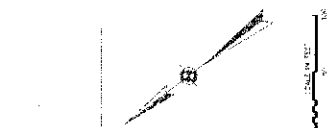
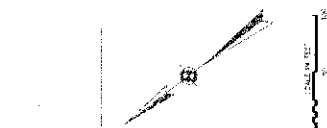
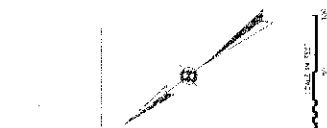
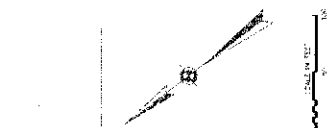
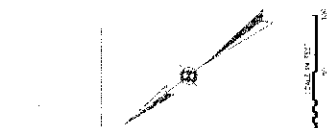
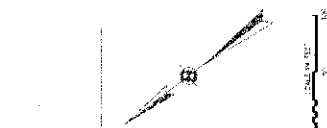
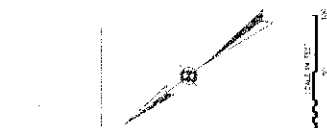
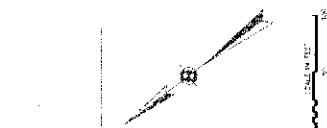
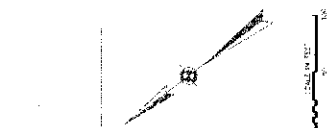
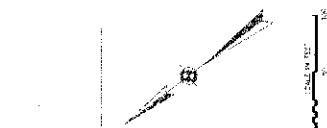
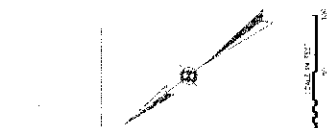
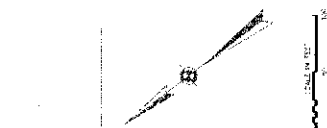
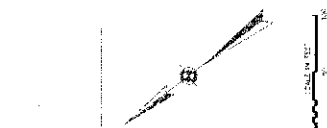
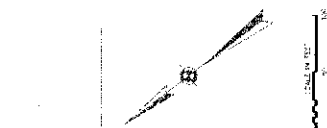
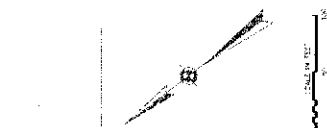
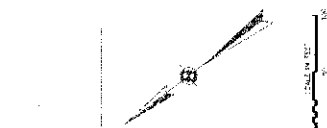
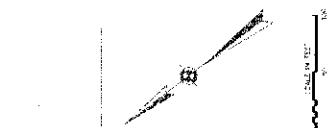
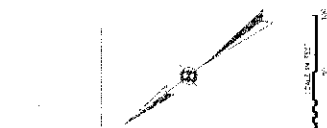
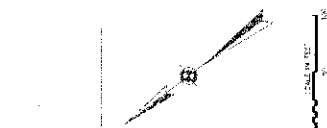
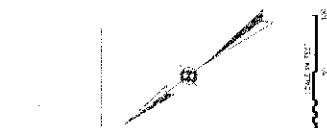
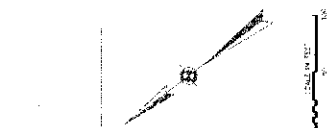
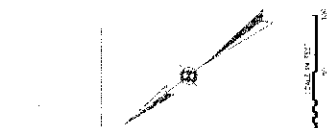
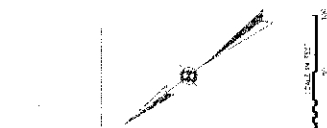
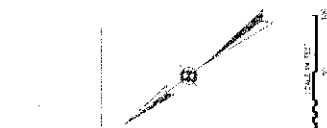
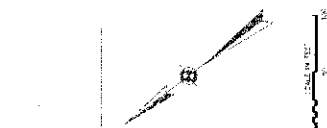
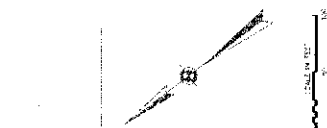
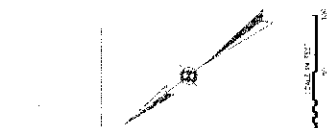
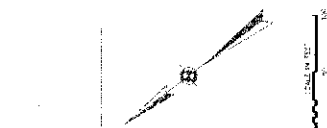
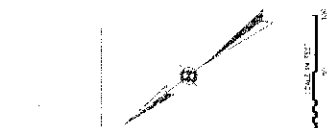
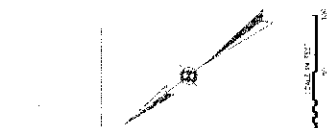
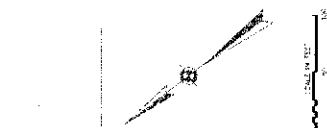
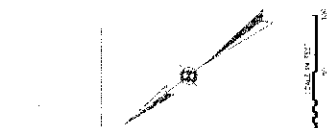
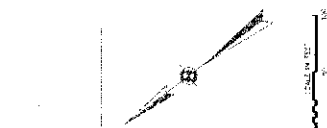
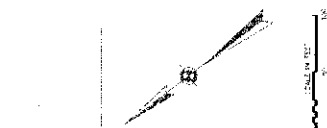
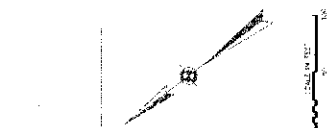
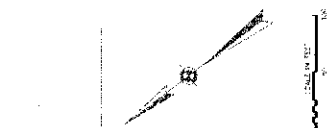
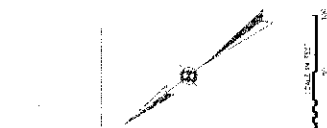
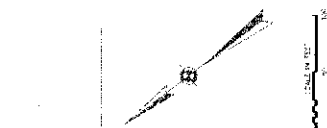
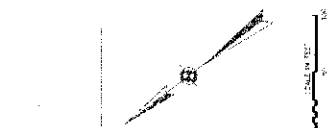
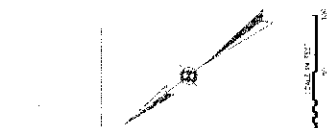
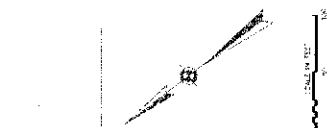
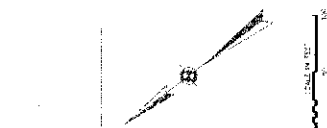
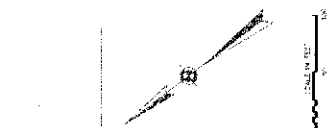
Report Reviewed By: Steven Guiney, AICP
Principal Planner
Development Review

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MID COAST ENGINEERS

APN 057-001-00

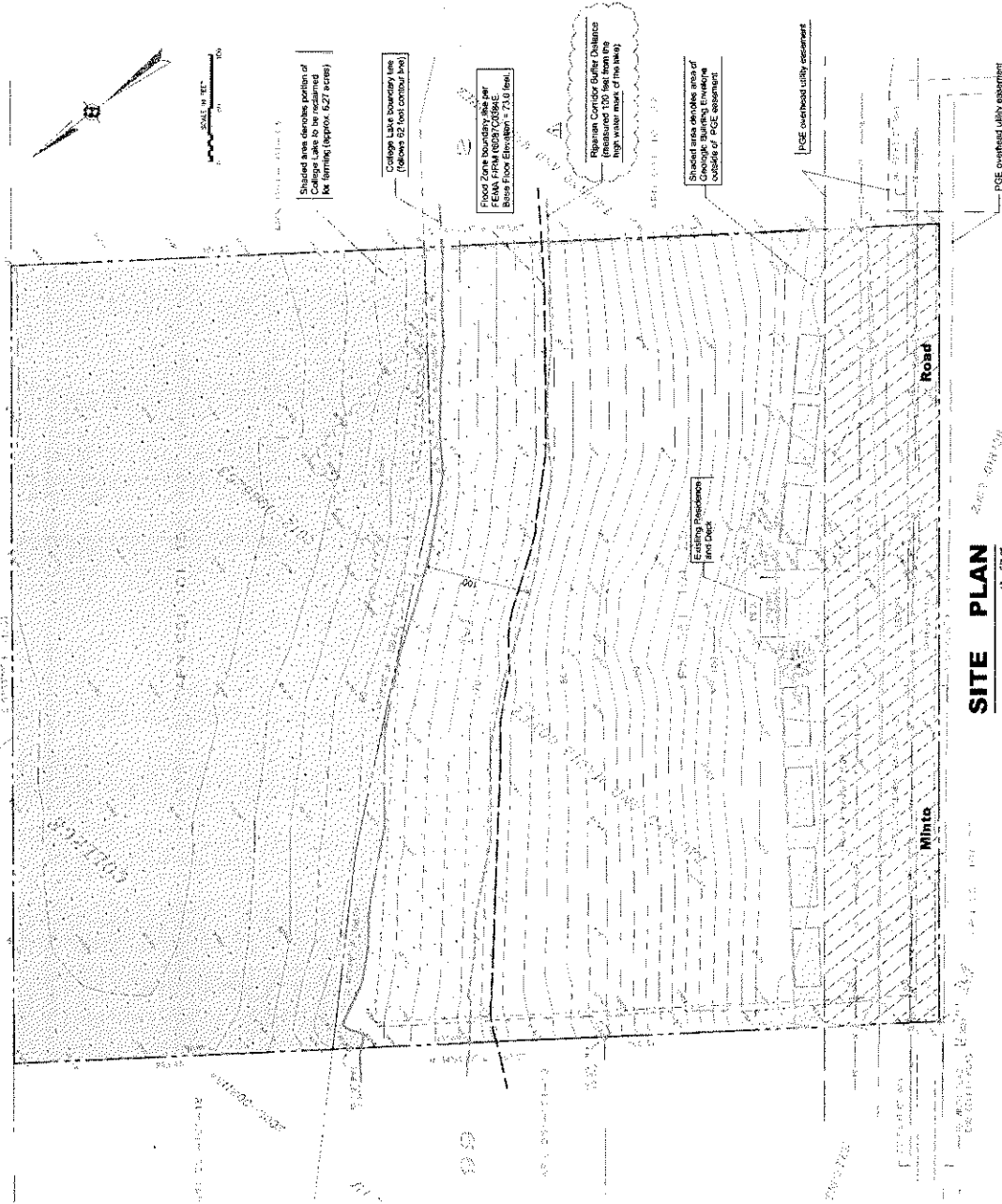
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GRAPHIC LEGEND

- College Lake Boundary Line (follows 52 foot contour line)
- Flood Zone Boundary
- Base Flood Elevation = 73.0 feet
- Riparian Corridor Buffer Distance (100 feet from edge of lake)
- Preliminary Geologic Building Envelope (approximately 61,549 sq. ft. (1.41 acres))
- PGE overhead utility easement (approximately 79,577 sq. ft. (1.83 acres))
- Preliminary area of College Lake reclamation (approximately 273,026 sq. ft. (6.27 acres))

* Note: approximate areas listed are within the property lines of the subject parcels.

SURVEY - COL 10

- PLAN: 1/2 inch = 50 feet
- DATE: 10/10/10
- BY: [Signature]
- FOR: [Signature]
- SCALE: 1 inch = 50 feet
- DATE: 10/10/10
- BY: [Signature]
- FOR: [Signature]

SITE PLAN

1" = 50'

MID COAST ENGINEERS
1000 S. GATEWAY AVENUE
SUITE 200
WATSONVILLE, CA 95076
TEL: (831) 837-1111
FAX: (831) 837-1112
WWW.MIDCOASTENGINEERS.COM

DATE: 10/10/10
BY: [Signature]
FOR: [Signature]

DATE: 10/10/10
BY: [Signature]
FOR: [Signature]

Farm Worker House
Preliminary Plans
200 Minto Road
Watsonville, CA.
APN 051-101-156.20

ON THE LANDS OF:
Taurino & Maria Gomez
135 Willow Creek Street
Watsonville, CA. 95076

Drawn: [Signature]
Date: 4/22/14
Scale: 1" = 500'

Sheet: **A**
of **2**

| | | |
|---|-------------------|---------|
| 1 | Final Plan Review | 2014 |
| 2 | Final Plan Review | 7/29/14 |

**Required Findings for Agricultural Buffer Setback Reduction
County Code Section 16.50.095(D)**

1. Significant topographical 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 two hundred (200) foot agricultural buffer setback; or
3. A lesser setback 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 two hundred (200) foot agricultural buffer setback; or
4. The imposition of a two hundred (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.

The subject property is constrained by a floodplain along the rear third of the property, state and county geologic fault zones establishing a limited building envelope, and PG&E utility easements limiting development of farm worker housing to a very small portion of the property. The imposition of a two hundred foot agricultural buffer setback would preclude building on this parcel altogether. A wire mesh fence exists along the property line and landscape plans provide landscaping buffer plantings to provide a barrier. The project is also conditioned to require additional plantings to provide a solid barrier along the front property line to ensure adequate separation from surrounding agriculture and potential noise, dust, spray, etc.

Required Finding for Agricultural Buffer Setback Reduction on Commercial Agriculture (CA) Zoned Land County Code Section 16.50.095(E)

1. 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 use 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.

The proposed farm-worker housing is located as far from the existing arable acreage and adjacent agricultural uses as feasible and removes as little agricultural land as feasible given the existing floodplain, riparian corridor, available geological envelope, and overhead utility easement.

Required Findings for Development on Land Zoned Commercial Agriculture or Agricultural Preserve County Code Section 13.10.314(A)

1. The establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area.

Under State law farm worker housing is considered an agricultural activity enhancing and supporting agricultural operations by providing affordable housing for agricultural workers and will support the continued operation of commercial agriculture on the parcel and will therefore not reduce, restrict or adversely affect agricultural resources of the parcel by location of the improvements to minimize loss of agricultural fields as much as feasible.

2. The use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or no other agricultural use of the parcel is feasible for the parcel; or the use consists of an interim public use which does not impair long-term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation and that limits and mitigates the impacts of facility construction on agriculture consistent with the requirements of Section 13.10.635; or

Farm worker housing is considered a principal agricultural activity under State law and is exempt from development permits with exception of an agricultural buffer reduction for habitable structures within 200 feet of agricultural uses. The proposed farm worker housing has been sited within the available building envelope given geologic faults, floodplain and associated riparian corridor, and overhead utility lines, and is situated in a location that minimizes impacts to existing and surrounding agricultural activity as much as feasible.

3. Single family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in

the area.

As proposed, the farm worker housing has been sited within the available buildable area given limited geologic building envelope, floodplain and associated riparian corridor, and overhead utility lines, and is situated in a location that minimizes impacts to existing and surrounding agricultural activity as much as feasible.

4. The use will be sited to remove no land from production (or potential production) if any non-farmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

The proposed farm worker housing is proposed in the only available buildable portion of the site due to flood plan and riparian corridor, geologic faults, and overhead utilities and therefore limits removal of farm land as much as feasible.

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN (051-101-19; 051-101-22; 051-101-77). This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit, including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit and Grading Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. A development setback of a minimum of 38 feet; 97 feet; 106 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 051-101-19; 051-101-22; 051-101-77.
 2. Final plans shall show the location of the vegetative buffering barrier (and any fences/walls used for the purpose of buffering adjacent agricultural land) which shall be composed of drought tolerant shrubbery. The shrubs utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.
 - B. The owner shall record a Statement of Acknowledgement, as prepared by the Planning Department, and submit proof of recordation to the Planning Department. The statement of Acknowledgement acknowledges the adjacent agricultural land use and the agricultural buffer setbacks.

- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
 - B. The required vegetative and/or physical barrier shall be installed. The applicant/owner shall contact the Planning Department's Agricultural Planner, a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.
- IV. Operational Conditions
- A. The vegetative and physical barrier shall be permanently maintained.
 - B. All required Agricultural Buffer Setbacks shall be maintained.
 - C. In the event that future County inspections of the subject property disclose non-compliance 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, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor Variations to this permit which 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 three years from the effective date listed below or if additional discretionary permits are required for the above permitted project, this permit shall expire on the same date as any subsequent approved discretionary permit(s) unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

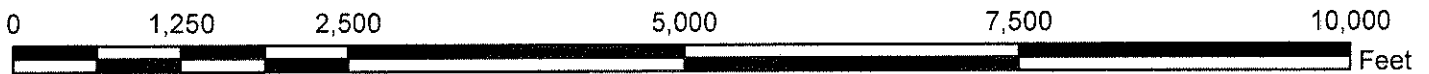
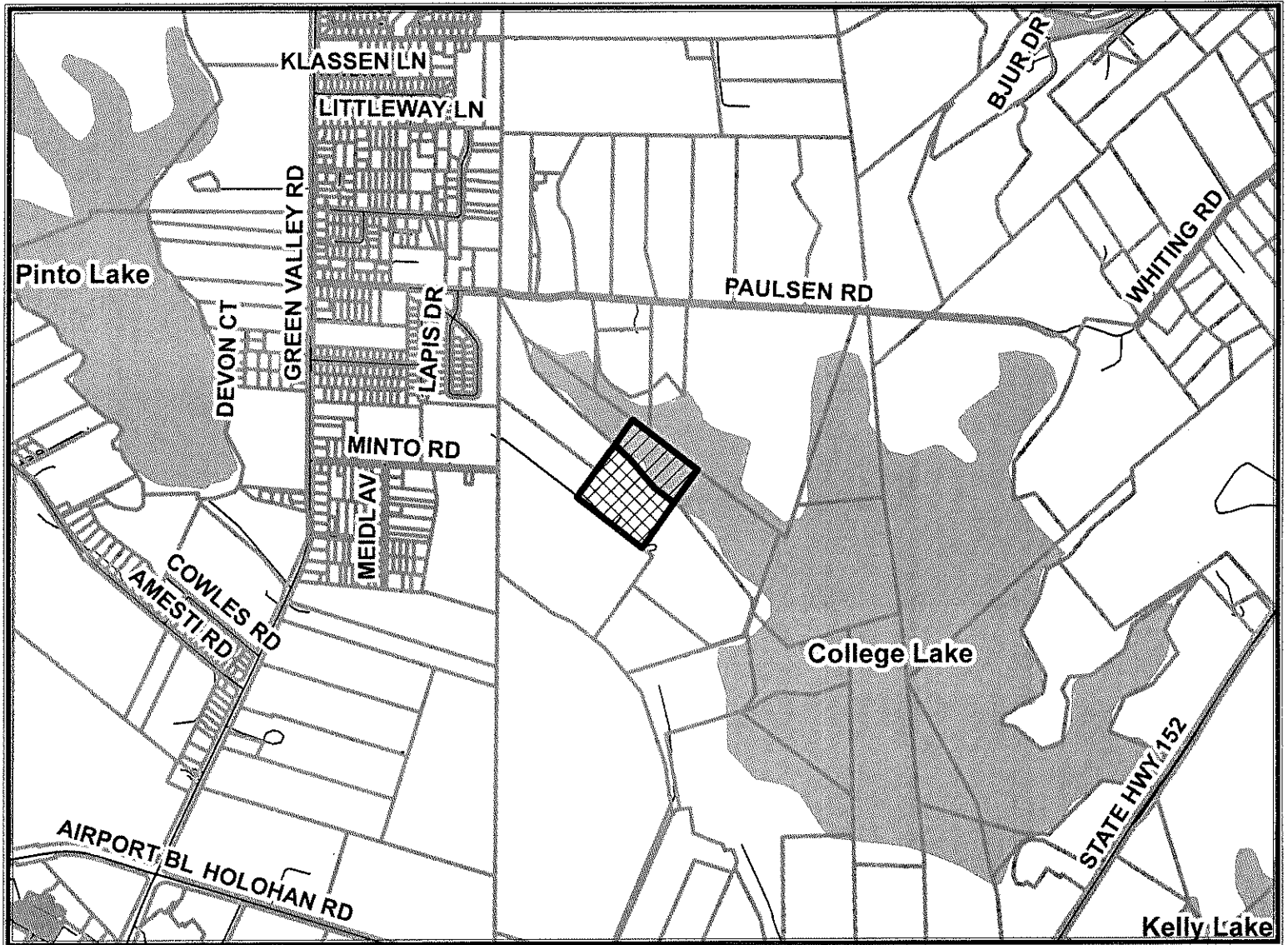
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Expiration Date: _____







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.



Location Map



LEGEND

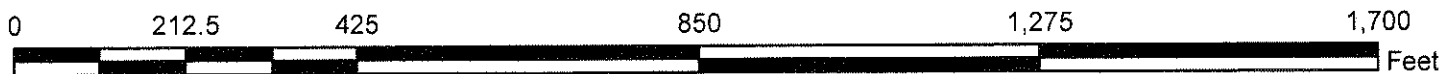
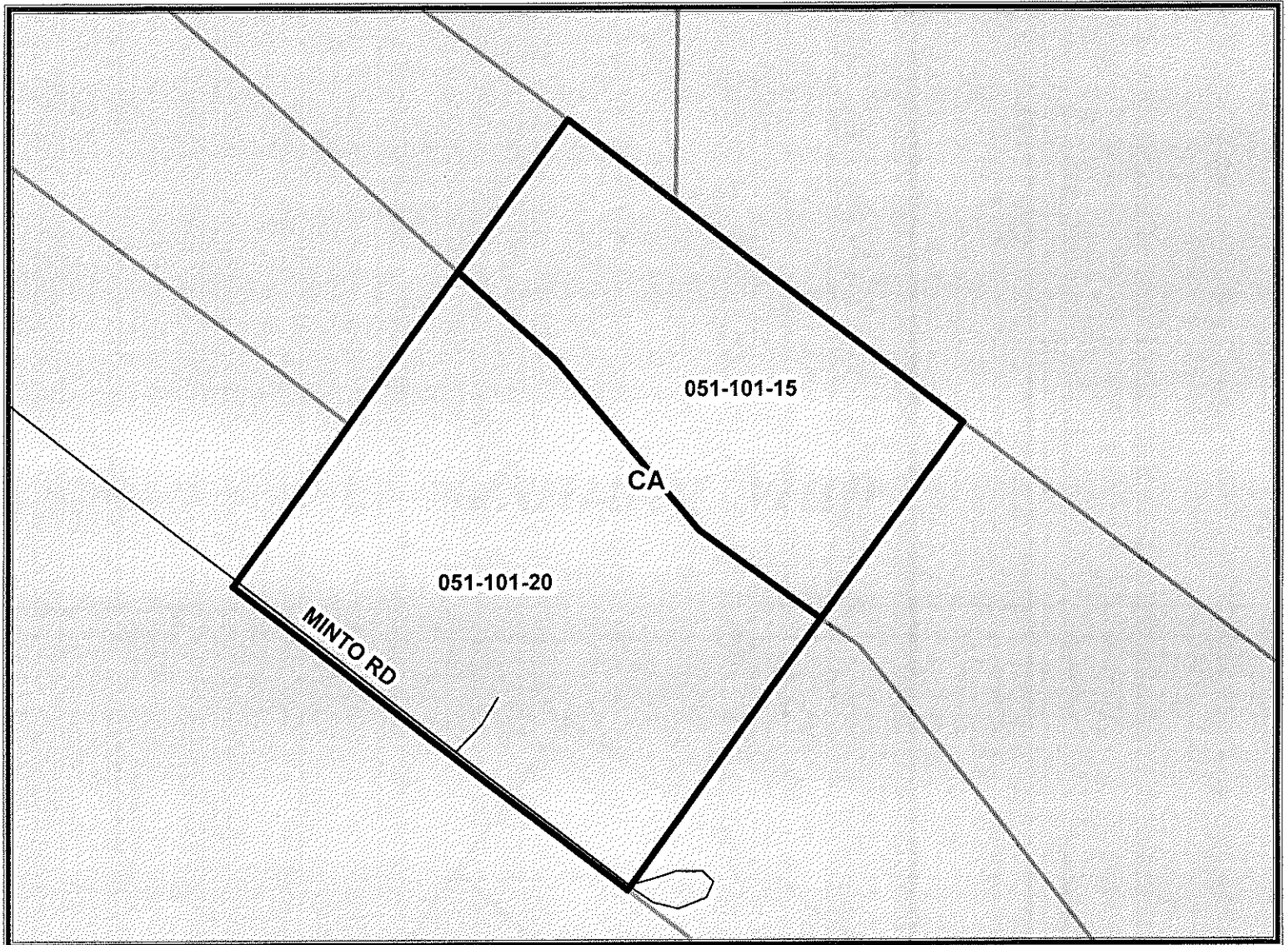
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-  APN: 051-101-15
-  Assessors Parcels
-  Street
-  State Highways
-  Lakes



Map Created by
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Planning Department
October 2014



Zoning Map



LEGEND

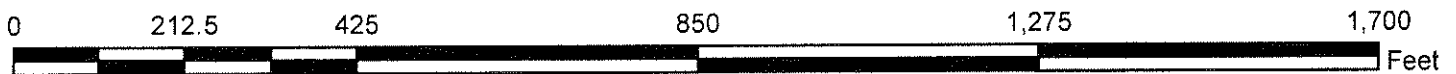
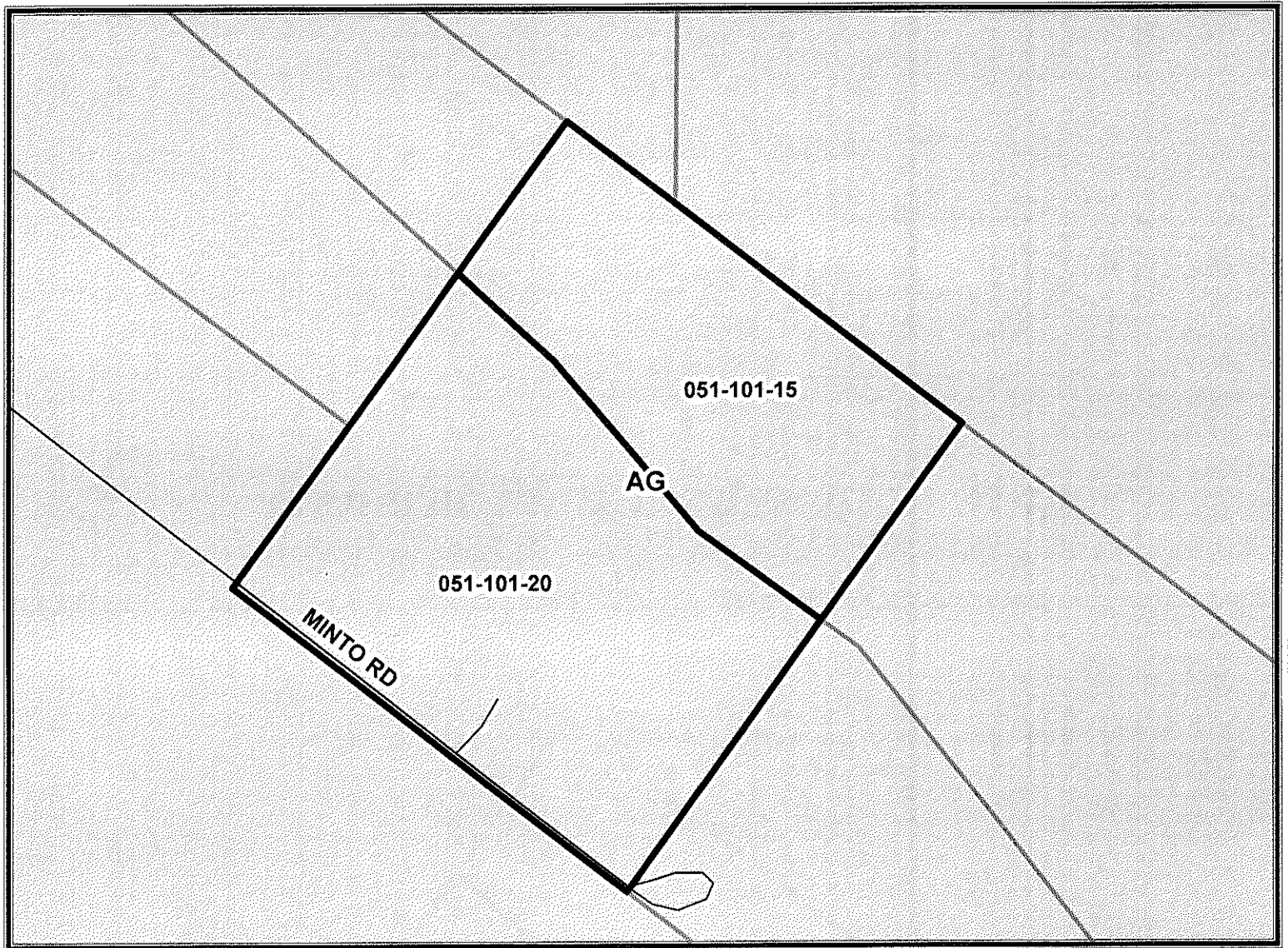
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-  Assessors Parcels
-  Street
-  AGRICULTURE COMMERCIAL








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County of Santa Cruz
Planning Department
October 2014



General Plan Designation Map



LEGEND

-  APN: 051-101-20
-  APN: 051-101-15
-  Assessors Parcels
-  Street
-  Agriculture



Map Created by
County of Santa Cruz
Planning Department
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