



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
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TOM BURNS, PLANNING DIRECTOR

March 20, 2007

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Agenda Date: March 28, 2007

Item #: 7.1

Time: After 9 AM

APN: 108-361-02

Application: 06-0655

Subject: Revised Conditions in Support of Planning Commission Action to Approve Application 06-0655, a Proposal to Change Agricultural Production Primarily From Rose Production to Diversified Agricultural Production, Including Berries, at an Existing Farm at 242 Corralitos Road.

Members of the Commission:

Early this month, your Commission approved this proposal and directed staff to return with revised conditions of approval, incorporating the new conditions of permit 06-0655 with those of permit 87-0576, on your Commission's consent agenda. Attached at Exhibit A are the revised conditions. Your Commission previously approved the Notice of Exemption from further environmental review.

It is, therefore, RECOMMENDED that your Commission take the following action:

Approve the revised conditions of approval attached as Exhibit A.

Sincerely,

Steven Guiney, AICP
Development Review

Mark Ddming, AICP
Assistant Planning Director

Exhibit:

A. Conditions of Approval

cc: Dee Murray
Mike Almasri
Betty Allen
Les Strnad

**AGRICULTURAL DEVELOPMENT PERMIT 87-0576 EXHIBITS and CONDITIONS as
AMENDED BY COMMERCIAL DEVELOPMENT PERMIT 06-0655**

(New language is shown underlined; deleted language is shown ~~struckthrough~~):

~~COMMERCIAL DEVELOPMENT PERMIT CONDITIONS~~

The following exhibits are hereby incorporated by reference into these conditions as though fully set forth herein.

Exhibit A – Site Plan and Landscape Plan, consisting of 4 sheets; all dated June 29, 1988
Sheet 1 – Site Plan and Planting Details
Sheet 2 – Landscape Screening Plan
Sheet 3 – Site Plan of Phases 1 and 2
Sheet 4 – Paving Details

Exhibit AI: Project Plans, 6 sheets, RDR Design Group, dated 01/29/07

Exhibit B – Drainage Plan, consisting of 3 sheets; all dated June 29, 1988
Sheet 1 – Drainage Improvement Details
Sheet 2 – Site Plan Showing Drainage Improvements
Sheet 3 – Retention Pond Detail

Exhibit C – Drainage Calculations, consisting of 5 sheets; dated June 29, 1988

Exhibit D – Greenhouse Elevations and Roof Framing Plan; dated June 29, 1988

Exhibit E – Floor Plans and Elevations of Packing Shed, Maintenance Shop, Office and Shade Houses, to be submitted in the future per condition #7.d.

~~Exhibit Declaration of Restrictions~~

Exhibit G – Waiver and Indemnification Agreement

CONDITIONS:

1. The construction phases authorized by this permit are illustrated on Sheets 1 and 3 of Exhibit A. They are:
 - a. Phase 1 – Greenhouse group not to exceed 61,692 square feet, 12,375 square foot packing shed and a 16-vehicle parking lot with access road.
 - b. Phase 2 – Greenhouse group not to exceed 29,400 square feet, a 24,840 square foot shade house structure, a 5,000 square foot office, a 10,000 square foot maintenance shop, a 4,575 square foot addition to the packing shed and a 14-vehicle space parking lot.
 - c. Phase 3 – Caretakers' quarters to be remodeled and expanded up to a total size of 1,500 square feet, which may be done at any time after Phase 1 is completed.

2. ~~The structures authorized by the Master Commercial Development Permit shall be restricted to uses for the purposes of rose plan germination, hybridization and propagation.~~ This permit authorizes the replacement of rose production with berry propagation and diversified row crop production. No retail sales or other commercial activity or facility are permitted. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - a. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - b. Obtain all required Building Permits for electrical and plumbing work.
3. Planning staff shall inspect the site to determine compliance with the conditions of this permit prior to approval for the commencement of each subsequent construction phase of this permit.
4. Prior to issuance of any Building Permit, the Applicant and Property Owner shall execute, have notarized and record the following documents to be binding on the Applicant, the Property Owner, and any and all successors and transferees thereof:
 - a. A Statement of Acknowledgment in the form provided by the Planning Department regarding potential land use conflicts;
 - b. ~~A Deed Restriction, in the form attached hereto as Exhibit F, specifying that the requirements of Condition 7a. shall be met and providing appropriate security to cover the cost of removal of greenhouses and concrete and asphalt parking areas associated with the greenhouses in the event that 50 percent of the permitted greenhouse area ceases production or use for a year or longer or this permit expires for any other reasons; and~~
 - b. A Waiver and Indemnification Agreement, in the form attached hereto as Exhibit G, providing for waiver indemnification, hold harmless, and defense of the County of Santa Cruz and its agents, officers and employees from any claim, action or proceeding against same to attack, set aside, void, or annul an approval by the County of this Master Development Plan and Commercial Development Permit or to claim damages for erosion, landslide, pesticide use, or other conditions or uses of the property.
5. The final site plan shall be reviewed by the applicant's archaeological consultant (Archaeological Consulting) and a letter from the consultant shall be submitted for review by Planning staff prior to issuance of any Building Permits on the property. Any additional recommendations from the consultant shall, upon review and approval, become conditions of project approval by the minor

variation process. During construction, the area of lithic scatter noted in the consultant's report of October 13, 1987 shall remain undisturbed and shall not be used for storage of waste or fill dirt.

6. Required Permits

- a. A Building Permit shall be obtained for all structures in each phase of development.
- b. Plans for all Building Permit applications shall conform to Exhibits A, D and E and the applicable specifications in condition #7.
- c. A Grading Permit shall be obtained prior to any excavation work for the retention pond. Application for this permit shall be made at the same time as applying for building permits for Phase 1.
- d. An Encroachment Permit shall be obtained from the County Public Works Department prior to or simultaneously with the issuance of a Building Permit for Phase 1.
- e. The applicant shall obtain permits for installation of all new wells and septic tank systems from County Environmental Health Service. The applicant shall submit written documentation of all such approvals (e.g., copies of permits) to the Environmental Planning Section of the Planning Department prior to installation of new wells and septic tank systems.
- f. The applicant shall obtain a Hazardous Materials Permit from the County Environmental health Service for the use, handling and storage of any hazardous substances. The applicant shall submit written documentation of such approval to the Environmental Planning Section of the Planning Department prior to final inspection and clearance of any new structure. The applicant shall comply with all Environmental Health regulations in this regard.
- g. Issuance of Building Permits for the packing shed, maintenance shop and/or office buildings shall require approval from the County Fire Marshall's Office for plans showing the installation of fire extinguishing sprinkler systems in each building. A wet barrel type fire hydrant shall be installed along the Corralitos Road frontage at a location and a time approved by the Fire Marshall's Office. The fire hydrant shall be connected to the City of Watsonville water main. Applicant shall comply with all requirements of the Paiaro Valley Fire Service Area.

7. Building Construction

- a. ~~The greenhouses shall be restricted to concrete flooring for center pathways only, as shown on Exhibit A. If 50% of the permitted~~

~~greenhouse area ceases production or use for a year or longer or the permit expires for another reason, the applicant shall completely remove and dispose of all concrete flooring and post foundations of the greenhouses as well as the greenhouse buildings and asphalted parking areas serving these greenhouses and return the area including the soils formerly covered by greenhouses to its natural, prime agricultural state within 6 months of permit expiration. This condition shall be documented by a deed restriction specifying this requirement which the applicant shall prepare subject to Planning staff review and approval prior to notarization and recordation of the document. The approved document shall be signed by the applicant, notarized and recorded prior to Building Permit issuance for Phase 1. Appropriate security to cover the cost of removal of all concrete flooring and post foundations of greenhouses shall be submitted and be subject to the Planning Director's approval prior to Building Permit issuance. Existing greenhouse flooring shall be of concrete to provide a clean environment for plant propagation. The concrete flooring shall be non-structural load bearing. If 50% of the permitted greenhouses cease production or use for a year or longer or the permit expires for another reason, the applicant shall remove and dispose of all concrete flooring and post foundations of the greenhouses as well as the greenhouse buildings and asphalted areas serving these greenhouses and restore the area including soils formerly covered with greenhouses to the prime agricultural state within 60 days. No security is required to cover the cost of this work.~~

- b. The greenhouse sheathing shall be made of non-glare glass, non-glare fiberglass or other non-glare rigid plastic materials. Flexible poly-plastic shall not be used.
- c. ~~The greenhouses shall not contain fans of any type whatsoever in or on the greenhouse structures.~~
Irrigation shall be an overhead misting/fogging system utilizing horizontal airflow fans to regulate humidity to a level that is not conducive to disease. All exhausting fans shall be shown on the building permit plans and relevant capacity, noise, etc., information shall be supplied with the building permit plans
- d. Elevations and floor plans for the packing shed, maintained shop, office and shade houses shall be submitted to the Environmental Planning Section of the Planning Department for review and approval prior to application for a Building Permit for these structures. These plans, when approved, shall become the various sheets of Exhibit E.
- e. No exterior openings shall exist on the south exterior wall of the maintenance shop.

EXHIBIT A 4

- f. The maintenance shop and packing shed shall incorporate substantial skylighting in the roof construction of both structures.
- g. The packing shed and office shall both contain lavatory facilities that are equipped with septic tank systems (see condition #5.d).
- h. The actual height of the office (grade to roof ridgeline) shall not exceed 15 feet. The actual height of other structures shall not exceed 20 feet.
- i. The structure to be remodeled to an agricultural caretakers' quarters shall be designed as a single-family dwelling with an approved septic system (see condition #5.d). Expansion if this structure shall always adhere to the 93 foot buffer setback from the south property line as set by APAC.

8. Site Improvements (Landscaping, Drainage and Paving)

- a. The applicant shall install all landscaping shown on Sheets 1 and of Exhibits A. The east – west staggering of landscaping along Corralitos Road shall be increased to provide a natural occurring appearance. Evergreen species shall be used exclusively as a visual screen: other species may be used in addition to provide a natural appearance. The entire length of the landscaping along the road shall include evergreen screening. Existing dead and dying landscaping along Corralitos Road shall be removed and replaced with healthy landscaping consistent with the Recommended Agricultural Buffer Planting List. This landscaping shall be augmented with additional plants as necessary to ensure screening of the existing and any proposed buildings from Corralitos Road. All required landscaping shall be maintained in perpetuity. All dead or down apple trees located between the greenhouse structures and ornamental landscape screening along Corralitos Road shall be removed prior to tree and shrubbery planting.
- b. All landscaping shall be installed prior to final inspection and clearance of any buildings.
- c. The three rows of existing mature apple trees supplementing the required ornamental landscaping along Corralitos Road shall not be removed until the growth of the ornamental landscaping has matured to effectively screen the project from views along the road. Planning Department approval is required prior to removal of these apple trees as part of the landscape screen.
- d. ~~A minimum of 21 ½ acres within the northwest portion of the property shall be retained in apple orchard by prudent horticultural management. The~~

~~three rows of apple trees specified in condition # 8.c shall be managed in the same fashion.~~

The 21-acres of apple orchard, which has been removed due to its deteriorated condition, must be maintained with berries, diversified crops or other commercial agricultural crop production.

- e. ~~A drip irrigation system shall be used as the only method of irrigation both inside the greenhouses and for the required landscape screening and buffering.~~
The existing drip irrigation system shall be replaced with a more water efficient system using newer technology adapted to specific growing stages.
- f. ~~Any brines or boiler residues shall be contained on-site in a lined evaporation pond or other containment device approved by the Environmental Planning Section of the Planning Department.~~
A water softener shall be installed to eliminate brine.
- g. All storm drainage improvements shall be installed commensurate with the construction phase they are designed to serve as shown on Exhibits B and C. These improvements shall be completed prior to final inspection and clearance of each construction phase.
- h. ~~All greenhouses shall be served by a subsurface drainage system which recirculates irrigation water for reuse. This system shall be designed and installed to prevent groundwater contamination from irrigation additives (e.g. fertilizers). All contaminated runoff shall be used or evaporated on-site. There shall be no circulation of irrigation water. All runoff shall be diverted to the detention basin.~~
- i. All paving shown on Sheets 1 and 3 of Exhibits A shall conform to the minimum standards of 5 inches of Class 2 base rock overlain by 1 ½ inch of asphalt, which is sealcoated. No other portions of the property are to be paved for parking and circulation or any other purpose.
- j. The approach to the access drive shall be designed with adequate width and turning radius to allow for both egress and ingress of 30 ft. long vehicles from both directions subject to approval by the Department of Public Works.
- k. Provide required off-street parking for 30 cars. Standard parking spaces shall be 8.5 feet wide by 18 feet long. All parking spaces must be located entirely outside vehicular rights-of-way. Parking must be clearly designated on the plot plan. The entire vehicle access drive and main (16 vehicle space) parking lot shown on Sheets 1 and of Exhibit A are to be completed prior to final inspection and clearance of Phase 1. The 14 vehicle space office parking lot shall be completed prior to clearance of Phase 2.

- l. Silt and grease traps, as shown on Sheet 1 of Exhibit B shall be installed in both parking lots.
- m. All landscaping, drainage and paving improvements shall be permanently maintained during the life of this permit. **All ornamental trees** in the landscape screens shall be maintained at a maximum height of 30 feet. Evergreen landscaping consistent with the Recommended Aaricultural Buffer Planting List and as described in the staff report shall be planted along the entire northern edge of the building and shall be maintained in perpetuity.

9. Signing and Lighting

- a. One identification sign shall be allowed on the site at the junction of the access drive with Corralitos Road as an integral part of the landscaping in conformance with the specifications in condition #9.b.
- b. The applicant shall submit two copies of a sign plan to the Environmental Planning Section of the Planning Department for review and approval prior to sign installation. The sign (and sign plan) shall include the following specifications:
 - 1) Wooden and non-illuminated.
 - 2) Not larger than 12 square feet in size.
 - 3) Not higher than 7 feet above surface grade.
 - 4) Oriented parallel to the road.
- c. All lighting shall be designed or visually screened so it is unobtrusive to nearby properties and does not produce glares directed beyond the site. Lighting shall conform to the specifications in conditions #9.d and e.
- d. The applicant shall submit two copies of a lighting plan to the Environmental Planning Section of the **Planning** Department for review and approval prior to installation of exterior lighting. All exterior lighting (and the plan) shall include the following specifications:
 - 1) All lighting at exterior doorways (as required by the National Electrical Code) shall not be placed higher than **8** feet above grade.
 - 2) All freestanding lighting in parking lots, and other areas, shall be kept to a minimum and placed no higher than **4** feet above ground.
 - 3) Lighting shall illuminate in a downward direction.
- e. ~~The greenhouses shall not use interior illumination for the growing of plants during nighttime.~~
Supplemental lighting shall be limited to the hours of 5 - 7a.m. and 5 - 10p.m., from October 1 to April 1. When the supplemental lighting is in use and it is dark outside, the automatic curtains shall be activated to ensure that light does not escape from the greenhouses. Lights shall be directed downward and the green house nearest Corralitos Road shall incorporate side curtains to

contain light. Owner shall investigate other technology that contains the light on-site and may substitute such technology after approval by the Planning Director.

10. Operations

- a. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspection, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- b. No soil sterilants **shall** be used on the property. Pesticides and herbicides sprayed **on** the roses pursuant to accepted industry standards for agricultural use is permitted.
- c. No farming or development activities may occur within the area covered by riparian woodland and creek bed other than two-discharge swale for retention pond overflow as specified in Exhibit B.
- d. The hours of operation shall be from ~~7~~ 6 a. m. to ~~6~~ 4:30 p. m., except for administrative employees and with the exception of daily activities that do not involve deliveries or visitors and spraying which must for safety reasons occur outside of the hours of operation. No more than 50 employees in addition to the administrative staff shall be employed on-site.
- e. Any generators installed for this project shall **be** emergency backup power needs only and shall not be used on a regular basis.
- f. The applicant shall submit a groundwater-monitoring plan formulated by a hydrological engineer or other qualified professional for review and approval by the Environmental Planning and Resources Sections of the Planning Department within 60 days of the approval of this permit. The plan shall include the following or other method determined to be substantially equivalent by the County: number, location and depths (completion intervals) of the monitoring points as well as specification of acceptable levels of groundwater quality and frequency of sampling. Sampling shall include areas in both the vadose zone (soil above the aquifer) and the alluvial aquifer and shall test for all agricultural chemicals used on the property during the ~~two~~ months prior to sampling date. The approved monitoring plan shall be operational prior to final inspection and clearance of any Building Permits on the property. **All** results of the groundwater sampling shall be sent to the Resources Section of the Planning Department (Water Quality Lab) for review within 10 days of sampling results. Failure to meet water quality standards established by the Environmental Protection Agency and Regional Water

EXHIBIT A

Quality Control Board shall constitute a violation of the permit and reconsideration of the permit by the Planning Commission.

MINOR VARIATIONS, WHICH DO NOT CHANGE THE OVERALL CONCEPT OR DENSITY, OF THIS PERMIT MAY BE APPROVED BY THE PLANNING DIRECTOR AT THE REQUEST OF THE APPLICANT OR THE PLANNING STAFF.

Exhibit G – Waiver and Indemnification Agreement
(This Waiver and Indemnification Agreement supercedes Exhibit G of Permit 87-0576)

As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.