

SUMMARY OF REPLACEMENT PAGES TO AGRICULTURAL REGULATIONS IN CHAPTERS 13.10 AND 16.50

Overview: These replacement pages for agricultural regulations in SCCC Chapters 13.10 and 16.50 implement General Plan revisions that were reviewed with your Commission on August 24 and provided as replacement pages. As was noted for the General Plan replacement pages, these amendments respond to concerns from the Planning Commission and the Coastal Commission regarding amendments that would allow the conversion of agricultural land or the subdivision of CA land to accommodate public/quasi-public uses, and concerns regarding potential growth-inducement that could result from the expansion of water and sewer service to CA parcels. Revisions also address concerns from the Coastal Commission that the expansion of agricultural support uses on CA could also result in the conversion of agricultural land or induce growth in areas outside the USL.

Changes in these replacement pages are highlighted in **green text**. Notes highlighted in green in the text boxes provide a detailed explanation of code changes.

In the replacement pages, the following revisions have been made (pages with updated information in text boxes are also provided):

SCCC 13.10.311-13.10.319, Agricultural Districts:

Pg. 10, Agricultural Uses Chart, table 13.10.312-1: Added a development area cap of 5,000 sf for energy facilities located on CA land.

Pg. 10 (Formerly Pg. 11), Agricultural Uses Chart: Changed “Other public facility and public/quasi-public community facilities as defined in 13.10.700-P” from a Conditional Use Permit (CUP) to “not allowed” on CA land. This change is consistent with changes made to General Plan Policy ARC-1.1.7, which limit community and public facility uses on CA land to those used identified in the Agricultural Uses Chart.

Pg. 23-24 (Formerly Pg. 25- 26), 13.10.313(E), Total Development Area on CA Land: The findings and requirements for the development area for community and public facility uses have been revised, to apply more specifically to the community and public facility structures allowed in the Agricultural Uses Chart, rather than the broad “other public facility and public/quasi-public community facilities” that was previously proposed for inclusion in the CA zone district. The Pajaro River Flood Risk Management Project would be exempted from these specific findings. This section also implements the mitigation measure required in the Environmental Impact Report.

Pg. 25 (Formerly Pg. 27), 13.10.314(A)(3): Findings for community and public facilities were updated to reference uses allowed in the Agricultural Uses Chart.

Pg. 27-30 (Formerly Pg. 29-32), 13.10.315 – CA land division criteria: Updated land division criteria for Type 1 and Type 3 agricultural land to be consistent with updated GP policies ARC-1.1.13 and ARC-1-1-14, removing previous amendments that would have allowed divisions of agricultural resource land to accommodate a public/quasi-public uses. Retains language that allows land that is not viable for agriculture to be divided from viable agricultural land for a public purpose.

Pg. 32 (Formerly Pg. 34), 13.10.317, Minimum parcel size for lot line adjustments: Deletes the previously added language that would have provided an exception to the minimum lot size requirement to accommodate a public/quasi-public community facility.

SCCC 13.10.631-13.10.644, Agricultural Uses

Updated the following code sections to reference development area standards and findings for agricultural support uses provided in 13.10.313(E), and also to reference the maximum development area for certain uses:

Pg. 25-26, 13.10.635, Storage of agricultural equipment or supplies: Updated 13.10.635(C) to add a reference to development area findings.

Pg. 35-36, 13.10.637, Wineries, breweries and distilleries: Updated Development and Design Standards for facilities on CA land provided in subsection (C)(5)(d) to add the 30,000 sf Development area maximum provided in the Agricultural Uses Chart.

Pg. 36-37 (Formerly Pg. 37-38), 13.10.638(B)(1): Amended regulations for agricultural service establishments to add a reference to the 10,000 square foot maximum development area.

Pg. 45 & 47 (Formerly Pg. 46-47), 13.10.644, Standards for agricultural structures and uses, miscellaneous: Added a reference to energy facilities to the list of structures subject to these regulations, and added reference to development area limits in the Agricultural Uses Chart.

Chapter 16.50, Agricultural Land Preservation and Protection

Revisions to this Chapter provide consistency with updated General Plan policies that delete previously added language that would have allowed the subdivision of CA land to accommodate a public facility use, and that clarify and limit circumstances under which water and utility districts can be expanded to serve CA parcels:

Pg. 10, 16.50.070(C): Updated to limit expansion of water and sewer service to Type 1 Agricultural land to serve existing development with failing sewage disposal systems or wells.

Pg. 11-12, 16.50.080: To ensure consistency with updated General Plan policies ARC-1.1.13, 1.1.14, and 1.1.15, updated to prohibit the expansion of water and sewer service to Type 3 Agricultural land in the Coastal Zone, except for agriculture use; to serve existing development with failing sewage disposal systems or wells; or to prevent saltwater intrusion, or recharge the groundwater in areas served by the Pajaro Valley Water Management Agency. Adds reference to General Plan policies BE-5.5.1-5.5.5 regarding development west of Watsonville, which implement the Memorandum of Understanding among the County, City of Watsonville, and the Coastal Commission.

Pg. 13, 16.50.085, Protection of noncommercial agricultural land: Amends (B)(1) to clarify that land without a Type 1 or Type 2 designation may be divided from parcels with such a designation only for a public purpose, as consistent with General Plan Policy ARC-1.2.4.



CHAPTER 13.10 ZONING REGULATIONS

PART III. DISTRICTS

ARTICLE I. AGRICULTURAL DISTRICTS

Amendments to this article ensure code is consistent with updated GP policies. Amendments update agricultural uses chart to allow new agricultural support uses including agricultural research and development facilities, agri-tourism, agricultural service facilities on CA, and public facility uses.

Clarifies that one single-family residence and one accessory structure are permitted on CA land. References to the Agricultural Preserve District, which has been replaced by the Agricultural Preserve (-P) Combining District, are removed. The section includes provisions and special findings to protect agricultural soils and limit the overall development area on sites with agricultural support uses. The replacement pages include new limits on the development area for agricultural support uses, as well as limits on the total development area on the site for residential and agricultural support uses.

The replacement pages amend the previous draft to delete the “Other public facility and public/quasi-public community facilities as defined in 13.10.700-P,” as an allowed use on CA land, while continuing to allow the use on A land. This will help to protect commercial agricultural land and limit the conversion of agricultural land to non-agricultural use. The replacement pages also remove draft provisions that would have allowed land divisions on CA land to accommodate a public facility use.

- 13.10.311 Purposes of agricultural districts.
- 13.10.312 Uses in agricultural districts.
- 13.10.313 Development standards in agricultural districts.
- 13.10.314 Required special findings for CA and AP uses.
- 13.10.315 CA and AP land division criteria.
- 13.10.316 Land division criteria in the Agriculture (A) Zone District.
- 13.10.317 Minimum parcel sizes for lot line adjustments.
- 13.10.318 Agricultural Policy Advisory Commission review.
- 13.10.319 Other standards and conditions for agricultural districts.



USE	PERMIT REQUIRED BY ZONE		REFERENCES AND NOTES
	CA	A	
<u>Energy Facilities, Cogeneration</u>	MUP ^A	MUP	13.10.700-C; 13.11.037 On CA land, limited to a total development area of 5,000 sf
<u>Energy Facilities, Microgrid</u>	CUP ^A	AUP	13.10.700-M; 13.11.037 On CA land, limited to a total development area of 5,000 sf
<u>Facilities for fish and wildlife enhancement and preservation</u>	P	P	
<u>Fire protection facilities</u>	NA	AUP	13.11.037
<u>Flood control works, including channel rectification and alteration, for agricultural use</u>	ZC	ZC	
<u>Dams, canals and aqueducts of public water projects</u>	CUP	CUP	13.11.037
<u>Public or private recreational uses (such as playfields) that do not include permanent structures or paving</u>	CUP	CUP	13.11.037
<u>Reservoirs</u> _25 acre feet or less _>25 acre feet	CUP CUP (BOS)	CUP CUP (BOS)	13.11.037
<u>Sanitary landfill, publicly owned or contracted, as an interim public use</u>	CUP	CUP	13.10.639; 13.11.037
<u>Septic tank sludge disposal sites approved by County Health Officer, outside the Coastal Zone</u>	NA	CUP	7.42
<u>Wastewater treatment plant for the production of recycled water for agricultural irrigation use</u>	CUP(PC)	CUP(PC)	13.10.643; 13.11.037
<u>Wireless communication facility</u>	*	*	*Refer to 13.10.660 et seq. for permitting requirements
<u>Other public facility and public/quasi-public community facilities as defined in 13.10.700-P, where determined to be of significant benefit to public health, safety, and welfare, with any loss of agricultural land mitigated</u>	CUP(PC) NA	CUP	13.10.314; 13.10.635(D) 13.10.700-M (microgrid) 13.10.700-P; 13.11.037
Housing and Accessory Uses			
<u>Single family dwelling, <5,000 sf</u> _Inside Coastal Zone	CUP ^A	P	13.10.313(F); 13.10.314(B); 13.10.324(C); 13.11.037; 16.50.095 13.10.313(E) On CA, limit of one single-family dwelling per parcel
_Outside Coastal Zone	P		
<u>Single family dwelling, >5,000 sf</u>	CUP	CUP	



~~(E)(D) Dwelling Group Densities.~~

~~(1) A District. Dwelling groups within the A Agriculture Zone District may be allowed at a density per dwelling unit pursuant to Chapter SCCC 13.14 SCCC-pertaining to rural residential density determinations. Agricultural employee housing in accordance with SCCC 13.10.631 is considered an agricultural use for the purpose of calculating density for zoning purposes.~~

~~(2) CA District. Dwelling groups within the CA Commercial Agriculture Zone District may be allowed at a density of 40 gross acres per dwelling unit.~~

~~(3) AP District. Dwelling groups within the AP Agriculture Preserve Zone District may be allowed at a density of 40 gross acres per dwelling, with a maximum of five dwelling units.~~

~~(F) Residential Uses on Coastal Zone Noncommercial Agricultural Land. Building permits for residential uses on parcels designated in the General Plan and Local Coastal Program Land Use Plan as agricultural land use and not as commercial agricultural land shall be issued only upon documentation that:~~

~~(1) Residential use of the parcel will not conflict with on-site or adjacent agricultural activities; and~~

~~(2) The building site has approved agricultural buffer setbacks; and~~

~~(3) The residents and owners of the subject parcel have executed a binding hold harmless covenant with adjacent agricultural operators and owners which shall run with the land and be recorded prior to occupancy.~~

~~The Agricultural Policy Advisory Commission shall make the determination that these conditions have been met.~~

(E) Total development area on CA.

(1) Residential and Agricultural Support Uses.

(a) The total combined development area on Type I-III agricultural soils for residential and agricultural support uses- as identified in the Agricultural Uses Chart shall not exceed 60,000 square feet.

(b) For proposed residential or agricultural support uses that would result a combined development area for residential and agricultural support uses on Type 1-3 soils greater than 35,000 square feet but less than 60,000 square feet, a Conditional Use Permit and master plan shall be required, and the following findings shall apply:

(ii)(i) An alternative sites analysis provided by the applicant and supported by technical studies demonstrates that there are no feasible sites available on the subject parcel or on other parcels owned or leased by the applicant that are located



off Type 1-3 agricultural land and viable agricultural soils that could accommodate the proposed use; and

(iii)(ii) There are no feasible alternatives for site design, surfacing materials, or other measures available to accommodate the proposed use that would reduce the total development area on Type 1-3 soils below 35,000 sq. ft. and substantially reduce impacts to viable agricultural land; and

(iii) Farmable portions on the subject parcel, or farmable areas on other sites owned by the agricultural operator equal or greater in size than the total development area of the subject parcel, have been placed in a permanent agricultural easement to protect the land for future farming use.

(2) Discretionary Community and Public Facility Structures on CA land. For discretionary Community and Public Facility structures allowed in the CA zone district (excluding structures associated with the Pajaro River Flood Risk Management Project, and excluding wastewater treatment plants for the production of recycled water for agricultural irrigation use, which are subject to findings provided in SCCC 13.10.643), the following findings shall apply to development areas that exceed 35,000 square feet, in addition to findings required pursuant to SCCC 13.10.314(A)(3):

(a) There are no feasible alternatives for site design, surfacing materials, or other measures available to accommodate the proposed use that would reduce the total development area on Type 1-3 soils below 35,000 sq. ft. and substantially reduce impacts to viable agricultural land; and

(b) Farmable portions on the subject parcel, or farmable areas on other sites owned by the agricultural operator equal or greater in size than the total development area of the subject parcel, have been placed in a permanent agricultural easement to protect the land for future farming use.

13.10.314 Required special findings for CA and AP uses.

(A) All Nonresidential Conditional Uses. For parcels within the CA Commercial Agriculture and the Agricultural Preserve (-P) Combining AP-Agricultural-Preserve-Zone Districts, the following special findings must be made in addition to the findings required by Chapter SCCC 18.10 SCCC in order to approve any non-residential discretionary use project listed under SCCC 13.10.312 which that requires a Conditional Use Permit, Level V or higher approval except agricultural uses and agricultural buffer determinations:

(1) That the establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel (excepting public/quasi-public community facilities of significant benefit to public health, safety, and welfare) and will not reduce, restrict or adversely affect agricultural activities or resources, or the economic viability of commercial agricultural operations, of in the area.



- (2) (a) The use is sited on the property to avoid removing land from production and to preserve agricultural resource soils. If avoidance and preservation is not possible, remove as little land as possible from agricultural production and future production. Technical reports may be required to demonstrate conservation of farmland to the maximum extent feasible.
- (3) (a) That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel, or to parcels owned or leased by the operator where so indicated in SCCC 13.10.312(D), Agricultural Uses Chart, or (b) that no other agricultural use is feasible for the parcel, or (c) that the use consists of an interim public use which that does not impair long-term agricultural viability, or (d) consists of a permanent public use that will result in the production of recycled wastewater facility solely for agricultural irrigation and that limits and mitigates the impacts of facility construction on agriculture consistent with the requirements of SCCC 13.10.635 **13.10.643**; or consists of a permanent **public/quasi-public discretionary** community or public facility use as allowed in the Agricultural Uses Chart that the County has determined to be of significant benefit to the public health, safety and welfare, subject to the following additional findings:
- (i) Loss of commercial agricultural land is mitigated, which may include a permanent agricultural conservation easement on land of at least equal quality and size as partial compensation for the direct loss of agricultural land, mitigations consistent with 13.10.635 **643**(D), or other feasible mitigations; and
 - (ii) For public facility uses with a development area greater than 12,000 square feet, an analysis is provided of two alternate sites located off agricultural resource land, identifying why development on these sites is not feasible; and
 - (iii) If located on Type 3 agricultural land in the Coastal Zone, the public facility use does not impair agricultural viability, either through increased assessment costs to other agricultural parcels in the area, or degraded air and water quality, and is consistent with the California Coastal Act.
- (3) ~~That single-family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on-site, where applicable, or in the area.~~
- (4) ~~That the use will be sited to remove no land from production (or potential production) if any nonfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production.~~
- (B) Discretionary Residential Uses in the Commercial Agriculture (CA) and Agricultural Preserve (-P) Combining Zone Districts in the Coastal Zone. In the CA or -P zone districts, to establish a residential use requiring a Use Permit or Site Development Permit pursuant to SCCC 13.10.312(D) and 13.11.037, including a single family dwelling, For parcels within the Agricultural (CA) and AP Agricultural Preserve Zone Districts in the Coastal Zone, the following



- (1) For parcels within the CA Commercial Agricultural and ~~AP Agricultural Preserve Zone Districts~~, the following special findings must be made in addition to the findings required by Chapter SCCC 18.10 SCCC in order to approve recreational playfields ~~outside the Coastal Zone~~:
 - (a) That the use ~~is temporary and~~ will not impair the long-term use of the parcel for commercial agricultural purposes.
 - (b) That the use does not involve permanent structures or paving; and does not require the extension of urban infrastructure such as water or sewer lines or conflict with LAFCO or Coastal Commission policies. Surfacing of a pedestrian access to meet the requirements of the Americans with Disabilities Act shall not be prohibited by this provision.
 - (c) That the use will not conflict with commercial agricultural activities on-site, where applicable, or in the area.
 - (d) That the use will be sited ~~to remove no land from production (or potential production) if any nonfarmable site is available, or if this is not possible, to remove as little land as possible from production.~~
- (2) ~~For parcels within the AP Agricultural Preserve Zone District, the requirements set forth in Government Code Section 51238.1(a) must also be met to approve recreational playfields outside of the Coastal Zone.~~

13.10.315 CA and AP land division criteria.

(A) All Parcels in the CA and AP Zone District.

- (1) ~~All parcel land divisions of fewer than 20 lots in the CA or AP Zone Districts shall be subject to require a public hearing before the Planning Commission, and land divisions of 20 or more lots require a public hearing before the Board of Supervisors, and approval at approval Level VII pursuant to Chapter SCCC 18.10.110 and SCCC 14.01, Subdivision Regulations.~~
- (2) All proposed parcel land divisions within the CA or AP Zone Districts shall be reviewed by the Agricultural Policy Advisory Commission for a recommendation for approval or denial of the proposed division, and for a determination of the ability to make the special findings required by this section, the potential for conflicts from the proposed division, and where appropriate, the minimum parcel size necessary to allow for economic farming of the parcels.
- (3) No parcel land divisions shall be permitted in the CA or AP Zone Districts for the purpose of using the new parcel(s) for nonagricultural uses, or for the purpose of dividing land which is not usable for agriculture from viable commercial agricultural land is permitted



~~only, except where necessary to accommodate a public/ quasi-public community facility that is in the interest of public health, safety, and welfare; where the division is for a public purpose, and will not adversely impact commercial agriculture in the area.~~

~~(4)~~ Divisions of land not zoned CA or AP from land zoned CA or AP are governed by SCCC 16.50.085.

(B) Type 1 Parcels. ~~(4)~~ The following findings shall be made prior to the approval of any parcel land division in the CA or AP-Zone Districts for land designated as Type 1 land pursuant to Chapter SCCC 16.50 SCCC:

~~(1)~~ That the resulting parcels are not less than 10 arable acres in size, except for the following:

~~(a)~~ The creation of a new parcel no less than one acre in size for an Affordable Rental Farmworker Housing (ARFH) project pursuant to SCCC 13.10.681 may be allowed on Type 1 or 2 agricultural land when necessary to obtain financing for construction of the project. Such a parcel is not required to be of sufficient size to allow for economic farming, and shall not include a condominium map.

~~(b)~~ For a parcel dedicated to a public/quasi-public use, the minimum parcel size shall be the area needed to accommodate the use and to maximize the preservation of viable agricultural land. The minimum size for the parcel remaining in agricultural production or available for agricultural production shall be 10 arable acres, and shall be of sufficient size to remain agriculturally viable as determined by an agricultural viability study and the decision-maker.

~~(3)(2)~~ (a) That the use-division is for exclusive agricultural use purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project, or is for a public/quasi-public use.

~~(4)(3)~~ (b) That the proposed parcel sizes will not be detrimental to the economic viability of commercial agricultural operations on said parcels, or on adjoining or nearby parcels.

~~(5)(4)~~ (c) That the division is necessary for continued commercial agricultural use of the subject parcels, or necessary to accommodate a public/quasi-public use. In the event a recorded agricultural preserve (Williamson Act contract), or conservation easement existed prior to January 23, 1979, for a exists on a parcel proposed to be divided under this section, said contract or easement shall constitute evidence of a long-term commitment to continued agricultural use and shall satisfy the requirement for this finding.

~~(6)(5)~~ (d) That all parcels shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, except for parcels created solely for the purpose of an Affordable Rental Farmworker Housing (ARFH) project, pursuant to SCCC 13.10.681, or parcels that accommodate a public/quasi-public use, which are not subject to this requirement. Technical reports may be required to confirm the



crop types that are suited to a particular soil. With respect to parcels restricted by an Agricultural Preserve Williamson Act contract recorded prior to January 23, 1979, the finding shall be made either that (i) all parcels created shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, or that (ii) the owners of all parcels created have recorded an agreement with the County which that guarantees the original owner the right to continue to use the newly created parcel for exclusive commercial agricultural uses. ~~In no case shall the parcel size be less than 10 arable acres.~~ Land subject to an Agricultural Preserve Williamson Act contract which that is approved for division shall continue to be restricted in the aggregate to the permitted and discretionary uses which would have been available to the original parcel under the agricultural preserve Williamson Act contract had the original parcel remained undivided.

~~(7)(6)~~ (e) That no conflicts with adjacent agricultural operations shall result from the division.

~~(f) That the division is for exclusive agricultural purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project. A recorded agricultural preserve (Williamson Act) contract existing prior to January 23, 1979, for a parcel proposed to be divided under this section shall constitute evidence of an exclusive agricultural purpose.~~

~~(2) Agricultural preserve (Williamson Act) contracts shall be recorded, prior to filing final maps, for all parcels created by a division of Type 1A agricultural land.~~

(C) Type 2 Parcels. The following findings shall be made prior to the approval of any parcel land division in the CA Zone District for land designated as Type 2 land pursuant to Chapter SCCC 16.50-SCCC:

(1) That the resulting parcels are not less than 20 arable acres in size, except for the following:

(a) The creation of a new parcel no less than one acre in size for an ARFH project pursuant to 13.10.681 may be allowed on Type 1 or 2 agricultural land when necessary to obtain financing for construction of the project. Such a parcel is not required to be of sufficient size to allow for economic farming, and shall not include a condominium map.

() For a parcel dedicated to a public/quasi-public use, the minimum parcel size shall be the area needed to accommodate the use and to maximize the preservation of viable agricultural land. The minimum size for the parcel remaining in agricultural production or available for agricultural production shall be 20 arable acres and shall be of sufficient size to remain agriculturally viable as determined by an agricultural viability study and the decision-maker.



~~(3)(2)~~ (1) That the division is for exclusive agricultural purposes, which includes including the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project, or is necessary to accommodate a public/quasi-public use.

~~(4)(3)~~ (2) That the division will result in agriculturally viable parcels; in no case shall the parcel size be less than 20 arable acres, except that parcels created solely for the purpose of an Affordable Rental Farmworker Housing (ARFH) project pursuant to SCCC 13.10.684 are subject to a minimum parcel size of one acre.

~~(5)(4)~~ (3) That no conflicts with adjacent or nearby commercial agricultural uses will result from the division.

(D) Type 3 Parcels. (1) The following findings shall be made prior to the approval of any parcel division in the CA or AP Zone Districts for land designated as Type 3 land pursuant to Chapter SCCC 16.50-SCCG.

(1) That the resulting parcel sizes are not less than 20 arable acres, except as provided in (a) below.

(a) For a land division to accommodate a public/quasi-public use, the minimum parcel size shall be the parcel size needed to accommodate the use and to maximize the preservation of viable agricultural land. The minimum size for the parcel remaining in agricultural production or available for agricultural production shall be 20 arable acres, and shall be of sufficient size to remain agriculturally viable as determined by an agricultural viability study and the decision-maker, and shall be consistent with the Coastal Act.

~~(2)~~ (a) That the division is necessary for continued commercial agricultural use of the subject parcels, or is necessary to accommodate a public/quasi-public use.

~~(3)~~ (b) That the proposed parcel sizes will not be detrimental to the economic viability of commercial agricultural operations on said parcels, adjoining or nearby parcels.

~~(4)~~ (c) That the division is for exclusive agricultural purposes, or is necessary to accommodate a public/quasi-public use.

~~(5)~~ (d) That all parcels, except parcels accommodating a public/quasi-public use, are of sufficient size to constitute a minimum economic farm unit for three crop types, other than greenhouse agriculture, suited to the soils, topography and climate of the area; in no case shall the parcel size be less than 20 arable acres.

~~(6)~~ (e) That no conflicts with adjacent agricultural operations shall result from the division.

~~(7)~~ (f) That such division will not create the potential for residential use other than that determined to be ancillary to commercial agriculture pursuant to SCCC 13.10.314(A) and (B).



(D) Exceptions. Minimum parcel sizes for lot line adjustments in the A and CA zoning districts shall not apply, where:

- (1) The sole purpose and effect of the lot line adjustment is to remedy a driveway encroachment, or a structural encroachment otherwise lawfully developed where the resulting property line meets the required minimum setback or any approved variance therefrom, in which case APAC review is not required; or,
- (2) The lot line adjustment results in an equal exchange of land and each resulting parcel and arable land area are the same size after the lot line adjustment as before; APAC review is still required if the area of arable land is reduced on a parcel, in which case APAC review is not required.; or
- ~~(3) For a lot line adjustment in the CA district to accommodate a public/quasi-public community facility, the minimum parcel size parcel of the parcel dedicated to a public/ quasi-public use shall be the parcel size needed to accommodate the use and to maximize the preservation of viable agricultural land. The minimum size for the parcel remaining in agricultural production or available for agricultural production shall be 10 arable acres for Type 1 agricultural land, or 20 arable acres for Type 2 or Type 3 agricultural land, and shall be of sufficient size to remain agriculturally viable as determined by an agricultural viability study and the decision-maker.~~

13.10.318 Agricultural Policy Advisory Commission review

(A) Agricultural Policy Advisory Commission (APAC) review, and approval where indicated, shall be required for all of the following development projects having the potential to affect agricultural lands, as designated on the County's Agricultural Resources Map:

- (1) Approval of Agricultural Buffer Setback Reduction Permits pursuant to SCCC 16.50.095.
- (2) Lot line adjustments to reduce the size or arable area of a CA zoned parcel, as provided by SCCC 13.10.317.
- (3) Applications for residential uses requiring a Use or Site Development Permit on parcels zoned CA in the Coastal Zone pursuant to SCCC 13.10.314(B).
- (4) Land Divisions on lands designated as Agricultural Resources in the County General Plan.
- (5) Amendments to Agricultural Resource Designations.
- (6) Actions to establish, amend, or cancel Williamson Act Contracts.
- (7) Determinations of agricultural viability associated with the conversion of Commercial Agricultural lands (Agricultural Resource Lands) to non-commercial lands, such as a proposal to rezone lands out of the Commercial Agricultural Zone District, or findings of non-viability.



CHAPTER 13.10 ZONING REGULATIONS

PART VI. REGULATIONS FOR SPECIAL USES

ARTICLE III. AGRICULTURAL USES

This article is amended to add and regulate modern agricultural uses and ancillary uses that may occur in agricultural areas, allowing for continued economic viability for agricultural establishments. New regulations wineries, breweries and distilleries, hoop houses, farmstays/homestays, produce stands, and other ancillary uses, are included. Animal regulations are moved to SCCC 13.10.645-649.

- 13.10.631 Farmworker (agricultural employee) housing.
- 13.10.632 Agricultural processing and storage facilities.
- 13.10.633 ~~Agricultural service establishments~~ Agri-tourism and education.
- 13.10.634 Agriculture within structures. [no change]
- 13.10.635 ~~Recycled water facilities for the production of recycled municipal wastewater for agricultural irrigation use.~~ Storage of agricultural equipment or supplies.
- 13.10.636 Greenhouses and hoop houses.
- 13.10.637 Wineries, breweries and distilleries in the RR, RA, CA, and A zone districts.
- 13.10.638 ~~Agricultural custom work occupations~~ Agricultural service establishments.
- 13.10.639 ~~Sanitary landfill as interim use.~~ Outdoor container-grown crops.
- 13.10.640 Temporary produce sales areas, produce stands, and produce markets.
- 13.10.641 ~~Animal enclosures—Stables and paddocks.~~ Agricultural farmstays/homestays.
- 13.10.642 ~~Animal hospitals and kennels.~~ Sanitary landfill as interim use.
- 13.10.643 ~~Animal keeping in the Residential-Agricultural Zone District.~~ Recycled water facilities for agricultural irrigation use.
- 13.10.644 ~~Animal raising—Family.~~ Standards for agricultural structures and uses, miscellaneous.

13.10.631 Farmworker (agricultural employee) housing.

(A) Purposes. The purposes of regulations for farmworker housing are:

- (1) To recognize farmworker housing as an agricultural land use necessary for commercial agricultural operations;



Prohibited interference includes, but is not limited to, blocking access to farm roads, fields, or outbuildings, or locating activities in close proximity to areas where impacts of odor, dust, noise or safety hazards may be a concern to event participants.

- (4) Agri-tourism and educational activities shall promote Santa Cruz County and/or Pajaro Valley agricultural products.
- (5) All requirements of the County Environmental Health Services, the Sheriff's office, the Highway Patrol, and applicable Fire District shall be met.
- (6) All signage shall comply with the requirements in SCCC 13.10.580.
- (7) Agri-tourism events that require a use permit pursuant to SCCC 13.10.312(D) shall meet the following additional standards:
 - (a) The maximum number of guests per event and the maximum number of annual events allowed shall be stated in the conditions of approval, and shall be based on factors including, but not limited to, parking availability, safety and adequacy of vehicular access, septic capacity, maximum building occupancy, site conditions, and neighborhood compatibility.
 - (b) Limitations on amplified music and event hours shall be included as conditions of approval of the use permit based on the individual characteristics of the site, consistent with the General Plan Noise Element and SCCC 13.15.

Regulations specific to storage of agricultural equipment and supplies are moved to SCCC 13.10.635 and modified for the continued protection of agricultural soils.

13.10.635 Storage of agricultural equipment or supplies.

(A) Permit requirements.

- (A)(1) Where the total development area for storage of agricultural equipment or supplies exceeds 12,000 square feet, and is located *off* Type 1-3 agricultural resource soils, a Minor Use Permit (MUP) shall be required.
- (2) Where the total development area for storage of equipment or supplies exceeds 12,000 square feet and is located *on* agricultural resources soils on CA zoned land, a Conditional Use Permit shall be required.
- (3) For storage sites that exceed 12,000 square feet, are located on agricultural resources soils, and serve multiple parcels, an Agricultural Storage Master Plan shall be required.
- (4) Storage areas that exceed 35,000 sf on CA that are located on agricultural resource soils are permitted only on sites that serve multiple farmed parcels, and an Agricultural Storage Master plan shall be required -



(B) Standards. The following standards shall apply for storage of agricultural equipment or supplies:

- (1) The development area is sited off agricultural resource soils where possible. Where this is not possible, the development area is sited on the least agriculturally viable portions of the parcel and is sited to minimize any conflict with primary agricultural activities on and off-site such as crop production. Technical reports may be required to support the proposed location(s) of agricultural storage facilities.
- (2) Storage of agricultural equipment or supplies shall be ancillary to the principal agricultural use of the subject property, or of properties owned or leased by the operator as governed by an approved Agricultural Storage Master Plan.
- (3) The development area is limited to the minimum necessary to meet the agricultural storage needs of the grower or operator.
- (4) On CA land, the use of impermeable or semi-permeable surface material that may affect the long-term viability of the underlying soil is minimized to the greatest extent feasible.
- (5) The agricultural storage is clustered with existing farm buildings and site development to the extent consistent with (1) above and appropriate to the intended use.
- (6) On parcels zoned Agriculture (A), the storage location minimizes conflict with any residential use on adjacent parcels.
- (7) Visual impact on designated scenic roads, beaches, or recreation facilities shall be minimized by measures such as locating agricultural storage structures and operations among existing groups of structures; using materials and colors which blend with existing buildings or the environment, and/or using design and landscaping to screen and soften the appearance of structures and equipment.

(C) Findings required. In addition to the above criteria (B), the following additional findings are required for approval of a conditional use permit for storage exceeding 12,000 square feet on Type 1-3 agricultural resource soils on CA land (see **SCCC 13.10.313[E]** for additional findings for development areas exceeding 35,000 sf):

- (1) There is no feasible site available on the parcel, or on another parcel owned or leased by the applicant, that is located off of Type 1-3 soils and that could accommodate the intended agricultural storage use. Technical studies may be required evaluating other potential storage locations located off Type 1-3 soils; and
- (2) There are no feasible alternatives for site design, surfacing materials, or other measures available to accommodate the proposed use that would reduce the total development area on Type 1-3 soils below 12,000 square feet and reduce impacts to agricultural soils.

(D) Conditions of approval for Agricultural Storage Master Plans serving multiple parcels. For a storage site serving multiple parcels, the applicant shall provide a list of parcels served by the



buffer; however, other buffering methods may be utilized. Technical studies may be required to confirm compliance with the noise standards provided in the General Plan.

(3) Visual Impacts. Mitigations shall be required for any potentially significant adverse visual impacts of facilities greater than 5,000 square feet that will be located within visual resource areas as described in the County General Plan and Local Coastal Program. Mitigations may include such measures as vegetative screening or other landscaping, use of materials which produce less glare, elevated topography, and/or arrangement of structures on the site to minimize bulky appearance.

(4) Parking. Parking lot design is subject to the regulations of SCCC 13.16. The discretionary permit may modify the number of parking spaces based upon use and site characteristics without a variance, or may require that the parking area be surfaced with a material that does not impair the long-term viability of agricultural resource soils.

SCCC 13.10.637(C)(5)(d) below has been amended to be consistent with Development area limit of 35,000 sf as proposed in the Agricultural Uses Chart.

(5) Additional Standards for Facilities Located on CA-Zoned Land.

(a) Operations shall be sited, sized and designed to minimize the removal of Type 1-3 agricultural soils from production or potential production to the greatest extent feasible, and shall be located off Type 1-3 soils when possible. The use of paving or other impermeable or semi-permeable materials such as baserock or gravel with the potential to impact underlying agricultural soils shall be minimized and shall be located off Type 1-3 soils to the greatest extent feasible.

(b) Proposed facilities with a total building footprint exceeding 10,000 square feet shall locate as much of the total floor area on a second story as is feasible.

(c) The uses, structures, and improvements shall be sited so as to minimize conflicts with existing agricultural operations.

(d) **For facilities on Type 1-3 agricultural soils with a proposed on CA, the total development area exceeding 30,000 shall not exceed 30,000 square feet,** the applicant shall provide an alternatives analysis documenting that there are no feasible alternatives for site design, surfacing materials, or other measures available to accommodate the proposed use on the site that would reduce the total development area on Type 1-3 soils below 30,000 sq. ft. and reduce impacts to agricultural soils.

(D) Signs for Wineries, Breweries and Distilleries.



- (1) Allowed signs in all zone districts where use permitted. One non-illuminated business identification sign not exceeding 12 square feet is allowed with a building permit as provided by County building codes. No discretionary permit is required.
 - (2) Discretionary signs on parcels zoned A, CA, or RA. Signage consistent with criteria provided in SCCC 13.10.581 may be considered with approval of minor site development permit, or as part of the permit approval for the wine or beer manufacturing facility, subject to the following exceptions:
 - (a) Illumination. Direct illumination shall not be allowed. Indirect illumination shall be low-intensity and directed away from neighboring property, Sign illumination is permitted only during operational hours. Sign illumination is not permitted in designated scenic corridors.
 - (b) Size. No individual sign shall exceed 30 square feet.
 - (3) Additional finding for discretionary signs. The following additional finding is required for discretionary sign approval: The signage is architecturally and aesthetically compatible with the surrounding neighborhood, environmental setting and associated buildings; does not create visual clutter; does not adversely impact coastal visual resources or viewsheds within scenic corridors; and, if lighted, avoids undue incidental illumination away from the signage.
- (F) Overnight Accommodation. The following types of overnight tourism accommodations may be permitted as ancillary to wine or beer manufacturing facilities.
- (1) A bed and breakfast inn appurtenant to a winery or beer manufacturing facility may be authorized by Administrative Use Permit where allowed in the zone district. A bed and breakfast inn shall be situated within the primary residence on the subject property, and shall comply with SCCC 13.10.691.
 - (2) Agricultural Farmstays. Uses classified as Agricultural Farmstays that are associated with a winery of beer manufacturing facility may be permitted pursuant to the requirements of SCCC 13.10.312(C) and 13.10.641.

Section SCCC 13.10.638 is revised to more generally address ancillary service establishments associated with agricultural uses and to provide additional protections for potential impacts in agricultural districts. **13.10.638(B)(1) is amended to add a reference to the maximum development area.**

13.10.638 Agricultural ~~custom work occupations~~ service establishments.

- (A) Purposes. The purpose of regulations for agricultural ~~custom work occupations~~ service establishments are:



- (1) To allow persons to conduct commercial agricultural support activities on a property with a primary use of agricultural production within the (CA) Commercial Agriculture and (A) Agriculture zone districts.
 - (2) To protect nearby agricultural and residential properties from the potential adverse effects of the allowed activity by not allowing agricultural custom work occupations service establishments that would create generate excessive traffic, public expense or nuisances to nearby properties, create conflicts with other land uses, or adversely impact adjacent agricultural activities.
- (B) ~~Restrictions on Agricultural Custom Work Occupations~~. Standards for Agricultural Service Establishments.
- ~~(1) The occupation shall be carried on outside or in a structure allowed in the zone district where the site is located.~~
 - ~~(2) Signing, advertising or identifying the occupation shall be limited to one unlighted sign not exceeding five square feet.~~
 - ~~(3) The occupation shall be carried out by a maximum of two employees unless a Level IV use approval is obtained. Not more than five employees may be employed by the occupation on-site under Level IV use approval.~~
 - ~~(4) The occupation shall not involve the use of a building or portion of a building greater than 1,000 square feet unless a Level IV use approval is obtained. A building or portion of a building of a maximum size of 2,000 square feet is allowed under Level IV use approval.~~
 - ~~(5) Occupations involving on-site business with customers shall require Level IV use approval.~~
 - ~~(6) Siting of an occupation within 200 feet of any residential use on another parcel shall require a Level IV use approval.~~
- (1) On parcels within the CA zone district, agricultural service establishments shall be ancillary either to the principal agricultural use of the subject parcel(s) or ancillary to the commercial agricultural use of parcels owned or leased by the applicant. On CA parcels, the development area for agricultural service establishments shall not exceed 10,000 square feet.
 - (2) Farmland conservation. To the maximum extent feasible, facilities shall be located on the non-productive portions of the property, or on that portion of the property that is least productive for agricultural purposes. Technical studies may be required to ensure that the long-term agricultural viability of the soils is not adversely impacted by the proposed development. The development shall also be sited to minimize any conflict with primary agricultural activities on and off-site such as crop production



- (C) Conflicts with adjacent commercial agricultural activities resulting from either construction or operation of the wastewater recycling facility use shall be avoided, among other ways, by staging construction activities and establishing traffic routes in a manner that does not interfere with adjacent agricultural activities.
- (D) The facility shall minimize reduction of acreage of agricultural lands and shall prevent a reduction in land available for agricultural production by offsetting the loss of agricultural land associated with facility construction. Mitigation measures that may be used to offset the loss of agricultural land resulting from project construction include, but are not limited to:
- (1) Enabling fallow agricultural land to be put back into production;
 - (2) Protecting or restoring agricultural operations on lands where nonagricultural development has been permitted, among other ways by acquiring the land or obtaining an affirmative agricultural easement;
 - (3) Improving the productivity of degraded or marginal agricultural land by transporting the topsoil from the development site to such land; and
 - (4) Any combination of the above, or similar measures.

The mitigation measures used to offset the loss of agricultural land associated with facility construction shall enhance agricultural productivity within the project service area to an extent that is equal or better than the productivity of the agricultural land lost from project construction, and shall be implemented in a manner that is consistent with the coastal resource protection provisions of the General Plan/LCP, such as those protecting environmentally sensitive habitat areas, riparian corridors, wetlands, and coastal water quality.

New section SCCC 13.10.644 regulates a variety of uses that may occur on agricultural lands, providing standards for potential impacts to agricultural soils and other resources.

13.10.644 Standards for agricultural structures and uses, miscellaneous.

- (A) Discretionary site development and use permits associated with the following structures shall include site designs and conditions of approval as necessary to ensure compliance with the criteria set forth in SCCC 13.10.644(B):
- (1) Agri-tourism/education structure
 - (2) Agricultural research and development facility
 - (3) Lumber mill or tree service establishment
 - (4) Structures indirectly related to agriculture (including animal hospital, museum, veterinary office, kennel, zoo, **energy facilities**, like structures or ancillary structures thereto).
 - (5) Agricultural administrative offices



- (9) The establishment of any outdoor-grown container crop area at a research and development (R&D) facility shall comply with standards provided in SCCC 13.10.639, outdoor container crops. Where an R&D facility is existing or principally permitted, establishment of greater than one acre of outdoor-grown container crops, or expansion greater than one acre an of any existing container crop area shall require approval of a minor site development permit or equivalent amendment. The area used for container crops is not included in tabulation of development area.
- (10) The establishment of any greenhouse at a research and development facility shall comply with standards provided in SCCC 13.10.636. Greenhouses or portions of greenhouses that include paving or other impermeable or semi-permeable surface material such as baserock or gravel which may affect the long-term viability of the underlying soil shall be considered part of the total development area of the R&D facility.
- (11) Special development area findings. The special findings provided in SCCC 13.10.313(E) for a development area exceeding 35,000 square feet applies to the agricultural structures and uses identified in this section when located on Type 1-3 soils, where the combined development area of multiple agricultural support uses on Type I-III agricultural land on a single parcel would exceed 35,000 square feet. Also see the Agricultural Uses Chart for development area limits for energy facilities, veterinary offices, and agricultural research and development facilities.



CHAPTER 16.50 AGRICULTURAL LAND PRESERVATION AND PROTECTION

SCCC Chapter 16.50 is amended to clarify agricultural land preservation standards. Language and requirements are updated to be consistent with current best practices as well as the California Coastal Act and the Santa Cruz County General Plan.

- 16.50.010 Purposes.
- 16.50.015 Scope.
- ~~16.50.020 Amendment. [repealed]~~
- 16.50.025 Definitions.
- 16.50.030 Designation of agricultural resource land types.
- 16.50.040 Criteria for designation.
- 16.50.050 Amendment of designations.
- 16.50.060 Fees. [no change]
- 16.50.070 Preservation of Type 1 agricultural lands.
- 16.50.075 Preservation of Type 2 agricultural lands.
- 16.50.080 Preservation of Type 3 agricultural lands.
- 16.50.085 Protection of noncommercial agricultural land.
- 16.50.090 Notification and disclosure statement requirements.
- 16.50.095 Agricultural buffer setbacks.
- 16.50.100 Appeals.
- 16.50.110 Agricultural Policy Advisory Commission hearing notices.
- 16.50.115 Violations. [no change]



SCCC 16.50.070 has been updated to reflect the fact that the “AP” zone district no longer exists. The Agricultural Preserve and Farmland Security “-P” combining zone district includes parcels which are restricted by the California Land Conservation Act of 1965. This code section has also been updated to clarify that Type 1 agricultural land may be owned by a non-profit entity, and to reflect the allowance of sewer or water district expansion into Type 1 agricultural lands per draft General Plan Chapter 5, Policy 1.1.13: Utility District Expansion.

16.50.070(C) has been updated to allow the expansion of water or sewer districts on type 1 agricultural land only to serve existing development on CA land with failing sewage disposal systems or wells, in accordance with updates to General Plan Policy ARC-1.1.13.

16.50.070 Preservation of Type 1 agricultural lands.

- (A) Lands designated as Type 1 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District, or if within an area designated as a timber resource, be maintained in the Timber Production (“TP”) Zone District, or if within a public park owned either by a public agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation (“PR”) Zone District. The following parcels, designated as Type 1 agricultural land, shall be maintained in the Agricultural Preserve (“AP”) Zone District: Assessor’s Parcel Numbers 86-281-07, 86-281-24. Type 1 land shall not be rezoned to any other zone district unless the Type 1 designation is first removed pursuant to SCCC 16.50.050.
- (B) Santa Cruz County shall not approve land division applications for parcels within the Type 1 designation except where it is shown, pursuant to SCCC 13.10.315, that such divisions will not hamper or discourage long-term commercial agricultural operations.
- (C) Santa Cruz County shall not approve or support expansion of sewer or water district boundaries, or expansion of municipal boundaries, onto Type 1 agricultural lands for any purpose other than recycling and/or tertiary treatment for aquifer recharge for the benefit of agricultural uses or other activities intended to benefit agricultural lands, or except to allow the expansion of water or sewer districts to serve existing development on CA parcels with failing sewage disposal systems or with wells that do not meet minimum drinking water standards.

SCCC 16.50.075 has been updated to clarify that Type 2 agricultural land may be owned by a non-profit entity.

16.50.075 Preservation of Type 2 agricultural lands.

- (A) Lands designated as Type 2 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District, or if within an area designated as a timber resource, be maintained in the



Timber Production (“TP”) Zone District, or if within a public park owned either by a public agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation (“PR”) Zone District. Type 2 land shall not be rezoned to any other zone district unless the Type 2 designation is first removed pursuant to SCCC 16.50.050.

- (B) Santa Cruz County shall not approve land division applications for parcels with a Type 2 designation except where it is shown, pursuant to SCCC 13.10.315, that the viability of the land for commercial agricultural use will not be reduced by such land division.

SCCC 16.50.080 has been updated to reflect the fact that the “AP” zone district no longer exists. The Agricultural Preserve and Farmland Security “-P” combining zone district includes parcels which are restricted by the California Land Conservation Act of 1965. This code section has also been updated to clarify that Type 1 agricultural land may be owned by a non-profit entity, and to reflect the allowance of sewer or water district expansion into Type 1 agricultural lands per draft General Plan Chapter 5, Policies 1.1.13: Utility District Expansion; 1.1.14: Water and Sewer Lines in the Coastal Zone; and 1.1.15: Protection for Water and Sewer Lines in the Coastal Zone.

Sections (C) and (D) amended to be consistent with updated General Plan Policy 1.1.4, which allows the placement of water and sewer lines on Type 3 ag land in the Coastal Zone only to serve existing development with failing septic system or wells, or to prevent saltwater intrusion or recharge groundwater in areas served by the Pajaro Valley Water Management Agency. Language that had been previously added that would have allowed placement of water and sewer lines to serve public facility uses has been deleted.

16.50.080 Preservation of Type 3 agricultural lands.

- (A) Lands designated as Type 3 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District, or if within an area designated as a timber resource, be maintained in the Timber Production (“TP”) Zone District, or if within a public park owned either by a public agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation (“PR”) Zone District. The following ~~parcels, designated as Type 3 agricultural land~~, shall be maintained in the Agricultural Preserve (“AP”) Zone District: Assessor’s Parcel Numbers 46-021-05, 54-261-05, 57-121-25, 57-201-13. Type 3 land shall not be rezoned to any other zone district unless the Type 3 designation is first removed pursuant to SCCC 16.50.050.
- (B) Santa Cruz County shall not approve land divisions for parcels within the Type 3 designation except where such land divisions meet the requirements set forth in SCCC 13.10.315.



- (C) Santa Cruz County shall prohibit the placement of sewer or water lines on Type 3 agricultural land, other than for agricultural use; to serve existing development that has failing wells and/or sewage disposal systems; or to prevent saltwater intrusion, recharge groundwater basins, or provide tertiary treated wastewater for agricultural purposes in areas served by the Pajaro Valley Water Management Agency, on Type 3 agricultural land. Sewer transmission lines to and from the City of Watsonville sewage treatment plant and raw water transmission lines from North Coast sources to the City of Santa Cruz shall be exempt from this policy only if with safeguards to ensure are adopted which assure that such facilities will not result in the conversion of Type 3 agricultural lands to nonagricultural uses. Such safeguards shall include, but not be limited to:
- (1) Deed restrictions to prohibit hookups to trunk lines through agricultural lands, except where hookup to trunk lines is necessary to provide access to water and sewer service pursuant to this section; and
 - (2) Prohibit the levying of assessment fees against prime agricultural lands for the construction of sewage transmission lines running through them, unless at an appropriate rate for service to any allowed farmworker housing or other agricultural public/quasi-public uses that may be approved by the County.
 - (3) Locating water and sewer lines on commercial agricultural land below the tillable soil depth, with buffers as may be advised by agricultural professionals.
- (D) Santa Cruz County shall oppose the expansion of municipal boundaries which would include Type 3 agricultural land within municipal boundaries, except for the expansion of sewer district boundaries to serve existing development- which has failing wells and/or in order to address or mitigate significant public health or environmental concerns such as failing sewage disposal systems, and where consistent with the General Plan policies BE-5.5.1 through BE-5.5.5 regarding development west of Watsonville.

SCCC 16.50.085 has been updated with minor clarifications regarding division of noncommercial agricultural land.

Subsection (B)(1) amended to clarify that land without a Type 1 or Type 2 designation may be divided from parcels with such a designation only for a public purpose, pursuant to General Plan Policy ARC-1.2.4.

16.50.085 Protection of noncommercial agricultural land.

- (A) The division of land which is designated in the General Plan as Agriculture ("AG") agriculture land use but which is not designated as Type 1; or Type 2 or Type 3 agricultural resource (commercial agricultural) land shall be permitted only to minimum parcel sizes in the range of 10 to 40 acres per parcel based on Chapter 13.14 SCCC pertaining to rural residential density



requirements. Where the Agricultural Policy Advisory Commission confirms that such land is not viable for commercial agricultural use, land divisions may be permitted to minimum parcel sizes in the range of two and one-half to 20 acres per parcel based on Chapter 13.14 SCCC unless ~~the parcel is surrounded to the extent of 50 percent or more by parcels lands~~ within one-quarter mile of the subject property designated in the General Plan as agricultural resource (commercial agricultural land) and/or mountain residential, and all proposed building sites are not within one-half mile of a through County maintained road and adequate buffering cannot be provided between any proposed nonagricultural use and adjacent commercial agricultural uses, in which case the minimum density shall ~~stay at~~ be 10 to 40 acres per parcel.

- (B) Land without a Type 1 or Type 2 designation may be divided from parcels with such a designation (including parcels subject to Land Conservation Act contracts) only when:
 - (1) The division is for a public purpose, and the pPotential use of the “removed” parcel will not adversely impact the agricultural activities of the larger area; and
 - (2) There is little likelihood for subsequent intrusion of nonagricultural development into larger, exclusively agricultural areas; and
 - (3) The “removed” property is at the edge of an agricultural area and is physically separated from the adjacent agriculture by topographic features, extensive vegetation, or physical structures; or the nonagricultural land is part of an agricultural parcel which exists separately from other agricultural areas; and
 - (4) A cancellation petition is filed, prior to filing of the final map, for the “removed” parcel when the property is subject to a Land Conservation Act contract.
- (C) The division of land designated as Agriculture (“AG”) ~~for agricultural~~ land use on the Local Coastal Program Land Use Plan but not designated as Type 3 agricultural land shall be permitted only to minimum parcel sizes in the range of 10 to 40 acres per parcel based on Chapter 13.14 SCCC pertaining to rural residential density requirements and only where:
 - (1) It is documented that renewed or continued agricultural use of such land is not feasible; and
 - (2) It is documented that such land does not meet the criteria for Type 3 agricultural land as defined in SCCC 16.50.040(C); and
 - (3) It is shown that such division will not hamper or discourage long-term agricultural use of adjacent lands; and
 - (4) Adequate building setbacks can be maintained to buffer adjacent agricultural activities; and
 - (5) The owner and residents of the subject property have executed a hold harmless agreement with the adjacent agricultural operators and owners.