



# COUNTY OF SANTA CRUZ

---

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD (831) 454-2123  
TOM BURNS, PLANNING DIRECTOR

## NOTICE OF ENVIRONMENTAL REVIEW PERIOD

### SANTA CRUZ COUNTY

APPLICANT: Ron Powers, for Robert E. & Mary Ann Whalen

APPLICATION NO.: 06-0589

APN: 088-081-07 & -08

The Environmental Coordinator has reviewed the Initial Study for your application and made the following preliminary determination:

XX Negative Declaration  
(Your project will not have a significant impact on the environment.)

       Mitigations will be attached to the Negative Declaration

XX No mitigations will be attached.

       Environmental Impact Report  
(Your project may have a significant effect on the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Matt Johnston, Environmental Coordinator at (831) 454-3201, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: **September 19, 2007**

**Steven Guiney**  
Staff Planner

Phone: 454-3172

Date: August 15, 2007



# Environmental Review Initial Study

Application Number: **06-0589**

**Date:** 06 August 2007  
**Staff Planner:** Steven Guiney

## **I. OVERVIEW AND ENVIRONMENTAL DETERMINATION**

**APPLICANT:** Ron Powers

**APN:** 088-081-07 & 08

**OWNER:** Robert E & Mary Ann Whalen

**SUPERVISORIAL DISTRICT:** Fifth  
(District Supervisor: Stone)

**LOCATION:** Properties located on the south side of Skyline Boulevard, about 2.5 miles southeast from the intersection of Highway 9 at 15435 Skyline Boulevard, Los Gatos.

**SUMMARY PROJECT DESCRIPTION:** Proposal to transfer about 10.86 acres from APN 088-081-08 to APN 088-081-07 to result in **two** parcels of 32.8 acres and 13.5 acres respectively. Requires a Lot Line Adjustment, a General Plan amendment to designate Assessor's Parcel Number (APN) 088-081-07 as Agricultural Resource land; a rezoning of APN 088-081-07 from the Special Use (SU) zone district **to** the Commercial Agriculture (CA) zone district; a new Williamson Act contract for APN 088-081-07 to reflect the adjusted parcel boundaries; and modification of the existing Williamson Act contract for APN 088-081-08 to reflect the adjusted parcel boundaries.

**ALL OF THE FOLLOWING POTENTIAL ENVIRONMENTAL IMPACTS ARE EVALUATED IN THIS INITIAL STUDY. CATEGORIES THAT ARE MARKED HAVE BEEN ANALYZED IN GREATER DETAIL BASED ON PROJECT SPECIFIC INFORMATION.**

<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Noise
<input type="checkbox"/> Hydrology/Water Supply/Water Quality	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Public Services & Utilities
<input type="checkbox"/> Energy & Natural Resources	<input type="checkbox"/> Land Use, Population & Housing
<input type="checkbox"/> Visual Resources & Aesthetics	<input type="checkbox"/> Cumulative Impacts
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Growth Inducement
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Transportation/Traffic	

### DISCRETIONARY APPROVAL(S) BEING CONSIDERED

<input checked="" type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Grading Permit
<input type="checkbox"/> Land Division	<input type="checkbox"/> Riparian Exception
<input checked="" type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Other: Williamson Act contract, Lot Line Adjustment
<input type="checkbox"/> Development Permit	<input type="checkbox"/>
<input type="checkbox"/> Coastal Development Permit	<input type="checkbox"/>

### NON-LOCAL APPROVALS

Other agencies that must issue permits or authorizations: None

### ENVIRONMENTAL REVIEW ACTION

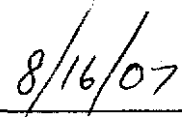
On the basis of this Initial Study and supporting documents:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the attached mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

  
\_\_\_\_\_  
Matt Johnston

  
\_\_\_\_\_  
Date

For: Claudia Slater  
Environmental Coordinator

## II. BACKGROUND INFORMATION

### EXISTING SITE CONDITIONS

Parcel Size: 2.6 and 43.7 acres

Existing Land Use: Christmas tree farm, two single-family dwellings

Vegetation: Farmed pine and fir trees, chaparral, mixed evergreen forest

Slope in area affected by project: All 0 - 30%      31 - 100%

Nearby Watercourse: Unnamed stream (GIS identifies as "Stream 938") property

Distance To: Runs through property

### ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: Adequate

Water Supply Watershed: Yes, except for  
northeast corner

Groundwater Recharge: No

Timber or Mineral: No

Agricultural Resource: Yes, parcel 08

Biologically Sensitive Habitat: None mapped

Fire Hazard: No

Floodplain: No

Erosion: Slight to high potential

Landslide: Approximately one-quarter acre  
mapped in northwest corner

Liquefaction: Not mapped

Fault Zone: Not mapped. Closest  
mapped fault zone approx. 1 mile

Scenic Corridor: Highway 35

Historic: N/A

Archaeology: Mapped, but area  
highly disturbed

Noise Constraint: N/A

Electric Power Lines: N/A

Solar Access: N/A

Solar Orientation: Slopes to west

Hazardous Materials: N/A

### SERVICES

Fire Protection: CDF

School District: SLV

Sewage Disposal: On-site

Drainage District: N/A

Project Access: Highway 35

Water Supply: On-site wells

### PLANNING POLICIES

Zone District: CA, SU

Special Designation: Ag Resources on  
08

General Plan: Agriculture

Urban Services Line:      Inside

Coastal Zone:      Inside

XX Outside

XX Outside

### PROJECT SETTING AND BACKGROUND:

The properties are located on the south side of Highway 35 about 2.5 miles southeast from the junction with Highway 9 on the ridgeline summit of the Santa Cruz Mountains.

The subject parcels have both been actively engaged in Christmas tree farming by the Whalen family since 1963. The family wishes to extend the benefits of the existing

Williamson Act contract\* on APN 088-081-08 to APN 088-081-07 and to adjust the boundaries to allow continued Christmas tree farming by independent property owners. Currently, APN 088-081-07 is 2.6 acres and APN 088-081-08 is 43.6 acres. After the lot line adjustment, the parcels would be 13.5 acres and 32.8 acres respectively. Each parcel is developed with an existing single-family dwelling and there is an existing barn on APN 088-081-08 which would be located on APN 088-081-07 after the proposed lot line adjustment. General Plan Policy 5.14.6 encourages the pursuit of agriculture, particularly tree crops and open field horticulture, to provide visually pleasing open space. This is of particular importance because of the property's location in the vicinity of Castle Rock State Park, which provides spectacular vistas across tree covered peaks and valleys with views out to Monterey Bay and because the properties are bordered on the north by Highway 35, a General Plan-designated scenic highway.

Approximately 24 acres of the total 46 acres are planted with Christmas trees, mainly Douglas and White fir trees. About 15 acres of trees would remain on the larger parcel and 8 acres of trees on the smaller parcel after the proposed lot line adjustment. The farm operates as a "choose and cut" Christmas tree farm where consumers come to the farm and choose a live tree that is then cut and taken home. Trees existing on the properties are at different stages of development so that gradual replacement as trees are cut sustains the operation. In addition, proximity to the Silicon Valley and high visibility afforded to visitors to the nearby Castle Rock State Park contribute to consumer awareness of the Christmas tree sales, which contributes to the agricultural viability of both parcels.

The larger 43.6-acre parcel, APN 088-081-08, has been in a Williamson Act contract since 1976, which has automatically renewed every year and remains in effect. The smaller 2.6-acre parcel is zoned Special Use ( **SU** ) and is not under Williamson Act contract. New contracts would be required to be approved by the Board of Supervisors.

---

\* Please see Attachment 7

## DETAILED PROJECT DESCRIPTION:

The Whalen family has actively farmed both the subject parcels for the growing of Christmas trees since 1963. The family wishes to extend the benefits of the existing Williamson Act contract on APN 088-081-08 to APN 088-081-07 and to adjust the boundaries to allow continued Christmas tree farming by independent property owners.

The proposal consists of the following specific actions:

1. Amend the General Plan to designate Assessor's Parcel Number (APN) 088-081-07 as Agricultural Resource land;
2. Rezone APN 088-081-07 from the Special Use (SU) zone district to the Commercial Agriculture (CA) zone district;
3. Transfer about 10.86 acres from APN 088-081-08 to APN 088-081-07 to resulting in two parcels of 332.8 acres and 13.5 acres respectively;
4. Establish a new Williamson Act contract for APN 088-081-07 consistent with the adjusted parcel boundaries; and
5. Rescind the existing contract on APN 088-081-08 and simultaneously enter into a new contract on that parcel consistent with the adjusted parcel boundaries.

## General Plan Land Use Designation and Zoning Considerations

The smaller 2.6-acre parcel is zoned Special Use (SU) and is not under Williamson Act contract. Both parcels carry an Agriculture (A) General Plan designation. The larger parcel also has an Agricultural Resources designation. A General Plan amendment is required to add the Agricultural Resources designation to the smaller parcel, as well as a rezoning of that parcel from SU to Commercial Agriculture (CA).

## Lot Line Adjustment Considerations

The proposed lot line adjustment will transfer approximately 10.86 acres from APN 088-081-08 to APN 088-081-07 (Exhibit A). Currently, APN 088-081-07 is 2.6 acres and APN 088-081-08 is 43.6 acres. After the lot line adjustment, APN 088-081-07 would be 13.5 acres and APN 088-081-08 would be 32.8 acres. Each parcel is developed with an existing single-family dwelling and there is an existing barn on APN 088-081-08, which would be located on APN 088-081-07 after the proposed lot line adjustment.

## Williamson Act Considerations

The larger 46.3-acre parcel, APN 088-081-08 entered into a Williamson Act contract on February 27, 1976, recorded February 17, 1977. The contract has automatically renewed each year and remains in effect. Consistent with Government Code Section 51257(a), with Board approval, the existing contract on the larger parcel would be rescinded and a new contract entered into simultaneously. A new contract would be established for APN 088-081-07.

To enable the lot line adjustment and the corresponding contracts, the Board is required by Government Code Section 51257(a) to find all of the following:

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.
2. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
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.
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.
6. The lot line adjustment is not likely to result in the removal of adjacent land from 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.

#### Agricultural Viability Determination

An Agricultural Viability Report studied both parcels to investigate whether the lot line adjustment would affect the ability of the larger parcel APN 088-081-08 to sustain the tree production operation with the transfer of 10.86 acres, and if the land added to the smaller parcel APN 088-081-07 would sustain a second independent operation.

The existing farm utilizing both parcels has provided a viable economic return since 1963. Approximately 24 acres of the total 46 acres is planted with Christmas trees, mainly Douglas and White fir trees. About 15 acres of trees would remain on the larger parcel and 8 acres of trees on the smaller parcel after the proposed lot line adjustment. Trees are spaced on a 5' x 5' grid. Trees are harvested at an average age of 6-9 years. Timely planting of replacement trees and intensity of management will affect sustainability of both operations. The Christmas tree farms benefit from an annual average rainfall of about 55 inches, so that little supplemental irrigation is required. Trees existing on the properties are at different stages of development so that gradual replacement as trees are cut sustains the operation. In addition, proximity to the Silicon Valley and high visibility afforded to visitors to the nearby castle Rock State park, contribute to the agricultural viability of both parcels.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

III. ENVIRONMENTAL REVIEW CHECKLIST

A. Geology and Soils

Does the project have the potential to:

1. Expose people or structures to potential adverse effects, including the risk of material loss, injury, or death involving:	X
A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or as identified by other substantial evidence?	X
B. Seismic ground shaking?	X
C. Seismic-related ground failure, including liquefaction?	X
D. Landslides?	X

All of Santa Cruz County is subject to some hazard from earthquakes. However, the project site is not located within or adjacent to a county or State mapped fault zone, therefore the potential for ground surface rupture is low. The project site is likely to be subject to strong seismic shaking during the life of the improvements. The improvements will be designed in accordance with the Uniform Building Code, which should mitigate the hazards of seismic shaking and liquefaction to a less than significant level. There is no indication that landsliding is a significant hazard at this site.



Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

2. Subject people or improvements to damage from soil instability as a result of on- or off-site landslide, lateral spreading, to subsidence, liquefaction, or structural collapse?

**X**

Following a review of mapped information and a field visit to the site, there is no indication that the development site is subject to a significant potential for damage caused by any of these hazards.

3. Develop land with a slope exceeding 30%?

**X**

There are slopes that exceed 30% on the property. However, no improvements are proposed on slopes in excess of 30%.

4. Result in soil erosion or the substantial loss of topsoil?

**X**

No new development is proposed as part of this project, so there is no potential for soil erosion. Any future development will be required to obtain the appropriate and necessary permits, including grading permits.

5. Be located on expansive soil, as defined in Table **18-1-B** of the Uniform Building Code (**1994**), creating substantial risks to property?

**X**

There is no indication that the development site is subject to substantial risk caused by expansive soils.

6. Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems?

**X**

No new development is proposed as part of this project. Existing development utilizes onsite sewage disposal systems.

7. Result in coastal cliff erosion?

**X**

The parcel is not located on or near a coastal bluff.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

## **B. Hydrology, Water Supply and Water Quality**

Does the project have the potential to:

- |    |                                                        |          |
|----|--------------------------------------------------------|----------|
| 1. | Place development within a 100-year flood hazard area? | <b>X</b> |
|----|--------------------------------------------------------|----------|

According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map, dated March 2, 2006, no portion of the project site lies within a 100-year flood hazard area.

- |    |                                                                                             |          |
|----|---------------------------------------------------------------------------------------------|----------|
| 2. | Place development within the floodway resulting in impedance or redirection of flood flows? | <b>X</b> |
|----|---------------------------------------------------------------------------------------------|----------|

According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map, dated March 2, 2006, no portion of the project site lies within a 100-year flood hazard area.

- |    |                                      |          |
|----|--------------------------------------|----------|
| 3. | Be inundated by a seiche or tsunami? | <b>X</b> |
|----|--------------------------------------|----------|

The site is located on the Santa Cruz Mountains ridge top at an elevation of approximately 2900 feet above sea level.

- |    |                                                                                                                                                                                                                                                                   |          |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 4. | Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit, or a significant contribution to an existing net deficit in available supply, or a significant lowering of the local groundwater table? | <b>X</b> |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|

No new development is proposed as part of this project. The existing development relies on a private well for water supply. The project is not located in a mapped groundwater recharge area.

**Environmental Review Initial Study**

Application 06-0589

Powers far Whalen

Page 10 of 25

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

5. Degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).

---

X

No new development is proposed as part of this project. Runoff from existing development may contain small amounts of agricultural chemicals such as fertilizers and household contaminants from the existing residences. No commercial or industrial activities are proposed that would contribute a significant amount of contaminants to a public or private water supply.

6. Degrade septic system functioning?

---

X

No new development is proposed as part of this project. There is no indication that existing septic systems in the vicinity would be affected by the project.

7. Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which could result in flooding, erosion, or siltation on or off-site?

---

X

No new development is proposed as part of this project. Stream 938 heads on the site and essentially bisects the larger parcel into a west half and an east half. The existing drainage pattern is not proposed to be altered.

8. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff?

---

X

No new development is proposed as part of this project, so there will be no change in the runoff due to this proposal.

9. Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff?

---

X

No new impervious surfaces are proposed as part of the project, thus there will be no additional storm water runoff that could contribute to flooding or erosion.

<b>Significant Or Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorporation</b>	<b>Less than Significant Or No Impact</b>	<b>Not Applicable</b>
----------------------------------------------------------------------	----------------------------------------------------------------------------	-------------------------------------------------------	---------------------------

- |                                                              |                                     |
|--------------------------------------------------------------|-------------------------------------|
| 10. Otherwise substantially degrade water supply or quality? | <hr style="width: 100%;"/> <b>X</b> |
|--------------------------------------------------------------|-------------------------------------|

No new development is proposed as part of this project, so there will be no change in water supply of quality.

**C. Biological Resources**

Does the project have the potential to:

- |                                                                                                                                                                                                                                                      |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1. Have an adverse effect on any species identified as a candidate, sensitive, or special status species, in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service? | <hr style="width: 100%;"/> <b>X</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|

According to the California Natural Diversity Data Base (CNDDDB), maintained by the California Department of Fish and Game, there are no known special status plant or animal species in the site vicinity, and there were no special status species observed in the project area. The lack of suitable habitat and the disturbed nature of the site make it unlikely that any special status plant or animal species occur in the area.

- |                                                                                                                                                    |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 2. Have an adverse effect on a sensitive biotic community (riparian corridor), wetland, native grassland, special forests, intertidal zone, etc.)? | <hr style="width: 100%;"/> <b>X</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|

There are no mapped or designated sensitive biotic communities on or adjacent to the project site.

- |                                                                                                                                                                                                                                    |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 3. Interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites? | <hr style="width: 100%;"/> <b>X</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|

The proposed project does not involve any activities that would interfere with the movements or migrations of fish or wildlife, or impede use of a known wildlife nursery site.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

- |    |                                                                  |   |
|----|------------------------------------------------------------------|---|
| 4. | Produce nighttime lighting that will illuminate animal habitats? | X |
|----|------------------------------------------------------------------|---|

No new development is proposed as part of this proposal. No new sources of nighttime lighting will be produced by the rezoning and lot line adjustment.

- |    |                                                                                                 |   |
|----|-------------------------------------------------------------------------------------------------|---|
| 5. | Make a significant contribution to the reduction of the number of species of plants or animals? | X |
|----|-------------------------------------------------------------------------------------------------|---|

Refer to C-1 and C-2 above

- |    |                                                                                                                                                                                                                                                                              |   |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 6. | Conflict with any local policies or ordinances protecting biological resources (such as the Significant Tree Protection Ordinance, Sensitive Habitat Ordinance, provisions of the Design Review ordinance protecting trees with trunk sizes of 6 inch diameters or greater)? | X |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|

No new development is proposed as part of this rezoning and lot line adjustment proposal. The project will not conflict with any local policies or ordinances protecting biological resources.

- |    |                                                                                                                                                                            |   |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 7. | Conflict with the provisions of an adopted Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan? | X |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|

No new development is proposed as part of this rezoning and lot line adjustment proposal. There is no habitat conservation plan or biologic easement on the property.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

**J. Energy and Natural Resources**

Does the project have the potential to:

1. Affect or be affected by land designated as "Timber Resources" by the General Plan? \_\_\_\_\_ **X**

The project is adjacent to land designated as Timber Resource. No new development or other action is proposed as part of, nor will there be any result from, this rezoning and lot line adjustment proposal that would affect the resource or access to harvest the resource in the future. The timber resource may only be harvested in accordance with California Department of Forestry timber harvest rules and regulations.

2. Affect or be affected by lands currently utilized for agriculture, or designated in the General Plan for agricultural use? \_\_\_\_\_ **X**

The project site is currently being used for the growing of Christmas trees. No change in that activity is proposed nor will any change in that activity result from this rezoning and lot line adjustment proposal. The proposal will result in additional land being designated for agricultural use and brought under protection of the Williamson Act.

3. Encourage activities that result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner? \_\_\_\_\_ **X**

No new development is proposed as part of this rezoning and lot line adjustment proposal. The current human activity on the property, the growing of Christmas trees, is not proposed to change. No alternative activities are proposed or will be encouraged by this proposal that would result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner.

4. Have a substantial effect on the potential use, extraction, or depletion of a natural resource (i.e., minerals or energy resources)? \_\_\_\_\_ **X**

No new development is proposed as part of this rezoning and lot line adjustment proposal. The existing development on and use of the property consists of two single-family dwellings, outbuildings, and associated Christmas tree farming. There are no known minerals or energy resources of any importance, or any extraction or potential use of those, on or near the property.

significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

### **E. Visual Resources and Aesthetics**

Does the project have the potential to:

1. Have an adverse effect on a scenic resource, including visual obstruction of that resource?

**X**

Highway 35, which runs along the northerly boundary of the properties, is a designated scenic resource in the General Plan. However, because no new development is proposed as part of this rezoning and lot line adjustment proposal, it will not directly impact any public scenic resources, as designated in the County's General Plan (1994), or obstruct any public views of these visual resources.

2. Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings?

**X**

Although Highway 35, which runs along the northerly boundary of the properties, is a designated scenic resource in the General Plan, because no new development is proposed as part of this rezoning and lot line adjustment proposal, there will be no damage to scenic resources from the proposal.

3. Degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridgeline?

**X**

Although Highway 35, which runs along the northerly boundary of the properties, is a designated scenic resource in the General Plan, because no new development is proposed as part of this rezoning and lot line adjustment proposal, there will be no degradation of the existing visual character or quality of the site and its surroundings.

4. Create a new source of light or glare which would adversely affect day or nighttime views in the area?

**X**

No new development is proposed as part of this rezoning and lot line adjustment proposal so no new light source or glare will occur.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

- |    |                                                                    |   |
|----|--------------------------------------------------------------------|---|
| 5. | Destroy, cover, or modify any unique geologic or physical feature? | X |
|----|--------------------------------------------------------------------|---|

No new development is proposed as part of this rezoning and lot line adjustment proposal and there are no unique geological or physical features on or adjacent to the site that would be destroyed, covered, or modified by the project.

### **F. Cultural Resources**

Does the project have the potential to:

- |    |                                                                                                             |   |
|----|-------------------------------------------------------------------------------------------------------------|---|
| 1. | Cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5? | X |
|----|-------------------------------------------------------------------------------------------------------------|---|

No new development is proposed as part of this rezoning and lot line adjustment proposal and the existing structures on the property are not designated as a historic resources on any federal, State or local inventory.

- |    |                                                                                                                |   |
|----|----------------------------------------------------------------------------------------------------------------|---|
| 2. | Cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5? | X |
|----|----------------------------------------------------------------------------------------------------------------|---|

Although the County GIS archaeology layer shows the property as potentially containing archaeological resources, no archaeological materials are known to have been found on the property, much of which has been disturbed in the past by the tree farming. Additionally, because no new development is proposed as part of this rezoning and lot line adjustment proposal, no adverse change in the significance of any archaeological resource will occur as a result of this proposal.

- |    |                                                                                   |   |
|----|-----------------------------------------------------------------------------------|---|
| 3. | Disturb any human remains, including those interred outside of formal cemeteries? | X |
|----|-----------------------------------------------------------------------------------|---|

No new development is proposed as part of this rezoning and lot line adjustment proposal and no human remains are known to be on the site. However, pursuant to Section 16.40.040 of the Santa Cruz County Code, if at any time during any future site preparation, excavation, or other ground disturbance, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.



Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

- |    |                                                                           |   |
|----|---------------------------------------------------------------------------|---|
| 4. | Directly or indirectly destroy a unique paleontological resource or site? | X |
|----|---------------------------------------------------------------------------|---|

No new development is proposed as part of this rezoning and lot line adjustment proposal and there are no mapped or known unique paleontological resources on the site.

**G. Hazards and Hazardous Materials**

Does the project have the potential to:

- |    |                                                                                                                                                                                                   |   |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 1. | Create a significant hazard to the public or the environment as a result of the routine transport, storage, use, or disposal of hazardous materials, not including gasoline or other motor fuels? | X |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|

No new development is proposed as part of this rezoning and lot line adjustment proposal. No change is proposed in the Christmas tree farm operation or in the use of hazardous materials, if any so there will be no creation of a significant hazard regarding hazardous materials.

- |    |                                                                                                                                                                                                                             |   |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 2. | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | X |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|

The project site is not included on the April 16, 2007, list of hazardous sites in Santa Cruz County compiled pursuant to the specified code.

- |    |                                                                                                                                                                                                |   |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 3. | Create a safety hazard for people residing or working in the project area as a result of dangers from aircraft using a public or private airport located within two miles of the project site? | X |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|

There is no public or private airport within two miles of the property.

significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

4. Expose people to electromagnetic fields associated with electrical transmission lines?

X

No new development is proposed as part of this rezoning and lot line adjustment proposal and no additional people will be on-site as a result of the proposal, nor will there be any new electrical transmission lines associated with the proposal.

5. Create a potential fire hazard?

X

No new development is proposed as part of this rezoning and lot line adjustment proposal nor are there any changes proposed to the Christmas tree farming operation so there is no potential for the creation of a fire hazard associated with this proposal.

6. Release bio-engineered organisms or chemicals into the air outside of project buildings?

X

No new development is proposed as part of this rezoning and lot line adjustment proposal, there are no known bio-engineered organisms used on the site nor are any proposed to be used, and any current chemical use is minimal and related to household uses and existing agricultural practices.

## **H. Transportation/Traffic**

Does the project have the potential to:

1. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

X

No new development is proposed as part of this rezoning and lot line adjustment proposal so there will be no impact because no additional traffic will be generated.

2. Cause an increase in parking demand which cannot be accommodated by existing parking facilities?

X

No new development is proposed as part of this rezoning and lot line adjustment proposal so no increase in parking demand will be generated.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

3. Increase hazards to motorists, bicyclists, or pedestrians?

**X**

No new development is proposed as part of this rezoning and lot line adjustment proposal so there will be no increase in hazards to motorists, bicyclists, or pedestrians.

4. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways?

**X**

No new development is proposed as part of this rezoning and lot line adjustment proposal.

#### **1. Noise**

Does the project have the potential to:

1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

**X**

No new development is proposed as part of this rezoning and lot line adjustment proposal so the proposal will not create an incremental increase in the existing noise environment.

2. Expose people to noise levels in excess of standards established in the General Plan, or applicable standards of other agencies?

**X**

No new development is proposed as part of this rezoning and lot line adjustment proposal so there will be no increase in noise levels from those existing.

3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

**X**

No new development is proposed as part of this rezoning and lot line adjustment proposal so there will be no temporary or periodic increases in ambient noise levels

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

## **J. Air Quality**

Does the project have the potential to:  
 (Where available, the significance criteria  
 established by the MBUAPCD may be relied  
 upon to make the following determinations).

- |    |                                                                                                                 |                |
|----|-----------------------------------------------------------------------------------------------------------------|----------------|
| 1. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | _____ <b>X</b> |
|----|-----------------------------------------------------------------------------------------------------------------|----------------|

**No** new development is proposed **as** part of this rezoning and lot line adjustment proposal so there will be no increase in emissions that would violate any air quality standard.

- |    |                                                                          |                |
|----|--------------------------------------------------------------------------|----------------|
| 2. | Conflict with or obstruct implementation of an adopted air quality plan? | _____ <b>X</b> |
|----|--------------------------------------------------------------------------|----------------|

**No** new development is proposed as part of this rezoning and lot line adjustment proposal so there will be no conflict with or obstruction of implementation of the regional air quality plan. See J-1 above.

- |    |                                                                     |                |
|----|---------------------------------------------------------------------|----------------|
| 3. | Expose sensitive receptors to substantial pollutant concentrations? | _____ <b>X</b> |
|----|---------------------------------------------------------------------|----------------|

**No** new development is proposed as part of this rezoning and lot line adjustment proposal so there will be no change in exposure of sensitive receptors to pollutant concentrations.

- |    |                                                                      |                |
|----|----------------------------------------------------------------------|----------------|
| 4. | Create objectionable odors affecting a substantial number of people? | _____ <b>X</b> |
|----|----------------------------------------------------------------------|----------------|

**No** new development is proposed **as** part of this rezoning and lot line adjustment proposal so no objectionable odors will be created.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

# K. Public Services and Utilities

Does the project have the potential to:

1. Result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

a. Fire protection?			X
b. Police protection?			X
c. Schools?			X
d. Parks or other recreational activities?			X
e. Other public facilities; including the maintenance of roads?			X

No new development is proposed as part of this rezoning and lot line adjustment proposal so there will be no contribution to the need for new or increased services.

2. Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

	X
--	---

No new development is proposed as part of this rezoning and lot line adjustment . proposal so there will be no increase in stormwater runoff and no need to construct new or expand existing stormwater facilities.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

3. Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

---

X

No new development is proposed as part of this rezoning and lot line adjustment proposal. The Christmas tree farm and residential use currently and will continue to rely on individual wells for water supply. Public water delivery facilities will not have to be expanded.

No new development is proposed as part of this rezoning and lot line adjustment proposal so no new, expanded, or upgraded sewage disposal system is needed. The property is currently and will continue to be served by an on-site sewage disposal system.

4. Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board?

---

X

No new development is proposed as part of this rezoning and lot line adjustment proposal. The properties' wastewater flows will not violate any wastewater treatment standards.

5. Create a situation in which water supplies are inadequate to serve the project or provide fire protection?

---

X

No new development is proposed as part of this rezoning and lot line adjustment proposal, so no new demand for water will occur.

6. Result in inadequate access for fire protection?

---

X

No new development is proposed as part of this rezoning and lot line adjustment proposal and no existing fire access roads will be changed or otherwise affected.

7. Make a significant contribution to a cumulative reduction of landfill capacity or ability to properly dispose of refuse?

---

X

No new development is proposed as part of this rezoning and lot line adjustment proposal so there will be no contribution to the reduced capacity of regional landfills.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

- a. Result in a breach of federal, state, and local statutes and regulations related to solid waste management? \_\_\_\_\_ **X**

No new development is proposed as part of this rezoning and lot line adjustment proposal and there are no issues related to solid waste management associated with this proposal.

### **L. Land Use, Population, and Housing**

Does the project have the potential to:

1. Conflict with any policy of the County adopted for the purpose of avoiding or mitigating an environmental effect? \_\_\_\_\_ **X**

No new development is proposed as part of this rezoning and lot line adjustment proposal. The proposal does not conflict with any policies adopted for the purpose of avoiding or mitigating an environmental effect.

2. Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect? \_\_\_\_\_ **X**

No new development is proposed as part of this rezoning and lot line adjustment proposal. The proposal does not conflict with any regulations adopted for the purpose of avoiding or mitigating an environmental effect.

3. Physically divide an established community? \_\_\_\_\_ **X**

No new development is proposed as part of this rezoning and lot line adjustment proposal. The project will not include any element that will physically divide an established community.

4. Have a potentially significant growth inducing effect, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? \_\_\_\_\_ **X**

No new development is proposed as part of this rezoning and lot line adjustment proposal.

Significant Or Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
-----------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------	-------------------

5. Displace substantial numbers of people, or amount of existing housing, necessitating the construction of replacement housing elsewhere?

**X**

No new development is proposed as part of this rezoning and lot line adjustment proposal.



M. Non-Local Approvals

Does the project require approval of federal, state, or regional agencies?

Yes \_\_\_\_\_

No   X  

N. Mandatory Findings of Significance

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant, animal, or natural community, or eliminate important examples of the major periods of California history or prehistory?

Yes \_\_\_\_\_

No \_\_\_\_\_

2. Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (**A** short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts endure well into the future)

Yes \_\_\_\_\_

No \_\_\_\_\_

3. Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)?

Yes \_\_\_\_\_

No \_\_\_\_\_

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Yes \_\_\_\_\_

No \_\_\_\_\_

## **TECHNICAL REVIEW CHECKLIST**

	<b><u>REQUIRED</u></b>	<b><u>COMPLETED*</u></b>	<b><u>N/A</u></b>
Agricultural Policy Advisory Commission (APAC) Review		<b>01-18-07</b>	
Archaeological Review			<b>X</b>
Biotic Report/Assessment			<b>X</b>
Geologic Hazards Assessment (GHA)			<b>X</b>
Geologic Report			<b>X</b>
Geotechnical (Soils) Report			
Riparian Pre-Site			<b>X</b>
Septic Lot Check			<b>X</b>
Other:			

### **Attachments:**

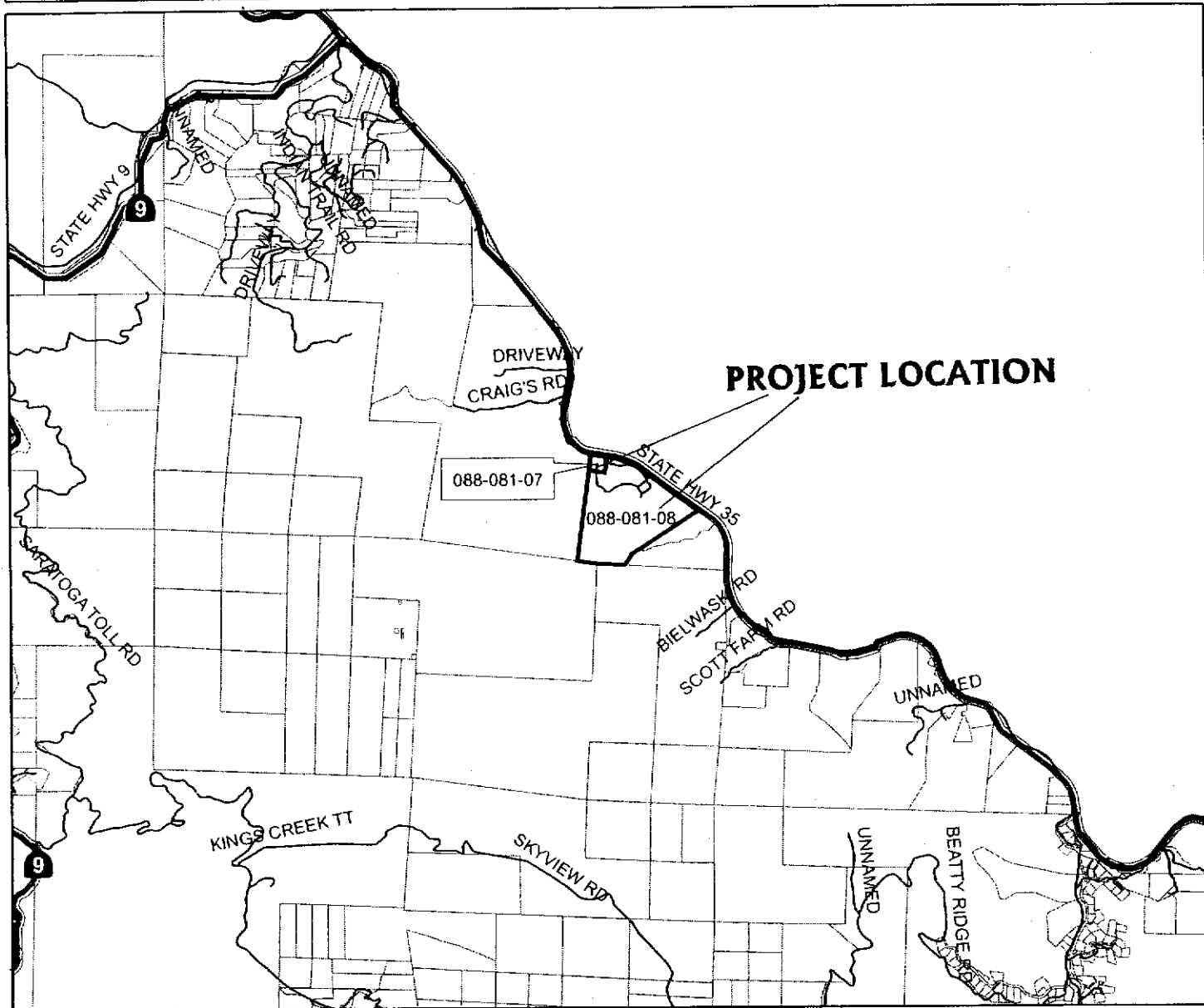
1. Location Map
2. General Plan Designation Map
3. Zone District Map
4. Assessors Parcel Map
5. Lot Line Adjustment map prepared by Westfall Engineers, dated September 2006
6. APAC staff report **01-18-07**
7. Williamson Act definition

### **Other technical reports or information sources used in preparation of this Initial Study**

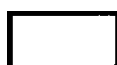



**None**

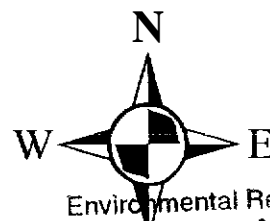


# Location Map



## Legend

-  Subject Parcels
-  Assessors Parcels
-  Streets
-  State Highways

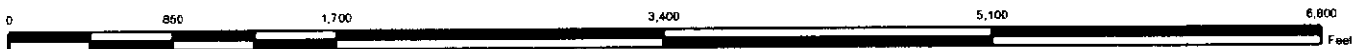
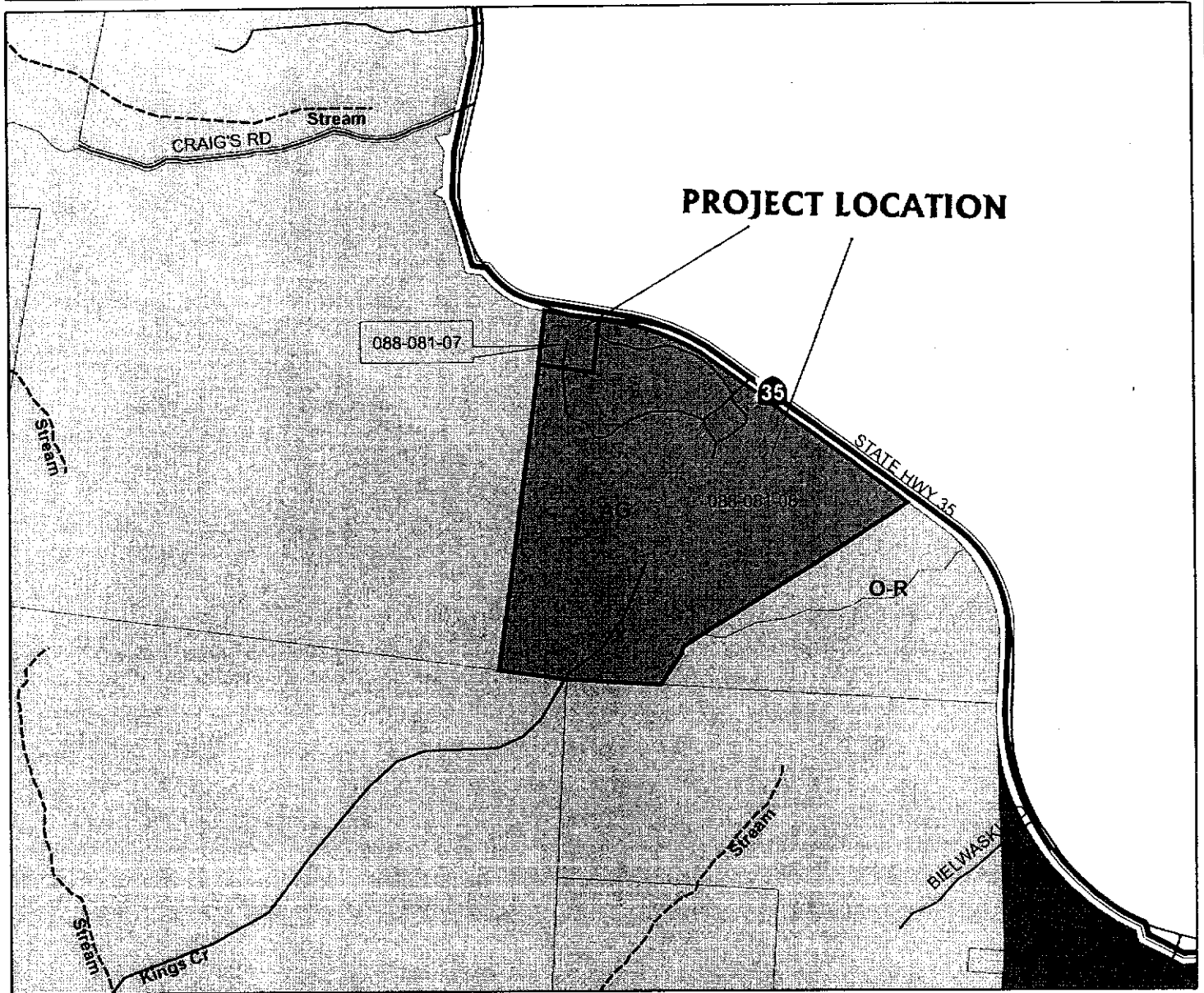


Environmental Review Initial Study  
ATTACHMENT 1  
APPLICATION 06-0589










Map Created by  
County of Santa Cruz  
Planning Department  
November 2006

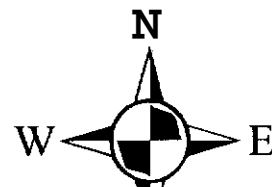


# General Plan Designation Map



## Legend

-  Subject Parcels
-  Assessors Parcels
-  Streets
-  State Highways
-  INTERMITTENT STREAM
-  PERENNIAL STREAM
-  Agriculture (AG)
-  Parks and Recreation (O-R)
-  Residential-Mountain (R-M)

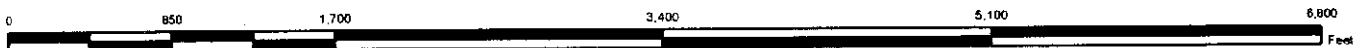
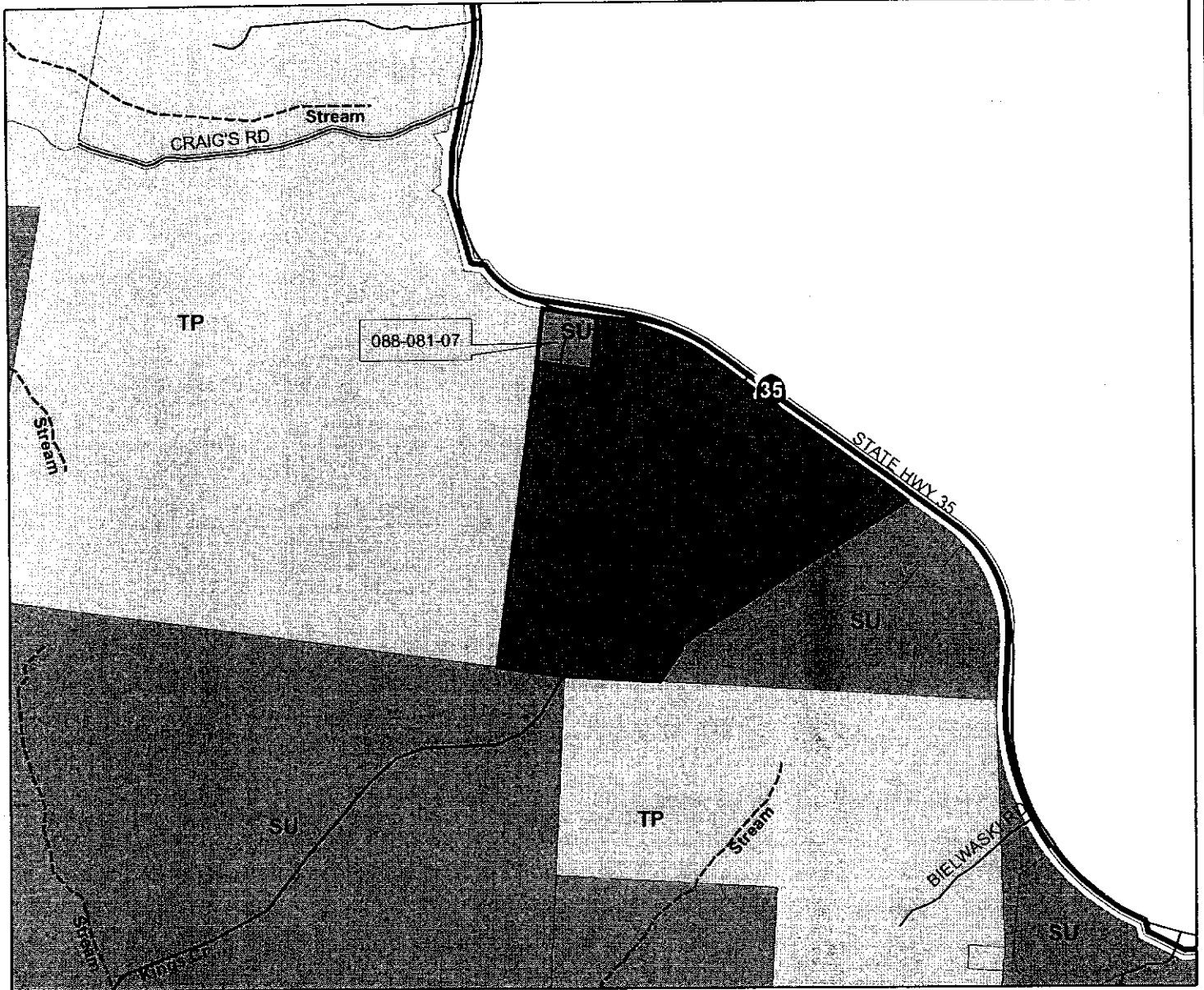


Environmental Review Initial Study  
ATTACHMENT 2  
APPLICATION 06-0589










Map Created by  
County of Santa Cruz  
Planning Department  
November 2006

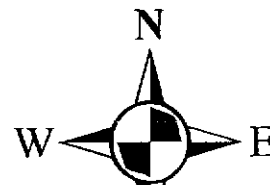


# Zoning Map



## Legend

-  Subject Parcels
-  Assessors Parcels
-  Streets
-  State Highways
-  INTERMITTENT STREAM
-  PERENNIAL STREAM
-  AGRICULTURE COMMERCIAL (CA)
-  SPECIAL USE (SU)
-  TIMBER PRODUCTION (TP)



Environmental Review Initial Study  
ATTACHMENT 3  
APPLICATION 06-0589

Map Created by  
County of Santa Cruz  
Planning Department  
November 2006

FOR TAX PURPOSES ONLY

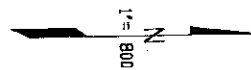
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY  
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. SECS. 7, 17 & 18, T.8S., R.2W., M.D.B. & M.

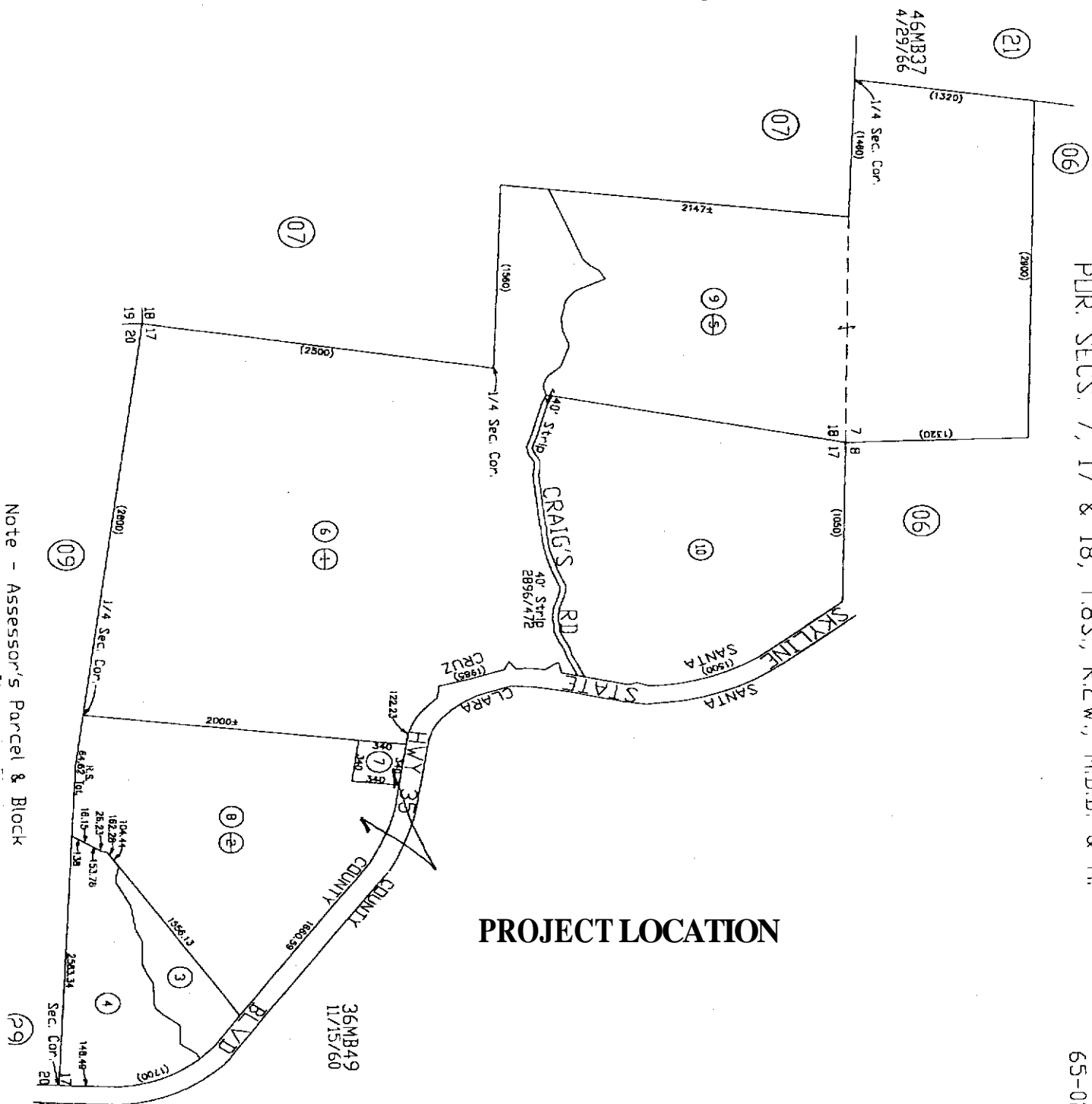
Tax Area Code  
65-021

88-00

Environmental Review Initial Study  
ATTACHMENT 4  
APPLICATION 06-0589

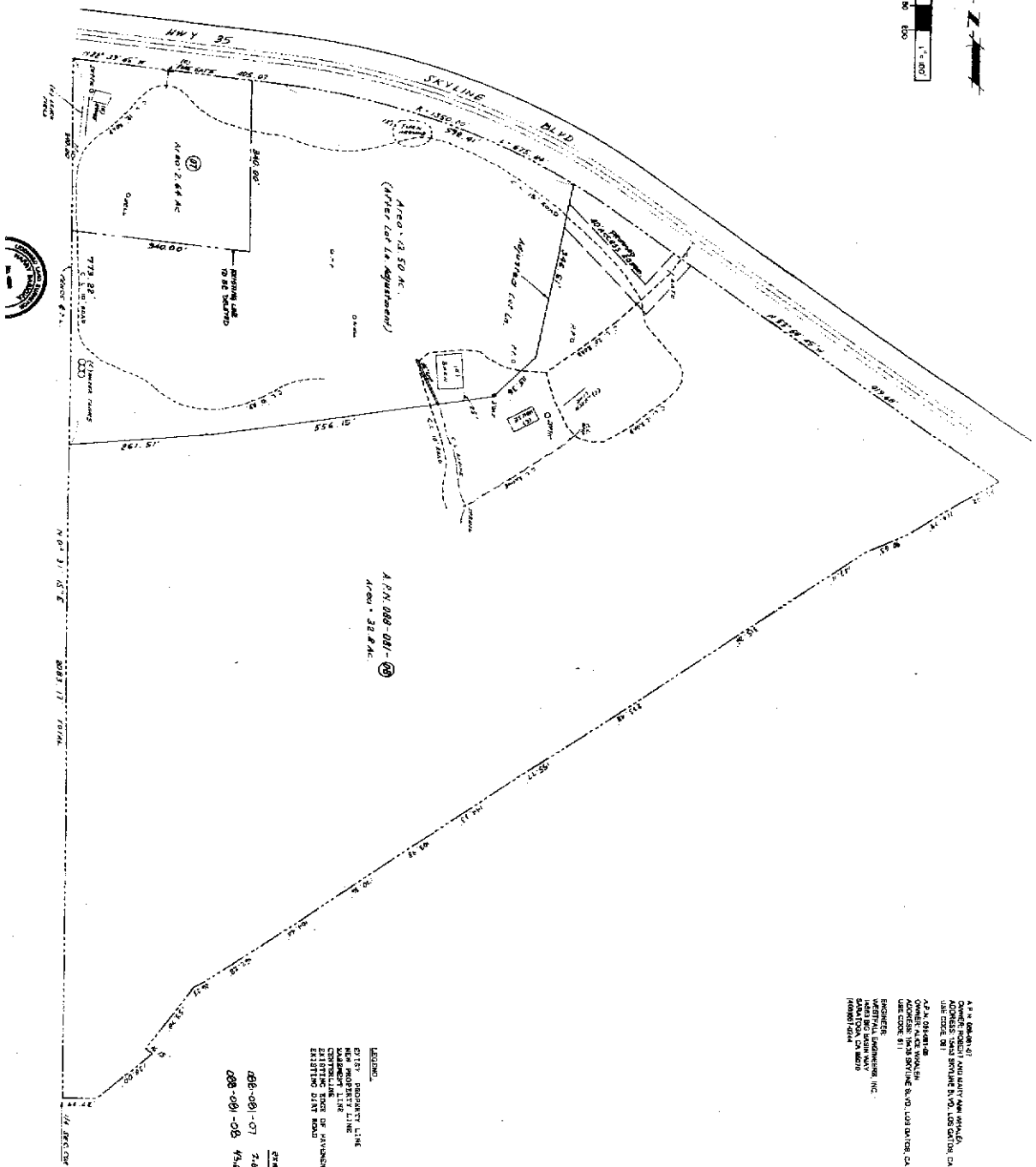
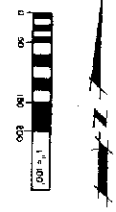


PROJECT LOCATION



Note - Assessor's Parcel & Block

Assessor's Map No. 88-08  
County of Santa Cruz, Calif.



A. J. BARNES & SONS, INC.  
 ENGINEERS, ARCHITECTS, LANDSCAPE ARCHITECTS  
 ADDRESS: 1000 SKYLINE BLVD, LOS GATOS, CA 95030  
 PHONE: (408) 354-1111  
 FAX: (408) 354-1112  
 ENGINEER: A. J. BARNES & SONS, INC.  
 ARCHITECT: A. J. BARNES & SONS, INC.  
 LANDSCAPE ARCHITECT: A. J. BARNES & SONS, INC.

LEGEND:  
 DOTTED LINE  
 NEW PROPERTY LINE  
 DASHED LINE  
 EXISTING EASE OR EASEMENT  
 EXISTING LOT LINE

EXISTING	PROPOSED	DIFFERENCE
APN 088-081-07	7.01 AC	13.50 AC
APN 088-081-08	49.46 AC	52.80 AC
		-10.34 AC (19.46 AC)

Environmental Review Initial Study  
 ATTACHMENT 5  
 APPLICATION 06-01 89

DATE	11/1/00
BY	WESTFALL ENGINEERS, INC.
REVISION	1. 11/1/00
DESCRIPTION	LOT LINE ADJUSTMENT
PROJECT	15435 SKYLINE BLVD, LOS GATOS, CA



WESTFALL ENGINEERS, INC.  
 15435 SKYLINE BLVD, LOS GATOS, CA 95030  
 (408) 354-1111

LOT LINE ADJUSTMENT  
 APN 088-081-07 & 08  
 15435 SKYLINE BLVD, LOS GATOS, CA



## Staff Report to the Agricultural Policy Advisory Commission

Application Number: **06-0589**

Applicant: Ron Powers

Date: January **18, 2006**

Owners: Robert E. & Mary *Ann* Whalen

Agenda Item: # **9**

APN: 088-081-07 & -08

Time: 1:30p.m.

**Project Description:** Proposal to transfer about 10.86 acres from Assessor's Parcel Number 088-081-08 to APN 088-081-07, resulting in two parcels of 32.8 acres and 13.5 acres respectively.

**Location:** Properties located on the south side of Skyline Boulevard, about 2.4 miles east from the intersection of Highway 9 at 15435 Skyline Boulevard in Los Gatos.

**Permits Required:** Requires a Lot Line Adjustment and Agricultural Policy Advisory Commission Review of an Agricultural Viability Determination, Rezoning of APN 088-081-07 from the Special Use (SU) zone district to the Commercial Agriculture (**CA**) zone district, and Amendment of the Williamson Act contract on APN 088-081-08.

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0589, based on the attached findings and conditions.

### Exhibits

- |                                        |                                          |
|----------------------------------------|------------------------------------------|
| A. Project plans                       | H. Agricultural Viability report by Dale |
| B. Findings                            | Rush, Ph.D. dated May 1, 2006            |
| C. Conditions                          | I. Land Conservation Contract 2-17-77    |
| D. Categorical Exemption (CEQA)        | J. Rezoning Resolution for APN 088-      |
| E. Assessor's parcel map, Location map | 081-07 <b>from</b> SU to CA              |
| F. Zoning map, General Plan map        | K. Site photograph                       |
| G. Comments & Correspondence-          |                                          |

### Parcel Information

Parcel Sizes: 2.6 and 43.7 acres  
Existing Land Use - Parcels: Christmas tree farm, two single-family residences  
Existing Land Use - Surrounding: Castle Rock State Park, very **low** density residential

Environmental Review Initial Study  
**ATTACHMENT** 6, Lot 27  
**APPLICATION** 06-0589



Project Access: Highway 35, Skyline Boulevard  
Planning Area: Skyline  
Land Use Designation: A (Agriculture)  
Zone District: SU (Special Use District) APN 088-081-07 and CA  
(Commerical Agriculture) APN 088-081-08  
Supervisorial District: Fifth (District Supervisor: Stone)  
Within Coastal Zone:      Inside   X   Outside

#### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Lompico-Felton complex, Madonna loam  
Fire Hazard: Not a mapped constraint  
Slopes: 15 – 30 percent slopes  
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  
Archaeology: Mapped/no physical evidence on site

#### Services Information

Inside Urban/Rural Services Line:      Yes   X   No  
Water Supply: Private well  
Sewage Disposal: CSA #12, private septic system  
Fire District: CDF  
Drainage District: Non-zone

#### Analysis

Environmental Review Initial Study  
ATTACHMENT 6, 2 of 27  
APPLICATION 06-0589

The proposed lot line adjustment will transfer approximately 10.86 acres from APN 088-081-08 to APN 088-081-07 (Exhibit A). The subject parcels have both been actively engaged in Chnstmas tree farming by the Whalen family since 1963. Currently, APN 088-081-07 is 2.6 acres and APN 088-081-08 is 46.3 acres. Each parcel is developed with an existing single-family dwelling and there is an existing barn on APN 088-081-08 which would be located on APN 088-081-07 after the proposed lot line adjustment. General Plan Policy 5.14.6 encourages the pursuit of agriculture, particularly tree crops and open field horticulture, to provide visually pleasing open space. This is of particular importance in view of the property's location in the vicinity of Castle Rock State Park, which provides spectacular vistas across tree covered peaks and valleys with views out to Monterey Bay.

After the lot line adjustment both parcels will be over the minimum IO-acre size required for the Special Use (SU) zone district. The Special Use zone district provides for flexibility of use and regulation, which is necessary to ensure consistency with the parcels' General Plan Agriculture (A) designation. A single-family dwelling and agricultural uses are principal permitted uses in the SU zone district as per County Code Section 13.10.382. The land transferred from APN 088-081-08 will not reduce that parcel below the minimum IO-acre size for the zone district as the parcel remains at 32.8 acres. The land is under Williamson Act as per 75-1255-AP.

The transfer of this property from one owner to the other shall not increase the development potential on either property. No new building sites will be created as a result of **this** application. There are two parcels currently and there will be two parcels as a result of **this** permit. No new parcels will be created.

### Agricultural **Viability** Determination

An Agricultural Viability Report was prepared for the "Choose and Cut" Christmas tree farm (Exhibit H). The report studied both parcels to investigate whether **the** lot line adjustment would impact the ability of the larger parcel APN 088-081-08 to sustain the tree production operation with the transfer of 10.86 acres, and if the land added to the smaller parcel APN 088-081-07 would sustain a second independent operation.

The existing farm utilizing both parcels has provided a viable economic return since 1963. Approximately 24 acres of the total 46 acres is planted with Christmas trees, mainly Douglas and White fir trees. About 15 acres of trees would remain on the larger parcel and 8 acres of trees on the smaller parcel after the proposed lot line adjustment. Trees are spaced on a 5' x 5' grid. Trees are harvested at an average age of 6-9 years. Timely planting of replacement trees and intensity of management will affect sustainability of both operations. The Christmas tree farms benefit from an annual average rainfall of about 55 inches, so that little supplemental irrigation is required. Trees existing on the properties are at different stages of development so that gradual replacement as trees are cut sustains the operation. In addition, proximity to the Silicon Valley and high visibility afforded to visitors to the nearby castle Rock State park, contribute to the agricultural viability of both parcels.

### **Williamson Act** Considerations

Government Code Section 51257 regulates minor lot line adjustments for properties under Williamson Act contract. The larger 46.3-acre parcel, APN 088-081-**08** entered into a Williamson Act contract on February 27, 1976 recorded February 17, 1977 (Exhibit I). The contract has automatically renewed and remains in effect. The smaller 2.6-acre parcel is zoned Special Use (SU) and is not under Williamson Act contract. New contracts would be required to be approved by the Board of Supervisors. The Board must make the findings that the new contracts would restrict the properties 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 parcels 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 lots must remain consistent with the General Plan. A rezoning of the smaller parcel from SU to *Commercial Agriculture* (CA) would be required. Both parcels carry an Agriculture (A) General Plan designation.

Environmental Review Initial Study  
ATTACHMENT 6.3 of 27  
APPLICATION 06-0589

Findings are on file in the County Planning Department.

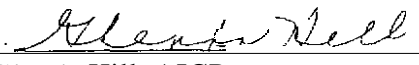
### Recommendation

- Staff recommends that your Commission **ACCEPT** the Agricultural Viability Determination and **ADOPT** Resolution **2007-01** recommending a rezoning of APN 088-081-07 from the Special Use (SU) zone district to the Commercial Agriculture (CA) zone district, proposed under Application # 06-0589, and based on the attached findings and recommended conditions; and
- Forward the application to the Planning Commission and Board of Supervisors to consider the proposed Lot Line Adjustment and rezoning of APN 088-081-07 from the Special Use (SU) district to Commercial Agriculture (CA) to enter into a Williamson Act Land Conservation contract.

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)

Report Prepared By: Joan Van der Hoeven, AICP  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz **CA** 95060  
Phone Number: (831) 454-5174  
E-mail: [pln140@co.santa-cruz.ca.us](mailto:pln140@co.santa-cruz.ca.us)

Report Reviewed By:   
Glenda Hill, AICP  
Principal Planner  
Long Range Planning  
Santa Cruz County Planning Department

Environmental Review Initial Study  
ATTACHMENT 6, 4 of 27  
APPLICATION 06-0589

## Lot Line Adjustment Findings

1. The lot line adjustment will not result in a greater number of parcels than originally existed.

This finding can be made, in that there were two parcels prior to the adjustment and there will be two parcels subsequent to the adjustment.

2. The lot line adjustment conforms with the county zoning ordinance (including, without limitation, County Code section 13.10.673), and the county building ordinance (including, without limitation, County Code section 12.01.070).

This finding can be made, in that no additional building sites will be created by the transfer as both parcels are currently developed with a single-family dwelling. Both of the parcels have a General Plan designation of 'Agriculture' and the minimum parcel size shall be determined by the Agricultural policy Advisory Commission based upon review of the agricultural viability study (Exhibit H. Neither of the parcels are zoned 'TP' or have a designated Timber Resource as shown on the General Plan maps. The proposal complies with the General Plan designation of the parcels Agriculture **(A)** per 13.10.673(e).

3. No affected parcel may be reduced or further reduced below the minimum parcel size required by the zoning designation, absent the grant of a variance pursuant to County Code section 13.10.230.

This finding can be made, in that neither of the parcels included in the proposal will be reduced below the minimum parcel size required by the zone district as a result of this lot line adjustment. Both parcels remain above 10 acres as per County Code Section 13.10.313.c. Assessor's Parcel Number 088-081-07 will increase in area from 2.64 acres to 13.5 acres and APN 088-081-08 will decrease in area from 46.3 acres to 32.8 acres.

Environmental Review Initial Study  
ATTACHMENT 6, 508 27  
APPLICATION 06-0589

## 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 use designation, which requires a ten-acre minimum parcel size. The proposed **CA** (Commercial Agriculture) zone district will be appropriate to achieve consistency with the surrounding pattern of development.

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 project site is not within the Urban Services Line (USL) and is not presently served by all public utilities. The existing two single-family dwellings on the Chnstmas tree farm are served by a private water well and septic system which is adequate to serve the existing development.

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.

This finding can be made, in that the surrounding parcels are zoned for open space for agriculture, timber production and state park lands. The public interest would be better served through rezoning APN 088-081-07 from the SU to the CA zone district to allow an internally consistent agricultural uses on the site. The proposed CA (Commercial Agriculture) zone district will be consistent with the existing pattern of development in the vicinity. The land will be entered into a Williamson Act land conservation contract and has been determined to be a viable agricultural property in terms of economic sustainability as a Christmas tree farm.

Environmental Review Initial Study

ATTACHMENT  
APPLICATION

6, 6 of 27

### Conditions of Approval

Exhibit A: Tentative Map, 1 sheet, prepared by Westfall Engineers, Inc., dated September 2006.

- 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 property(ies) or portion(s) of property to be transferred:
  - A. "The purpose of the deed is to adjust the boundary between Assessor's Parcel Number 088-081-07 and Assessor's Parcel Number 088-081-08 as approved by the County of Santa Cruz under Application 06-0589. 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. 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.

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 and **is no** longer valid **if** the boundary adjustment is not recorded prior **to** the expiration date listed below.

Approval Date: 1-18-2007

Effective Date: 2-02-2007

Expiration Date: 2-02-2009

Environmental Review Initial Study  
ATTACHMENT 6, 7 & 27  
APPLICATION 06-0589

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: **06-0589**

Assessor Parcel Number: 088-081-07 & -08

Project Location: **15435** Skyline Boulevard, Los Gatos CA 95033

Project Description: **Lot** line adjustment

Person or Agency Proposing Project: **Ron** Powers, Powers Land Planning, **Inc.**

Contact Phone Number: **831-426-1663**

- 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 5 - Minor Alterations in Land Use Limitations - Section 15305

F. Reasons why the project is exempt:

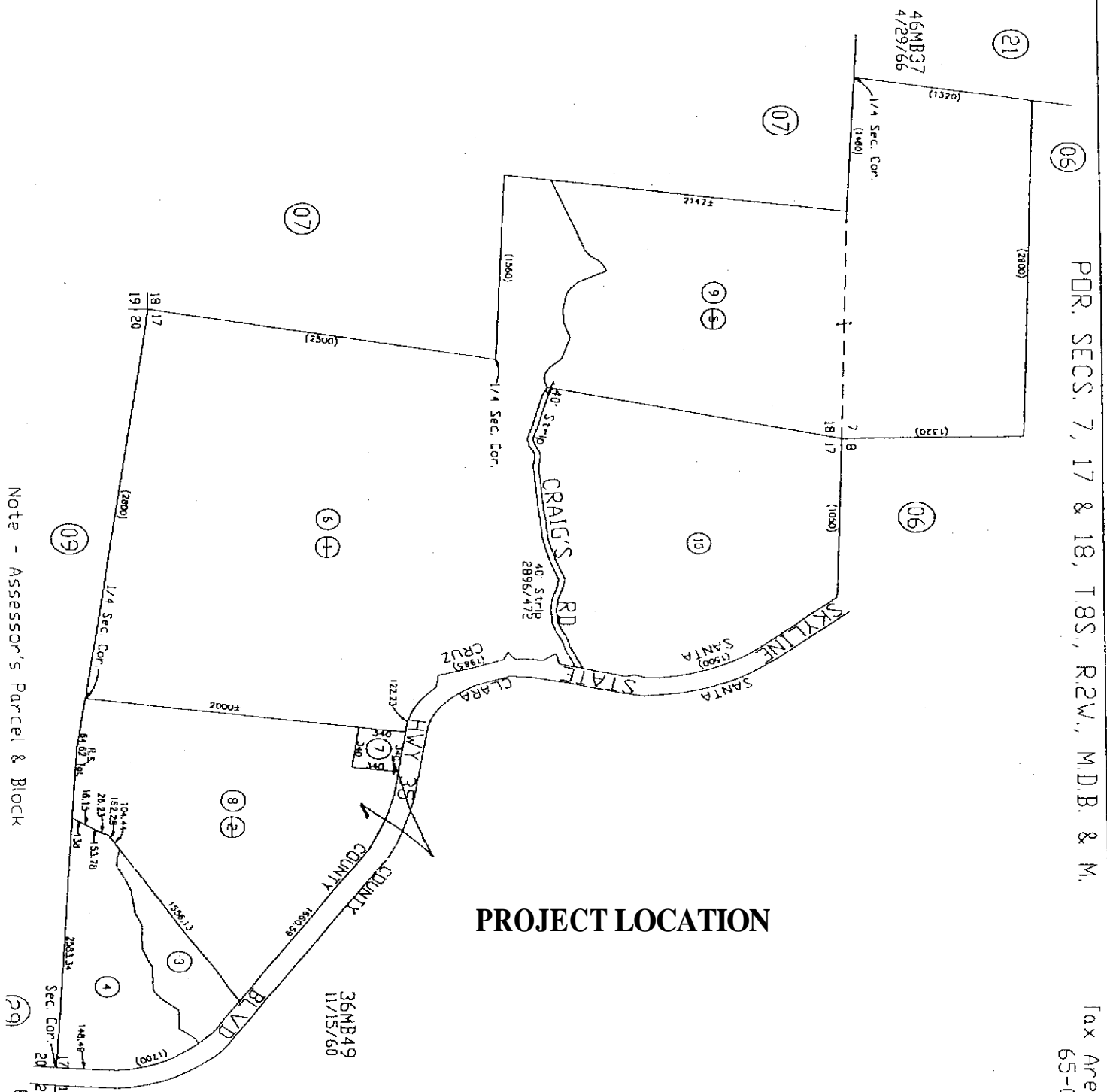
Lot line adjustment

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

\_\_\_\_\_  
Joan Van der Hoeven, Project Planner

Date: January 18, 2007

Environmental Review Initial Study  
ATTACHMENT 6, 8 & 27  
APPLICATION 06-0589



PROJECT LOCATION

POR. SECS. 7, 17 & 18, T.8S, R.2W, M.D.B. & M.

Tax Area Code  
65-021

Environmental Review Initial Study  
ATTACHMENT 6, 9 & 27  
APPLICATION 06-0589

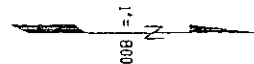


EXHIBIT E

88-08

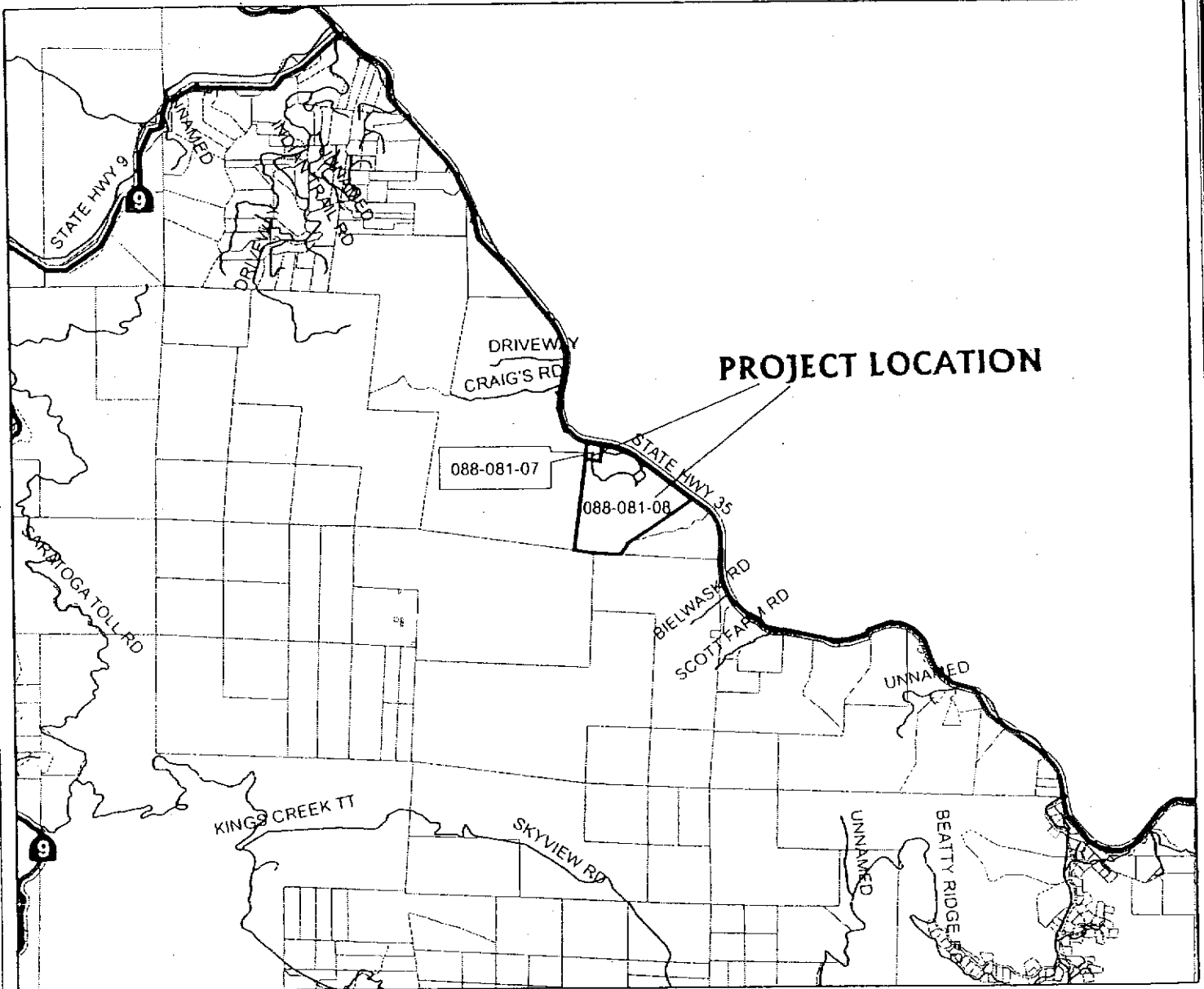
Note - Assessor's Parcel & Block

Assessor's Map No. 88-08  
County of Santa Cruz, Calif.

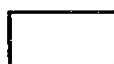

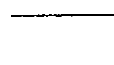



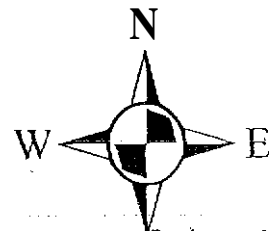


# Location Map



## Legend

-  Subject Parcels
-  Assessors Parcels
-  Streets
-  State Highways



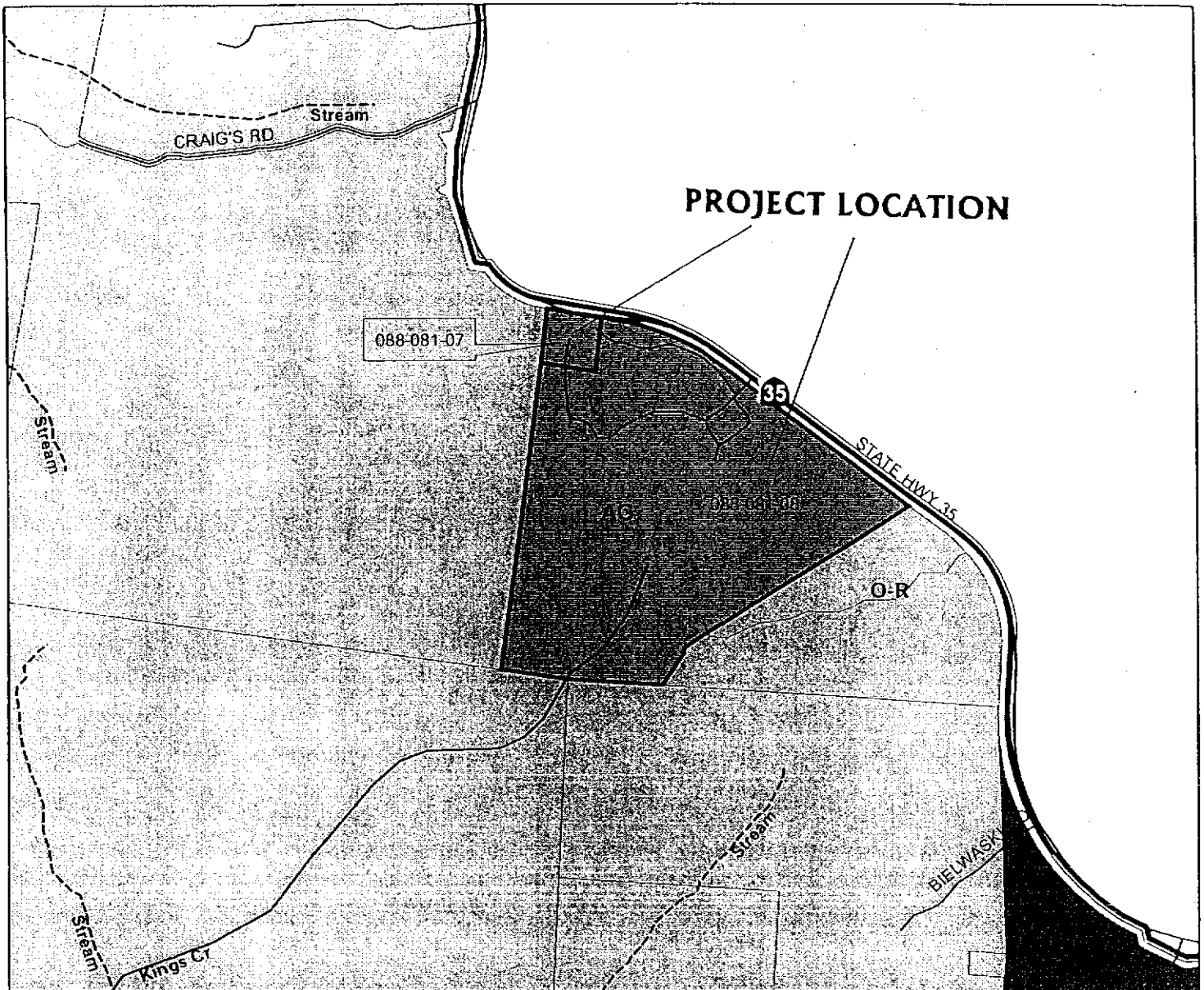
Environmental Review Initial Study  
ATTACHMENT 6, 12 of 21  
APPLICATION 06-0589

Map Created by  
County of Santa Cruz  
Planning Department  
November 2006

EXHIBIT E

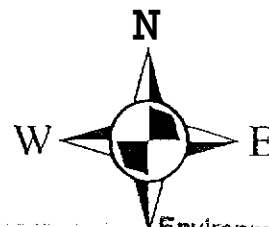


# General Plan Designation Map



## Legend

- Subject Parcels
- Assessors Parcels
- Streets
- State Highways
- INTERMITTENT STREAM
- PERENNIAL STREAM
- Agriculture (AG)
- Parks and Recreation (O-R)
- Residential-Mountain (R-M)



Environmental Review Initial Study  
ATTACHMENT 6.110123  
APPLICATION 06-0589

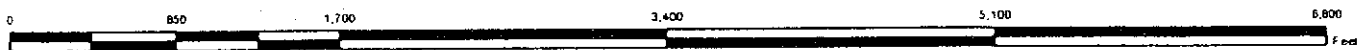
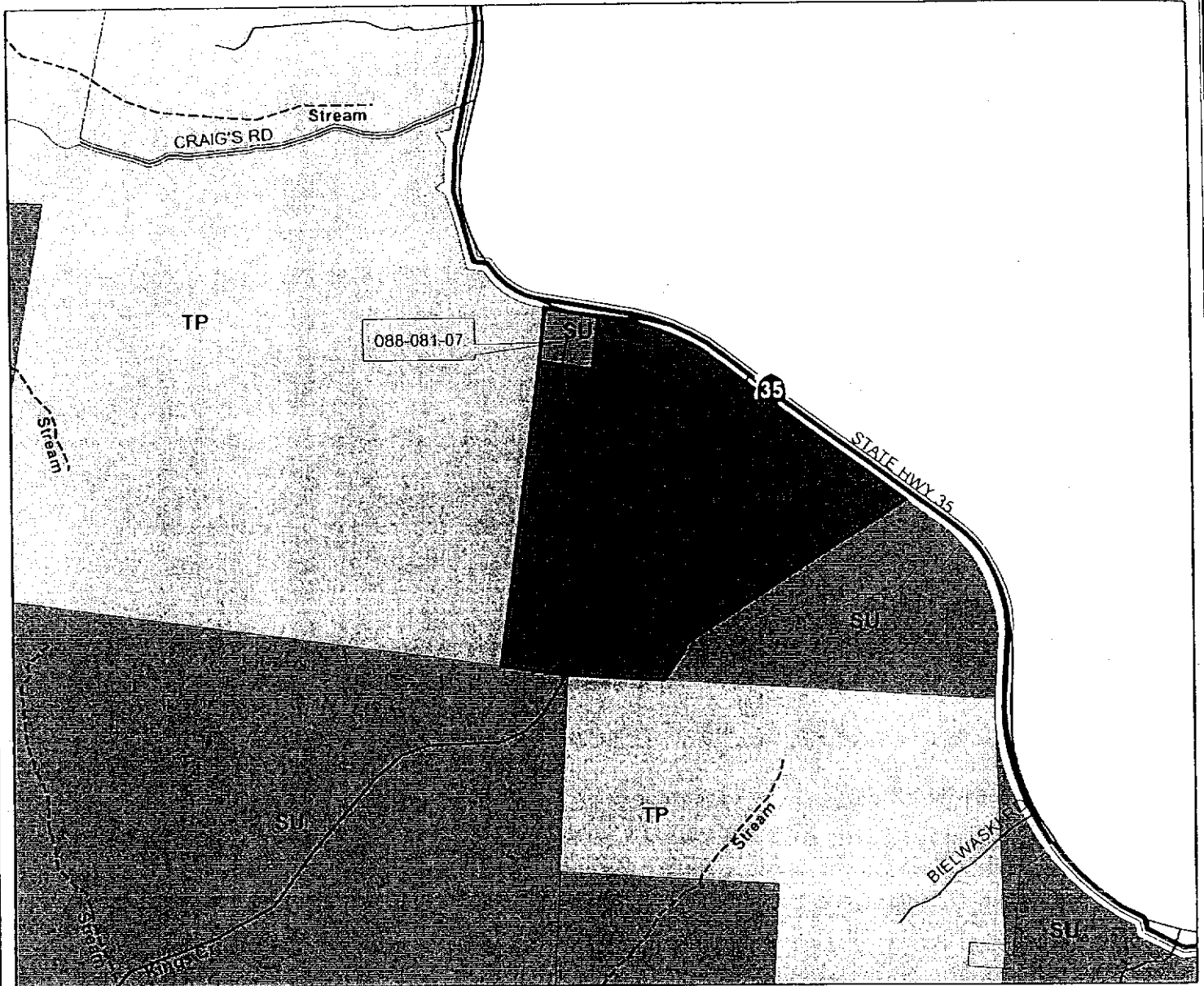
Map Created by  
County of Santa Cruz  
Planning Department

November 2006

EXHIBIT F

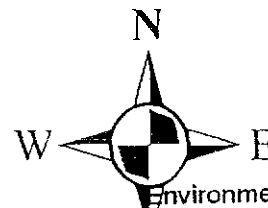


# Zoning Map



## Legend

- Subject Parcels
- Assessors Parcels
- Streets
- State Highways
- INTERMITTENT STREAM
- PERENNIAL STREAM
- AGRICULTURE COMMERCIAL (CA)
- SPECIAL USE (SU)
- TIMBER PRODUCTION (TP)



Environmental Review Initial Study  
ATTACHMENT 6, 12 of 2  
APPLICATION 06-0589

Map Created by  
County of Santa Cruz  
Planning Department  
November 2006

C O U N T Y O F S A N D I E G O  
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Joan Van Der Hoeven  
Application No.: 06-0589  
APN: 088-081-07

Date: December 22, 2006  
Time: 10:13:05  
Page: 1

---

Environmental Health Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON NOVEMBER 7, 2006 BY JIM G SAFRANEK =====  
NO COMMENT

Environmental Health Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON NOVEMBER 7, 2006 BY JIM G SAFRANEK =====  
NO COMMENT

Environmental Review Initial Study  
ATTACHMENT 6, 13 of 29  
APPLICATION 06-0589

Dale W. Rush, Ph.D.  
Edwin E. Sieckert, M.S.  
Neil H. Phillips, Sr.  
Larry Liggett, B.S.

## *RUSH and ASSOCIATES*

AN ASSOCIATION OF INDEPENDENT AGRICULTURAL CONSULTANTS

28951 Falcon Ridge Road  
Salinas, California 93908  
Office: (831) 484-4834  
Fax: (831) 484-4837

May 1, 2006

File No. 6009.07

### **Agricultural Viability Report**

This document was prepared for **Mr. Robert and Mrs. Mary Ann Whalen**, 15435 Skyline Boulevard, Los Gatos. CA 95033.

The subject property is located at and about the above address, listed as APNs 088-081-07 and 08, within Section 17, Township 8S, Range 2W, Mt. Diablo B/M, Santa Cruz County, CA (Exhibit 1). The issue at hand is whether a property lot line adjustment to APN 088-081-07 toward the east and south to expand it from approximately **2.6** acres to approximately 13.5 acres will affect the agricultural viability of the remaining area within the subject APN 088-081-08. The change would reduce the **subject** parcel **from** approximately 46.3 acres to 32.8 acres.

The current use of both properties is mainly as a "Choose and Cut" Christmas tree farm that also contains two residences, a maintenance building and equipment storage. In addition to those uses there are approximately 20 acres of standing timber (mostly Douglas fir) and other naturally occurring hardwood species. Following the proposed lot line adjustment, approximately 11 acres of **APN 088-081-08** would remain as an existing Christmas tree farm, with approximately 4-6 acres of land suitable for expansion of that enterprise. The remaining area contains a mix of open and brushy areas, harvestable timber (Douglas fir) and hardwood species, mostly deciduous **oaks**, Madrone, California Bay, and tanoak. A substantial part of APN 088-081-07 (approximately 2 acres) is currently planted to Christmas trees, with the remainder used as a residence.

#### History

The area currently in Christmas trees was originally cleared around the turn of the twentieth century and planted with pear or apple trees, with the remainder used for timber production as a commercial enterprise. The first experimental Christmas tree plantings on the property were made in 1949. By the early 1960's tree fruit production **was** no longer a viable enterprise and the land was completely converted to commercial Christmas tree production starting in 1963, and has since been in continuous use for that purpose. APN 088-081-08 is enrolled in the Williamson Act, designated as agricultural land for assessment purposes.

#### **Current agricultural use**

The current agricultural use of the majority of both parcels (approximately 24 acres) is for Christmas tree production, with a range of tree age and variety from recently planted hybrid Douglas fir and White fir, to trees that are of a size and maturity for cutting in the upcoming season (Exhibit 2). The remainder of the parcels is used for limited timber production and firewood on a maintenance basis.

Environmental Review Initial Study  
ATTACHMENT 6, 14 of 27  
APPLICATION 06-0589

### Agricultural viability

The basis for evaluating agricultural viability includes several factors such as current use(s), land use capability, parcel size, related enterprises, local and adjacent land use, environmental conditions, potential economic return, and in this instance historical productivity and potential for continued productivity. Those issues were evaluated to determine appropriateness of the intended use following the proposed lot line adjustment.

### Land capability

Review of the current U.S. Soil Conservation Service (USSCS) Soil Survey for Santa Cruz County revealed four soil series mapped within the subject property boundaries. Specific uses (listed and observed), and acreage are delineated below for a combined total of 46.3 acres (Exhibit 3). They are:

710-Ben Lornond sandy loam (Land Capability Class 3e-1) 13.2 acres (29%). Agricultural uses include timber production, apple/pear orchards, Christmas tree farms, tree nurseries and pasture.

143-Lompico-Felton complex (LCC 6e) 17.7 acres (38%). Agricultural uses include timber and firewood production and pasture.

144-Lompico-Felton complex (LCC 7e) 4.8 acres (10%). Agricultural uses include timber and firewood production and grazing.

149-Madonna loam (LCC 4e-1) 10.6 acres (23%). Agricultural uses include timber and firewood production, apple/pear orchards and Christmas tree farms.

Of the listed soil units mapped on the subject property, three (110, 143, and 149) of the four support farmed Christmas trees, including essentially all of both Ben Lomond and Madonna units, with areas within the Lompico unit (143) also planted for seasonal sales.

### Local and surrounding land uses

The subject property is essentially surrounded by Castle Rock State Park, managed as mostly natural lands with mature timber, mixed hardwood forests, and variably open areas of native shrubbery and grasslands, formerly used for timber production, grazing and orchards. The general area also contains numerous homes in forest and pasture settings, as well as other Christmas tree farms. Access is by an adequately maintained two-lane blacktop all weather road identified as both California State Highway 35 and as Skyline Blvd. (ref: Exhibit 1). There is considerable visitation of the park, which assures a high degree of visibility of the Christmas tree farm, and thereby a sustainable business potential.

Environmental Review Initial Study  
ATTACHMENT 6, 15 of 27  
APPLICATION 06-0589

### Environmental conditions

The subject location lies at a North latitude of 37° 14 minutes and West longitude of 122° 6 minutes, at an elevation of 2,800- 3,000 feet above sea level as determined by GPS measurements and review of topographical maps. Rainfall as reported by Mr. Whalen over the last five decades and confirmed by other sources averages approximately 55 inches of precipitation per year, mostly rainfall during fall, winter, and spring periods. In addition to seasonal rainfall, additional moisture *is* derived *from* fog drip during otherwise dry months. The frost-free period is 220-245 days per year, based upon information from the soil survey report.

Those conditions have been adequate to supply the moisture needs and growing days for the existing Christmas tree **farm** since inception (1949). and no additional regular irrigation has been required for **establishment** and *growth of* trees **of** either Douglas or White fir species. However, Irrigation facilities remain from previous use as pear and apple orchards, production of which terminated in 1963.

### Economic viability

Continued economic viability is a key issue in the analysis. Historically, the property has been both occupied and operated continuously as a "Chouse and Cut" Christmas tree farm since the first trees matured in the mid 1960's. Continuous operation to the present (more than 40 years) supports long-term viability and reported profitability of the enterprise. Review of Whalen IRS/state filing documents for the last five years (2001-05) revealed reported income averaging approximately \$76,000 per annum from tree farm sales (Exhibit 4).

The issue is: If the lot line is adjusted, can the remaining area (33 acres) within APN 088-081-08 continue to be a viable agricultural enterprise. Evaluation of current and projected economic factors and expected returns are provided below. It should be noted that the significant issue in such matters is not whether such an enterprise will produce adequate revenue to be a sole source of income. but rather, will it produce more income than required costs to sustain the operation, e.g. produce a reasonable expectation of a significant profit above operating expenses.

The University of California Cooperative Extension Service (UCCE) publishes cost studies on production of various agricultural commodities including Christmas trees. The most recent study on a "Choose and Cut" Christmas tree farm was published in 2005 (Exhibit 5). Published information can be used as a guideline and modified as necessary to conform to site-specific data to predict performance potential. Using such a guideline and inputting relevant data can predict profit potential. This approach was used in evaluating the profit potential of the subject parcel after a lot line adjustment that would change the area of production within the 08 APN, although the overall area of Christmas tree production within both the 07 and 08 APNs would not be reduced.

Environmental Review with Study  
ATTACHMENT 6, 16 of 27  
APPLICATION 06-0589

#### Production parameters, data and assumptions

The Christmas tree spacing on the subject property is primarily a 4-5' by 4-6' grid spacing with 5' x 5' being the most common. This is consistent with the UCCE cost study parameters. The two species grown are Douglas and White fir, also consistent with the UCCE cost study. Historic harvest schedule is 6-9 years depending upon species, and whether the trees are grown from seedlings or by regrowing new trees from cut stumps. This harvest schedule is similar to and consistent with the UCCE cost study. Tree value at cutting is currently \$45 for the subject and other nearby Christmas tree farms, but likely to escalate with time. By comparison the UCCE study uses \$34/tree as the likely return, with the location of the farm in relatively less affluent areas of the Sierra Nevada foothills.

The size of the farmed area used in the UCCE study is 16 gross acres, substantially smaller than the currently planted area before lot line adjustment. The planted area remaining within APN 088-081-08 after lot line adjustment is approximately 11 acres, plus 4-6 additional plantable acres, not including approximately 16-18 additional acres of steeper areas of standing timber. The farmed area within APN 07 would expand to approximately 13 acres.

There are also significant differences between the UCCE cost study and the subject area that impact costs and net return, and favor the existing Santa Cruz County sites. Variances include location (Sierra Nevada Foothills vs. coastal mountains). i.e. dryer, warmer vs. wetter, cooler. and higher tree value at sale: \$45/tree vs. \$34/tree for the SN site.

There are also substantial reductions in production costs such as lack of need for irrigation, (including establishment and maintenance of a system, labor, and power costs), not required for the subject tree farm, initial establishment costs such as land preparation, large volume tree purchases, planting costs, and lag time before first harvest: none of which are required for the subject existing tree farm(s).

While cost differences can be considered in any comparison of profitability, essentially all of those differences favor the existing Santa Cruz tree farm. However, important similarities include time to maturity for initial and continuing harvests, planting density, planted species, expected plant survival and marketability of mature trees.

Comparison of listed UCCE parameters for growing, input costs, and returns, revealed the subject Santa Cruz Christmas tree farm(s) produce superior returns (higher value for mature trees) and lower cash and overhead costs. While the projected return per tree and per acre in the UCCE study provides a profit and an incentive to establish and maintain a Christmas tree farm operation, continuing and/or moderate expansion of the Santa Cruz farms provides a better potential rate of return.

Environmental Review Initial Study  
ATTACHMENT 6, 17 et 27  
APPLICATION 06-0589



For instance, in the UCCE cost study, a viable operation scenario is a realistic expected net return of approximately \$12 per tree at an 80% productivity index and a sales price of \$34 per tree, mostly toward the end of a growing cycle of 7-12 years. However, there is a net return expectation of approximately \$23 per tree at the sales price of \$45 from the existing subject farm, and sales are current and ongoing due to variable maturity of existing trees and lower input costs.

Review of Whalen IRS/State filing data revealed revenues from the existing tree farm have averaged approximately \$76,000 per annum for the period 2001-2005. Assuming 23 acres of production, then the average return is at least \$3,300 per acre. Annual overhead costs for labor and property maintenance have averaged approximately \$900 per acre. Reported average harvest from the mixed age plantings is 100+ trees per acre per year. If the historic sales value has been similar to that used in the UCCE of \$34 per tree, then the gross return would have been \$78,000 per year for the existing plantings. This is close to the actual average reported annual income of \$76,000 from the subject property, assuming lower historical pricing, and that all cash sales were reported.

If tree sales for the remaining planted and plantable area within APN 088-081-08 after lot line adjustment are projected using a similar approach and the current sales price of \$45 per tree, 80% productivity index and plant density of 5' x 5' over approximately 15 planted acres, then the annual projected return for the property for a 10 year period for 1,394 harvestable trees at a net return of a minimum of \$23 per tree is approximately \$3,200 per acre, or \$48,000 per year. It should be noted that timely planting of replacement trees as necessary and intensity of management may affect final return.

#### Conclusion

Based upon the current condition of the subject property with a mix of trees from newly planted to ready to sell, and current planted acreage plus limited expansion to plantable land, the remaining area within APN 088-081-08 will continue to be a viable agricultural enterprise. Similarly, the expansion of APN 088-081-07 will create a profitable agricultural enterprise.



Dale W. Rush, Ph.D., CPAg/SSc

DWR:kei

Enclosures Exhibits 1-5

Environmental Review Initial Study  
ATTACHMENT 6, 18 of 27  
APPLICATION 06-0589

COMPARED

10-7-89

THIS CONTRACT made and entered into this 27th day of February, 1976, by and between PAMELA ELAINE WHALEN, MARK EDWARD WHALEN, ROBERT E. WHALEN, JR., ALICE E. WHALEN, and SUSAN E. BRUSH, hereinafter referred to as "Owner," and the COUNTY OF SANTA CRUZ, a Political Subdivision of the State of California. hereinafter referred to as "County."

W I T N E S S E T H:

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 A (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.

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 A (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

Environmental Review Initial Study  
ATTACHMENT 6, 19-27  
APPLICATION 06-0589

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 A (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 property to those uses authorized in the A (Agricultural) District 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 A (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 a remaining portion that is rendered unsuitable for agricultural or compatible uses.

6. This contract shall be effective commencing on the \_\_\_\_

- 2 -

Environmental Review Initial Study  
ATTACHMENT 6, 20 of 27  
APPLICATION 06-0589

day of \_\_\_\_\_, 19\_\_\_\_, and shall remain in effect for a period of ten (10) years therefrom.

This contract shall be automatically renewed at the end of each year for an additional one (1) year period, thus maintaining the term of the contract at ten (10) years, unless notice of non-renewal is given as provided below.

1. Either party hereto may cause this contract to expire at the end of nine (9) years from the next renewal date by serving a written notice of non-renewal on the other party at least ninety (90) days prior to such renewal date, if Owner is serving notice, and sixty (60) 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 execution 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 cancelled 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 Section 51284 of the Government Code, finds:

- (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

- 3 -

Environmental Review Initial Study  
ATTACHMENT 6, 21 of 27  
APPLICATION 06-0589

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 any 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 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 payment or any portion thereof provided the Board finds:

- (a) It is in the public interest and the best interests 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.

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 or deferral is made contingent.

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

Pamela Elaine Whalen  
OWNER Date: 2-24-76  
Pam. Whalen  
OWNER Date: 2/24/76 BY  
Mark Cleveland  
OWNER Date: 2/25/76  
Russell C. Whalen  
OWNER Date: 2/25/76  
Chas. E. Whalen  
OWNER Date: 2/25/76  
Sudanne E. Brundage  
OWNER Date: 2/25/76

COUNTY OF SANTA CRUZ, a Political  
Subdivision of the State of California

J. J. Sutton  
Chairman, Board of Supervisors  
COUNTY

NOTARY PUBLIC

Date:

Environmental Review Initial Study

ATTACHMENT  
APPLICATION

6, 22 of 27  
06-0589

OWNER

Date:

STATE OF CALIFORNIA )  
 )  
COUNTY OF SANTA CRUZ )

On this 10<sup>th</sup> day of March 1976 before me Richard C. Neal County Clerk and Ex-Officio Clerk of the Board of Supervisors, personally appeared Raymond L. Patton known to me to be the Chairman of the Board of Supervisors of the County of Santa Cruz, a political subdivision of the State of California, and known to me to be the person who executed the within instrument on behalf of said political subdivision, and acknowledged to me that such political subdivision executed the same.

THOMAS C. NEAL, COUNTY CLERK AND  
EX-OFFICIO CLERK OF THE BOARD OF  
SUPERVISORS OF THE COUNTY OF SANTA  
CRUZ, CALIFORNIA

BY Richard C. Neal Deputy

Environmental Review Initial Study  
ATTACHMENT 6, 23 of 2?  
APPLICATION 06-0589

BOOK 2589 PAGE 618

STATE OF CALIFORNIA, County of Santa Clara } ss.

ON 25, February, 19 76, before me, the undersigned a Notary Public in and for the State of California with principal office in the County of Santa Clara, personally appeared

Robert E. Whalen, Jr. Alice E. Whalen & Susan E. Brumir.

known to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same. WITNESS my hand and official seal.

SIGNATURE OF NOTARY: Thomas W. Shafer  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

OFFICIAL SEAL  
THOMAS W. SHAFER  
NOTARY PUBLIC - CALIFORNIA  
SANTA CLARA COUNTY  
My Commission Expires Aug. 31, 1976

INDIVIDUAL ACKNOWLEDGMENT

State of California }  
County of Merced } ss.

On this 21th day of February, 19 76, before me, Isabel L. Pacheco, a Notary Public in and for said Merced County, personally appeared Patricia Elaine Whalen and Mark Edward Whalen known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged that they executed the same. WITNESS my hand and official seal.

ISABEL L. PACHECO  
(SEAL)  
OFFICIAL SEAL  
ISABEL L. PACHECO  
NOTARY PUBLIC - CALIFORNIA  
MERCED COUNTY  
My Commission Expires May 22, 1977

Notary Public in and for said Merced County and State  
My commission expires May 22 1977

Environmental Review Initial Study  
ATTACHMENT 6, 24 of 27  
APPLICATION 06-0589

BOOK 2614 PAGE 474

BOOK 2589 PAGE 619

T11121001-25

EXHIBIT "A"

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 8, SOUTH RANGE 2 WEST, MOUNT DIABLO MERIDIAN, AND RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE COUNTY ROAD KNOWN AS THE SUMMIT ROAD OR TWENTY SEVEN MILE DRIVE; THENCE SOUTHEASTERLY ALONG SAID COUNTY ROAD TO THE POINT OF INTERSECTION OF SAID ROAD WITH A LINE IN THE PROLONGATION OF THE NORTHEASTERLY FENCE LINE OF THE ORCHARD HEREIN CONVEIED; THENCE LEAVING SAID ROAD AND CONTINUING SOUTHEASTERLY ALONG SAID PROLONGATION OF SAID FENCE LINE TO THE NORTHERLY CORNER OF SUCH FENCE; THENCE CONTINUING SOUTHEASTERLY ALONG SAID FENCE LINE TO A STAKE DISTANT 2343 FEET FROM SAID POINT OF INTERSECTION OF SAID WEST LINE OF SAID QUARTER SECTION AND SAID COUNTY ROAD, THENCE IN A SOUTHWESTERLY DIRECTION TO THE CENTER LINE OF A RAVINE AT A POINT ONE ROD NORTHWESTERLY FROM THE CENTER LINE OF DEER CREEK RAVINE BEING THE NORTHWESTERLY LINE OF A THIRTY ACRE TRACT OF LAND KNOWN AS CASTLE ROCK CONVEYED BY H. M. BARNGROVER, ET AL, TO JAMES R. WELCH BY DEED DATED FEBQUARY 8TH, 1908; THENCE CONTINUING SOUTHWESTERLY DOWN AND ON THE NORTHWESTERLY SIDE OF SAID DEER CREEK RAVINE AND ONE ROD FROM AND PARALLEL TO THE CENTER LINE THEREOF TO A POINT ONE ROD NORTHWESTERLY FROM A SPRING OF WATER IN THE CENTER LINE OF SAID DEER CREEK RAVINE AND THE NORTHWESTERLY LINE OF SAID CASTLE ROCK TRACT; THENCE TO THE CENTER LINE OF SAID DEER CREEK RAVINE; THENCE DOWN SAID CENTERLINE OF SAID RAVINE ABOUT 100 FEET TO THE SOUTH LINE OF SAID QUARTER SECTION; THENCE WEST ALONG SAID SOUTH LINE OF SAID QUARTER SECTION TO THE SOUTHWEST CORNER THEREOF TO THE PLACE OF BEGINNING,

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED BY H. G. ULM AND MURIEL ELLISON ULM, HIS WIFE, TO THE STATE OF CALIFORNIA BY DEED DATED DECEMOER 21, 1937, AND RECORDED JANUARY 30, 1933, IN VOLUME 138 OF OFFICIAL RECORDS AT PAGE 290, SANTA CRUZ COUNTY RECORDS.

88-081-8

019380  
BOOK 2614 PAGE 468

SANTA CRUZ COUNTY  
RECORDS  
RICHARD G. ASAL  
RECORDED

MAY 10 2 15 PM '76

RECORDED AT REQUEST OF

Santa Cruz County Recorder

Santa Cruz County Recorder

RECORDED AT REQUEST OF

FEB 27 4 51 PM '76

BOOK 2589 PAGE 614  
SANTA CRUZ COUNTY  
RECORDS  
RICHARD G. ASAL  
RECORDED

007904

Environmental Review Initial Study  
ATTACHMENT 6, 250127  
APPLICATION 06-0589

EXHIBIT



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

RESOLUTION NO. 2007-01

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

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

WHEREAS, the Agricultural Policy Advisory Commission has held a public hearing on Application No. 06-0589, involving property located on the south side of Skyline Boulevard about 2.4 miles east from Highway 9 (15435 Skyline Boulevard, Los Gatos, Assessor's Parcel Numbers 088-081-07 & 088-081-08), and the Agricultural Policy Advisory Commission has considered the proposed rezoning, 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 adopt the attached ordinance amending the Zoning Ordinance by changing property from the "SU" Special Use zone district to the "CA" Commercial Agriculture zone district.

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

PASSED AND ADOPTED by the Agricultural Policy Commission of the County of Santa Cruz, State of California, this 18th day of January, 2007, by the following vote:

AYES: COMMISSIONERS     Dau, Earnshaw, Kimes, Manfre, McCrary

NOES: COMMISSIONERS     0

ABSENT: COMMISSIONERS     0

ABSTAIN: COMMISSIONERS     0



BRUCE DAU, Chairperson

ATTEST: Joan Van der Hoeven  
JOAN VAN DER HOEVEN, Secretary

APPROVED AS TO FORM:

DMcLae 1/2/07  
COUNTY COUNSEL

Environmental Review Initial Study  
ATTACHMENT 6, 26 & 27  
APPLICATION 06-0589

088-081-08 E-07 (MRT) 1980 PHOTO

WEST PROPERTY LINE

Environmental Remediation  
ATTACHMENT 6.2.1.1  
APPLICATION 06-058

EXHIBIT

### **Williamson Act Definition/Description**

The California Legislature passed the Williamson Act in **1965** to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Act creates an arrangement whereby private landowners contract with counties and cities to voluntarily restrict land to agricultural and open-space uses. The vehicle for these agreements is a rolling term 10 year contract (i.e. unless either party files a “notice **of** nonrenewal” the contract is automatically renewed annually for an additional year). In **return**, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value.

Environmental Review Initial Study  
ATTACHMENT 7  
APPLICATION 06-0587