



Staff Report to the Planning Commission

Application Number: **10-0116**

Applicant: Ottone Leach Olsen & Ray, LLP

Date: May 11, 2011

Owner: Willoughby

Agenda Item #: 10

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

Time: After 9:00 a.m.

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

Locations: APN's 051-731-13 & 051-481-01 are located on the north and south sides of Highway 129 in Watsonville, about ¾ of a mile from Lakeview Road. APN 052-581-09 is located on the south side of West Beach Road about 550 feet west of Lee Road.

Supervisory Districts: 4th District (District Supervisor: Caput)
2nd District (District Supervisor: Pirie)

Staff Recommendation:

- Adopt the attached resolution (Exhibit E), sending a recommendation to the Board of Supervisors for **Approval of Application Number 10-0116**, based on the attached findings, and recommending certification that the project is exempt from further environmental review under the California Environmental Quality Act.

Exhibits

- | | | | |
|----|---|----|---|
| A. | Project plans | F. | APAC Resolution |
| B. | Findings | G. | Land Conservation Contract |
| C. | Categorical Exemption (CEQA) | H. | Breakdown of property tax reduction |
| D. | Assessor's, Location, Zoning, and General Plan maps | | by taking agency, prepared by the County Auditor-Controller's office. |
| E. | Planning Commission Resolution (with attached Ordinance and Rezoning Map) | | |

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

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

Services Information

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

Parcel Information for APN 052-581-09

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

Services Information

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

History

The Agricultural Policy Advisory Commission (APAC) reviewed the proposal at the January 20th, 2011 public hearing and agreed to send a recommendation of approval of this application to

the Board of Supervisors by way of resolution (Exhibit F).

Analysis/Discussion

The applicant and property owners are proposing to enter two parcels (with three APN's) into a 20-year Williamson Act Contract with the County of Santa Cruz: APN's 051-481-01 & 051-731-13 (one legal parcel split by a right of way) and APN 052-581-09.

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

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

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

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

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

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

1. The parcels are zoned CA (Commercial Agriculture) and have General Plan Designations of A (Agriculture). [County Code Section 13.10.473]
2. The parcels are designated as Agricultural Resource Types in the County General Plan: APN's 051-481-01 & 051-731-13 are designated as Type 1A Viable Agricultural Land and APN 052-581-09 is designated as Type 3 Coastal Zone Prime Agricultural Land. [State Government Code 51242]
3. The resulting parcels will each have a minimum of 10 acres of prime farmland. [State Government Code 51222]

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

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

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

Subventions

Property owners who enter into a Williamson Act contract with the County of Santa Cruz for agricultural or open space protection receive a reduced land value assessment of the parcel(s) under contract and therefore benefit from a reduced property tax. To support this incentive and offset revenue loss, the State of California has, until recently, been providing annual subvention payments to local governments. The Santa Cruz County Assessor's Office has determined that historically, Santa Cruz County received about \$22,700 per year in State subvention payments.

For the 2009-2010 fiscal year, Open Space subvention act entitlement amounts were all but eliminated with the disbursements limited to a combined total of \$1000 for all participating counties.¹ The County did not receive a reimbursement from the State in 2009.

Senate Bill 863 was passed in 2010 which, among other things, provided each participating county with the opportunity for a one-time, pro-rata share of a \$10 million fund based on the total subvention claims for the fiscal year 2010-2011.² The County has requested a reimbursement of \$20,097; however a budget trailer bill (SB 80) was passed on March 24th, 2011 which, among other subjects, included the deletion of the \$10 million appropriation provided by Senate Bill 863.

The draft 2011-2012 state budget proposes the elimination of additional and ongoing funding for participating counties in Williamson Act Program. Although additional funding for the program is not included in the proposed budget, the program itself is not proposed for elimination. As a

¹ The California Land Conservation (Williamson) Act (2010 status report). California Conservation.

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



VICINITY MAP

NTS

Directions

MULLOCHBY HOLE RANCH, Riverside Drive (St. Hwy. 129) and Thompson Road, Waterville. From the intersection of Main Street and Beach Street, in downtown Waterville, proceed:

Southeast on Main Street 0.3 miles to Riverside Drive (St. Hwy. 129), turn left 2.6 miles to Thompson Road Intersection. Driveaway on right, just before Thompson Road.

Notes

1. Discrepancies and dimensions shown between are in feet and decimals.
2. Dollars in National Geographic Vertical Dollars of 1928.
3. Centimeters are based upon International Year 7.5 U.S.G.S. Quadrangle Map.
4. Centimeter Interval is 2 (two) feet.
5. No Pages are to be removed.
6. Boundary line bearings and distances are taken from Document Recorded January 25, 1985 in Volume 06259 of Official Records of Page 113, Santa Cruz County Official Records.

Certification

This map was prepared under my direction.

David P. Whitaker PLS 5002



Scale: 1" = 250'



Monterey
MONTEREY COUNTY SURVEYORS, INC.
235 Salinas St., Salinas, CA 93901-3664 831.434.1884
831.434.1886, email: general@montereycounty-surveyors.com

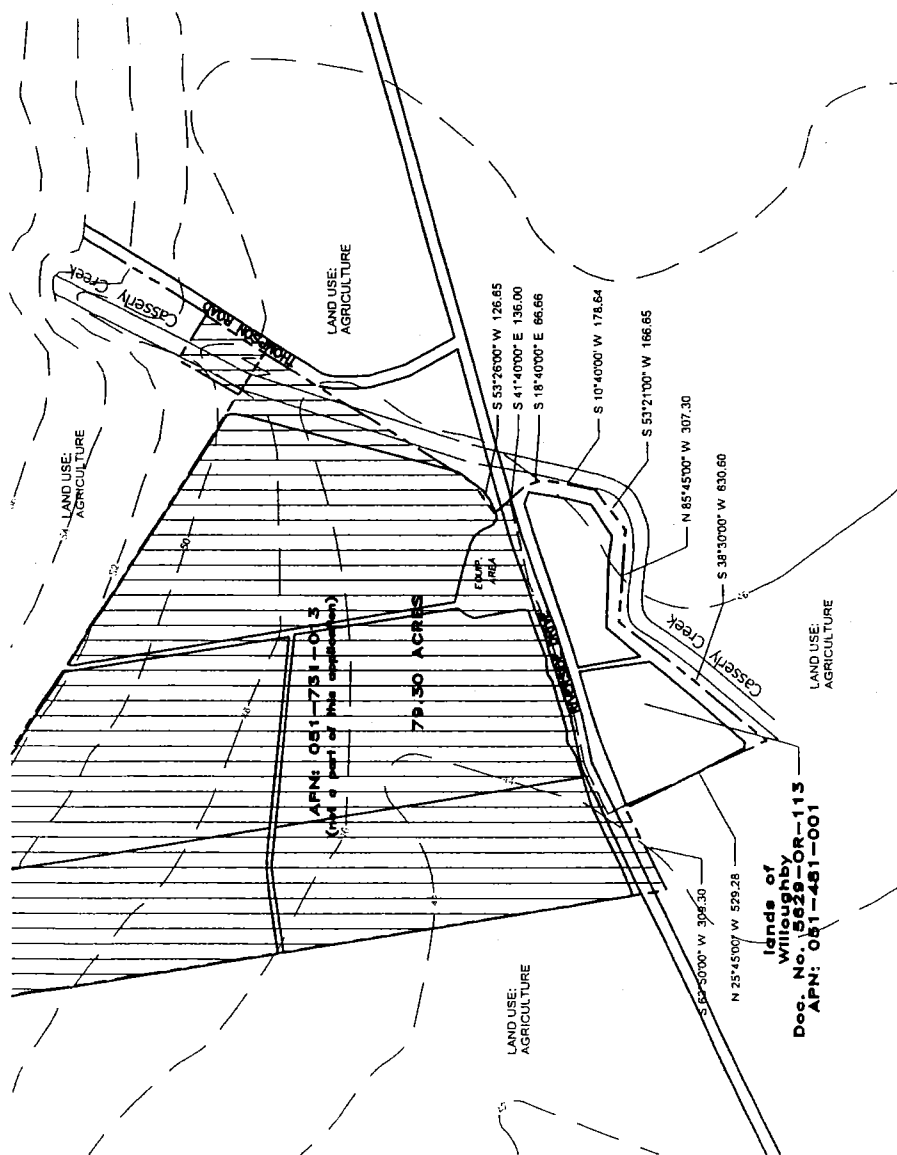
SITE PLAN

Of APN 051-451-001, a portion of the Wroughtby Home Ranch, for
Agricultural Preserve application to the County of Santa Cruz, situated in
the Rancho Buena Vista del Palero, Santa Cruz County, CA.

MADE FOR: WILLOUGHBY FARMS

SCALE: 1"=250' JOB NO. 26019 DATE: NOVEMBER 2009

APN: 051-451-001 SHEET 1 OF 1



AFN: 051-731-013
(not a part of this application)

79.30 ACRES

lands of
Willoughby
Doc. No. 5629-OR-113
APN: 061-481-001

Doc. No. 5829-OR-113
APN: 051-481-001

Doc. No. 5829-OR-113
APN: 051-481-001

Doc. No. 5829-OR-113
APN: 051-481-001

APPLICANT:

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 DOTTONNE LEACH OLSEN & RAY LLP
 77 EAST GABRIEL STREET
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 dtarricone@clafow.com
 phone: 831-759-2401

OWNER:

CHRISTOPHER M. WILLOUGHBY
800 LAKE DRIVE
WATSONVILLE, CA. 95076-4510
PHONE: 831-758-2401

CHRISTOPHER M. WILLOUGHBY
800 LAKE DRIVE
WATSONVILLE, CA. 95076-4510
PHONE: 831-758-2401

CHRISTOPHER M. WILLOUGHBY
800 LAKE DRIVE
WATSONVILLE, CA. 95076-4510
PHONE: 831-758-2401

CHRISTOPHER M. WILLOUGHBY
800 LAKE DRIVE
WATSONVILLE, CA. 95076-4510
PHONE: 831-758-2401

Riverside Drive Ranch

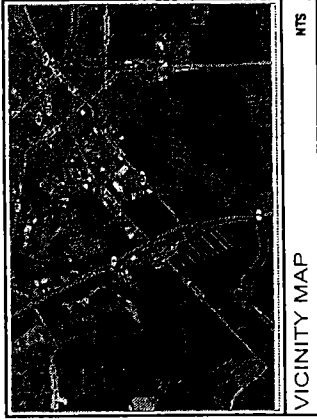
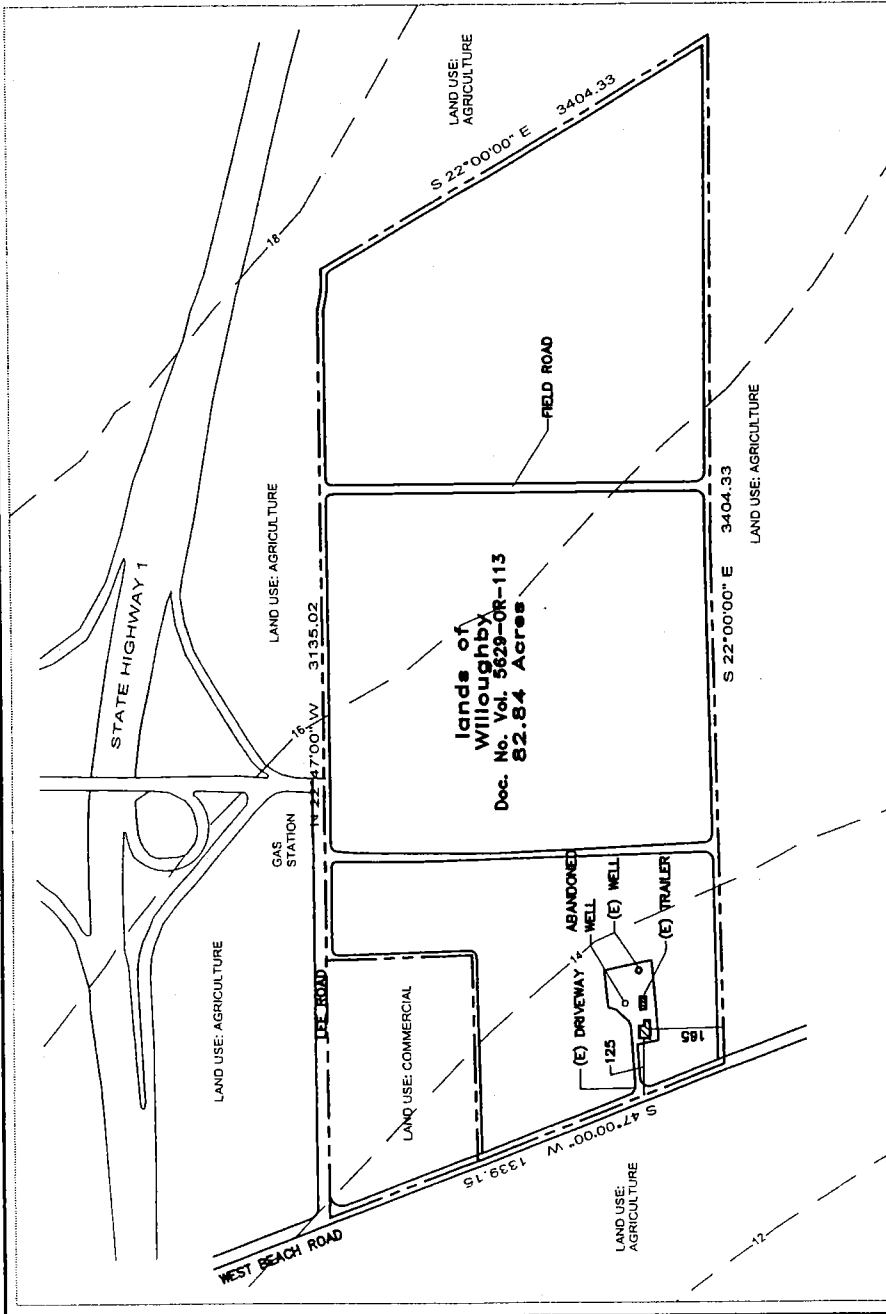
051-481-01

Yield Per Acre (Av. Last 5 yrs) = 0

Acres Under Cultivation = 0

Acres in Pastures = 0

Acres in Waste = 7.24



VICINITY MAP

NTS

Directions

BEACH ROAD RANCH, 1850 West Beach Road, Watsonville
From the intersection of Main Street and Beach Street, in downtown Watsonville, proceed
West on Beach Street 1.00 mile to 1850 Beach Road, Watsonville, driveway on left.

Notes

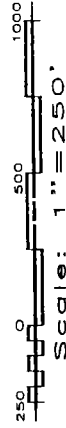
1. Dimensions and bearings shown herein are in feet and decimals.
2. Datum is National Geodetic Vertical Datum of 1929.
3. Corners are based upon Watsonville West 7.5' U.S.G.S. Quadrangle Map.
4. Corner interval is 2 (two) feet.
5. No trees are to be removed.
6. Boundary line bearings and distances are taken from Document recorded January 26, 1984 in Public Records of Santa Cruz County at Page 112, Santa Cruz County Official Records.

Certification

This map was prepared under my direction.



Dory P. Welcher PLS 56972



Scale: 1" = 250'



MONTEREY COUNTY SURVEYORS, INC.
235 Salinas St., Salinas, CA 93901-3804 831-434-1884
831-434-1888, email: general@montereycounty-surveyors.com

SITE PLAN

OF APN 052-581-009, a portion of the Willoughby Beach Road Ranch, situated in the County of Santa Cruz, State of California, and subject to the Agricultural Preserve application to the County of Santa Cruz, situated in the Rancho Bateria del Pajaro, Santa Cruz County, CA.

MADE FOR: WILLOUGHBY FARMS

SCALE: 1" = 250' JOB NO. 28019 DATE: NOVEMBER 2009

APN: 052-581-009

SHEET 1 OF 1

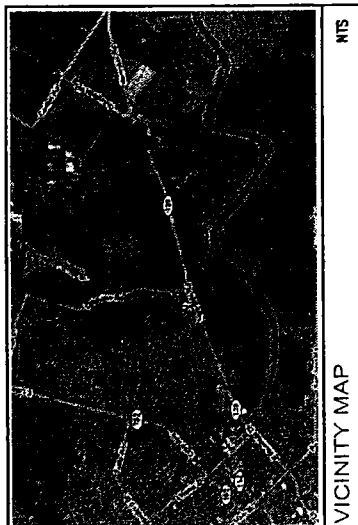
OWNER:
CHRISTOPHER M. WILLOUGHBY
800 LAKE DRIVE
WATSONVILLE, CA 95076-4510
PHONE: 831-758-2401

APPLICANT:
DANIELLE GLEASON TARRORNE
OTTONE LEACH OLSEN & RAY LLP
17 EAST CARLIN STREET
SALINAS, CA 93901
dtt@ottoneleach.com
Phone: 831-758-2401



West Beach Street Ranch
052-581-09
Yield Per Acre (Av. Last 5 yrs) = 8,000
Acres Under Cultivation = 80.2
Acres in Pastures = 0
Acres in Waste = 2.64

EXHIBIT A



Directions

MELBOURN-HY HOME RANCH, Riverdale Drive (St. Hwy. 129) and the Thompson Road, Terriberry. From the intersection of both Street and Beach Street, Terriberry, proceed:

Southeast on Main Street 0.3 miles to Riverdale Drive (St. Hwy. 129). Turn left 2.6 miles to Thompson Road intersection. Driveaway on left, just before Thompson Road.

Southeast on Webb Street 0.3 miles to Riverside Drive (St. Hwy. 129).
Turn left 2.6 miles to Thompson Road Intersection. Driveway on left.
Just before Thompson Road.

Southwest on Main Street 0.3 miles to Riverside Drive (S.C. Hwy. 123), turn left 2.6 miles to Thompson Road intersection. Driveway on left, just before Thompson Road.

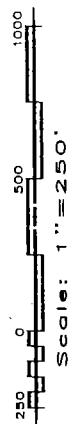
Notes

1. Distances and dimensions shown herein are in feet and decimals.
2. Datum is National Geographic Vertical Datum of 1929.
3. Curvatures are based upon Indianapolis West 7.5' U.S.G.S. Quadrangle Map.
4. Contour Interval is 2 (two) feet.
5. No trees are to be removed.
6. Boundary tree bearings and distances are taken from Comment Recorded January 28, 1965 in Volume 5023 of Official Records of Page 113, Santa Cruz County Official Records.

Certification

This map was prepared under my direction.

Daryl P. Whitaker PLS 5002



MCS
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233 Salinas St., Salinas, CA 93901-3654 831.434.1884
831.434.4088 ext. 600 general@montereycountysurveyors.com

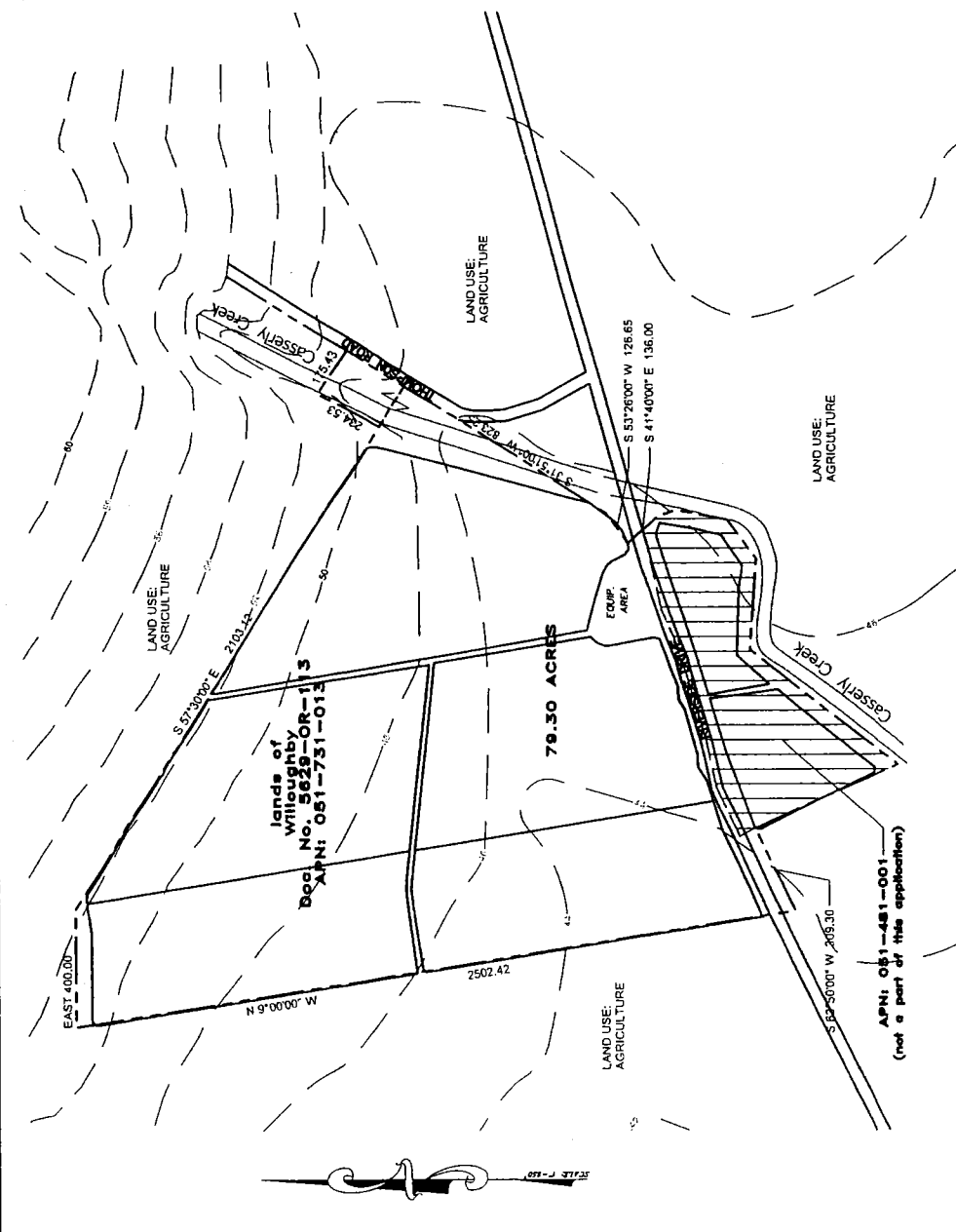
SITE PLAN

Of APN 081-731-011, a portion of the Wausaby Home Ranch, for Agricultural Preserve application to the County of Santa Cruz, situated in the Rancho Bolas del Pojano, Santa Cruz County, CA.

MADE FOR: WILLOUGHBY FARMS

SCALE: 1"=250' JOB NO. 28019 DATE: NOVEMBER 2009

MAPN: 051-731-013 SHEET 1 OF 1



OWNER:

CHRISTOPHER M. WILLOUGHBY
800 LAKE DRIVE
WATSONVILLE, CA 95078-4510
PHONE: 831-758-2401

APPLICANT:

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SALINAS, CA. 93901
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phone: (831)-758-2401

Thompson Road

051-731-13

$$\text{Yield Per Acre (Av. Last 5 yrs)} = 8,000$$

Acres Under Cultivation = 66.4

Acres in Pastures = 0

Acres in Waste = 12.9

result, cities and counties would be responsible for absorbing tax losses in 2011-2012.

On April 5th, 2011, the County Board of Supervisors approved the staff recommendation to continue County participation in the Williamson Act Program and approved direction that would allow staff to continue reviewing new applications for consideration and action by the Board. Attachment H provides a breakdown of the resulting property tax reduction per taking agency.

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

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

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

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

As shown above, the financial impact of contracting with the three subject parcels (two legal parcels) is minimal while the resulting protection of commercial agricultural land is in compliance with current General Plan Policies and Objectives.

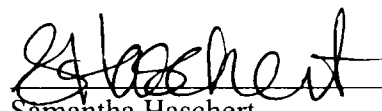
Staff Recommendation

- Adopt the attached resolution (Exhibit E), sending a recommendation to the Board of Supervisors for **Approval of Application Number 10-0116**, based on the attached findings, and recommending certification that the project is exempt from further environmental review under the California Environmental Quality Act.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

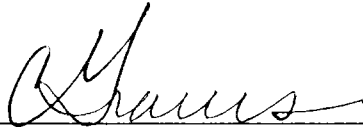
Report Prepared By:


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

Page 6

Report Reviewed By: _____



Cathy Graves
Principal Planner
Development Review

Rezoning Findings

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

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

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

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

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

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 10-0116

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

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

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

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

Contact Phone Number: (831) 758-2401

- A. _____ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. _____ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. _____ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. X **Categorical Exemption**

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

F. Reasons why the project is exempt:

Proposal to establish an agricultural preservation contract on three parcels.

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

Samantha Haschert, Project Planner

Date: _____

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

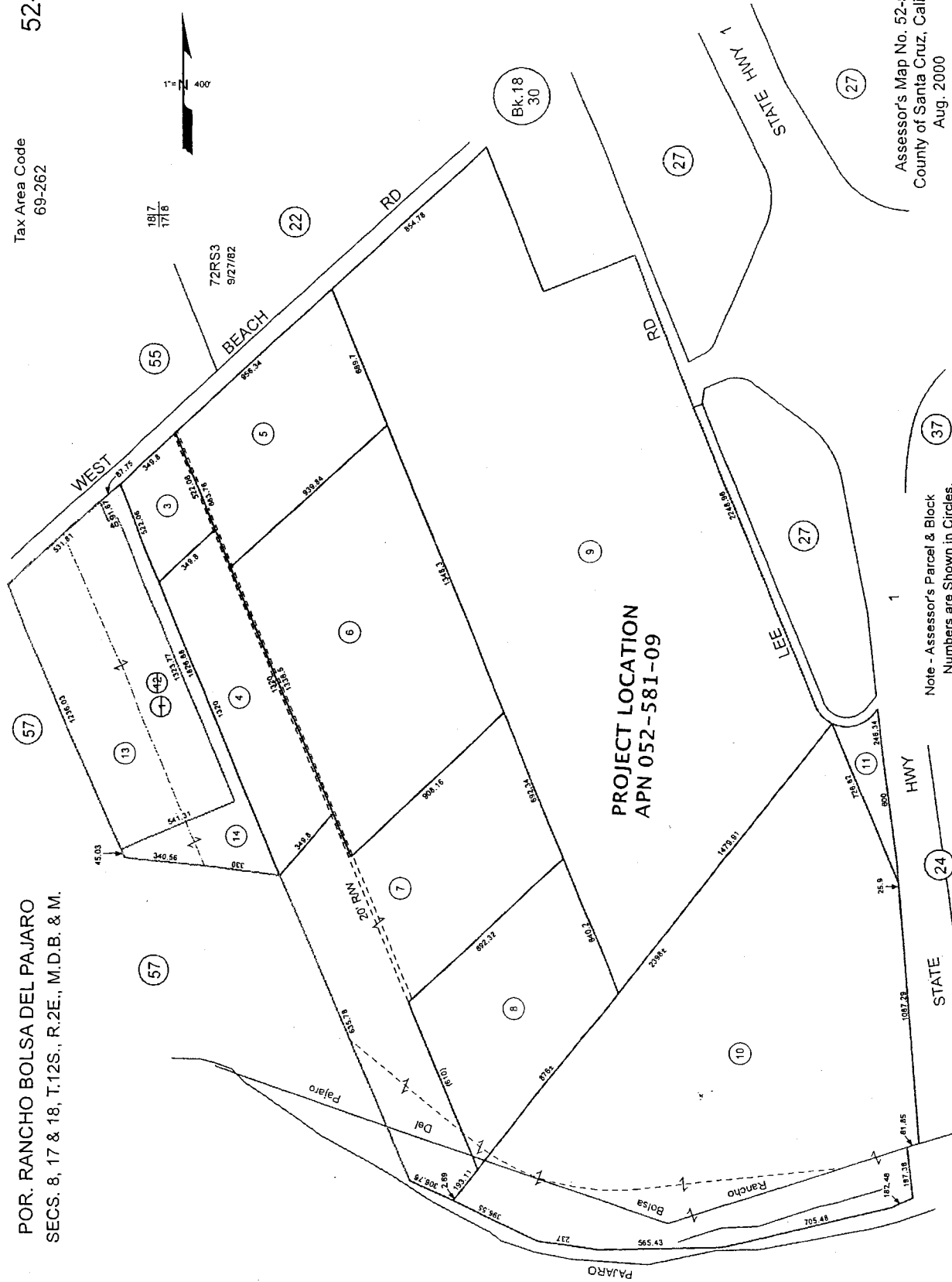
Tax Area Code
69-262

52-58

FOR TAX PURPOSES ONLY

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Electronically redrawn 8/1/2000 KSA
Rev 8/1/2000 KSA (Prelim from Pg. 24)
Rev 11/24/04 mm (Prelim from Pg. 24)
Rev 5/10/05 mm (Comb Form, 1-12)
Rev 12/28/07 CB (7-0062173, Sp 1-13 & 14)



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

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

FOR TAX PURPOSES ONLY

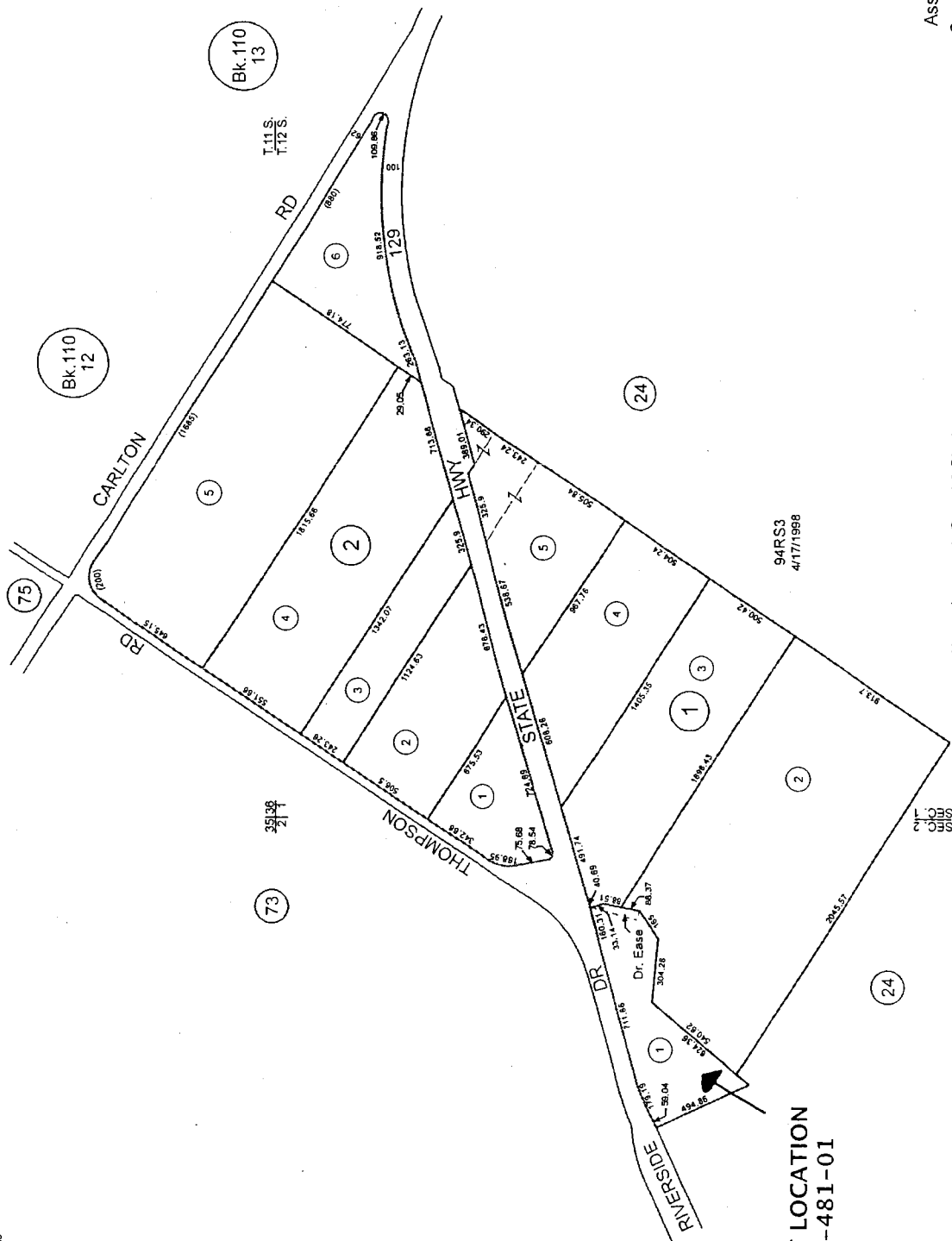
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POR. SALSIPUEDES RANCHO

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

Tax Area Code
69-258

51-48



PROJECT LOCATION
APN 051-481-01

Electronically redrawn 7/25/00 KSA
Rev 12/10/05 CB (Spatial Adjustments)

EXHIBIT D

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

Tax Area Code

POR. SECS. 1, 2 & 3, ~~17~~^{17B} T.12S., R.2E., M.D.B. & M.
POR. SECS. 34, 35 & 36, T.11S., &

51-73

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

PROJECT LOCATION
APN 051-731-13

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

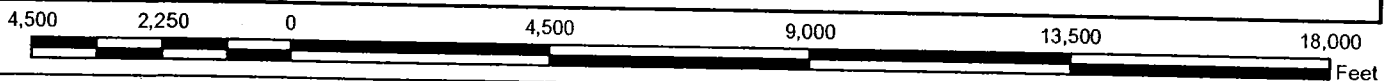
Electronically redrawn 6/23/00 KSA
Rev. 6/23/00 KSA (for item pg. 20)
Rev. 3/15/04 CB (cor. to body of 1-01)
Rev. 6/20/04 DD (4-0008803, LBA 1-13 & 14)
Rev. 10/22/08 mc (spatial adjustment)

EXHIBIT









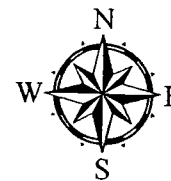
Location Map

APN: 052-581-09



LEGEND

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

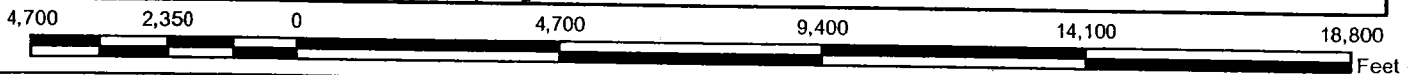
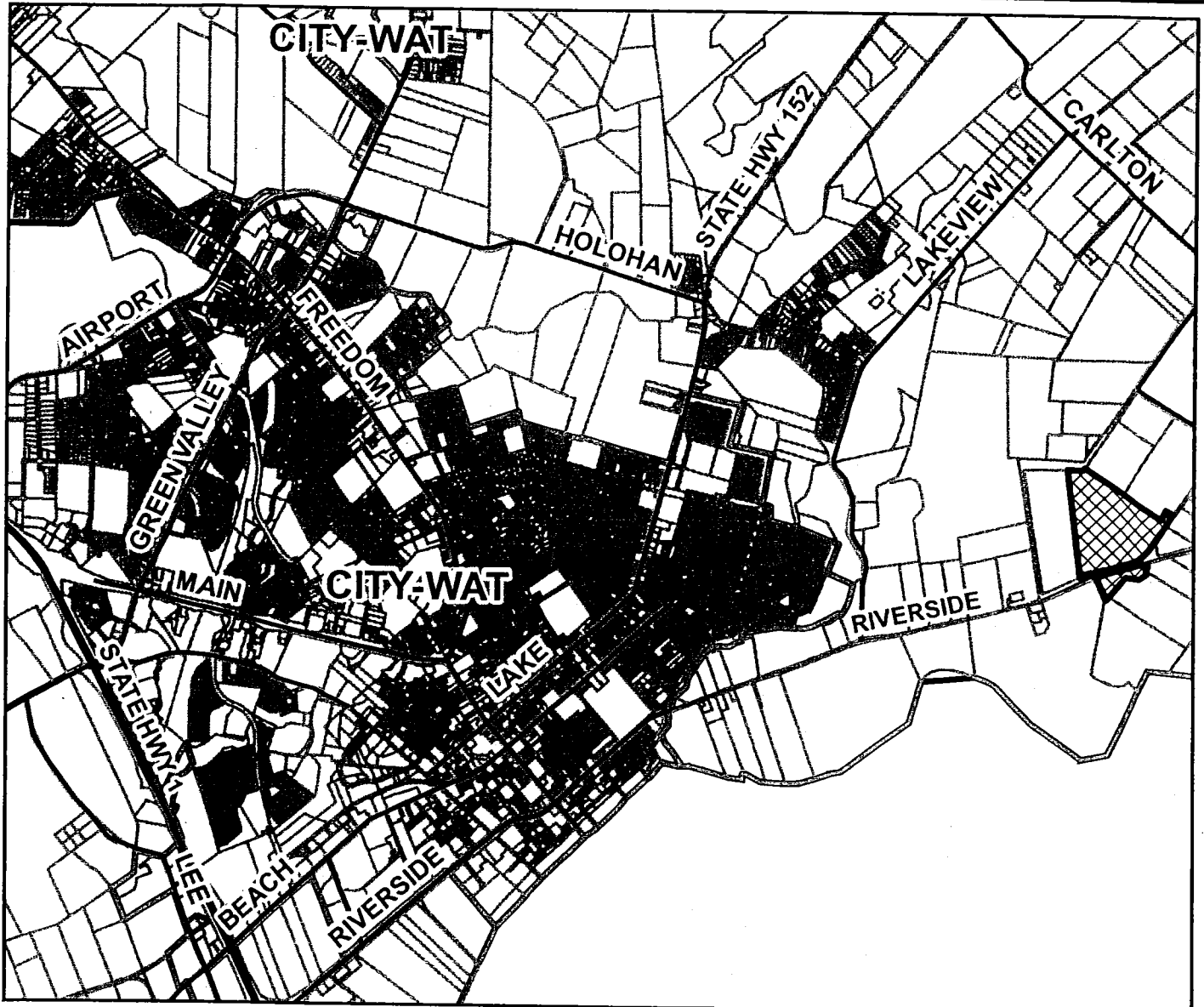


Map Created by
County of Santa Cruz
Planning Department
May 2010





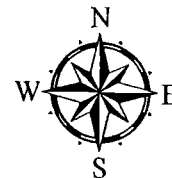
Location Map

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



LEGEND

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

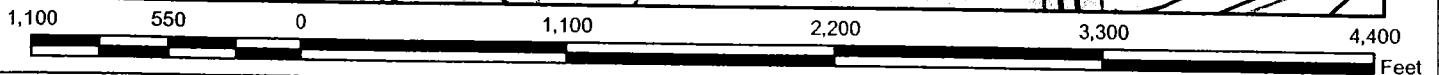
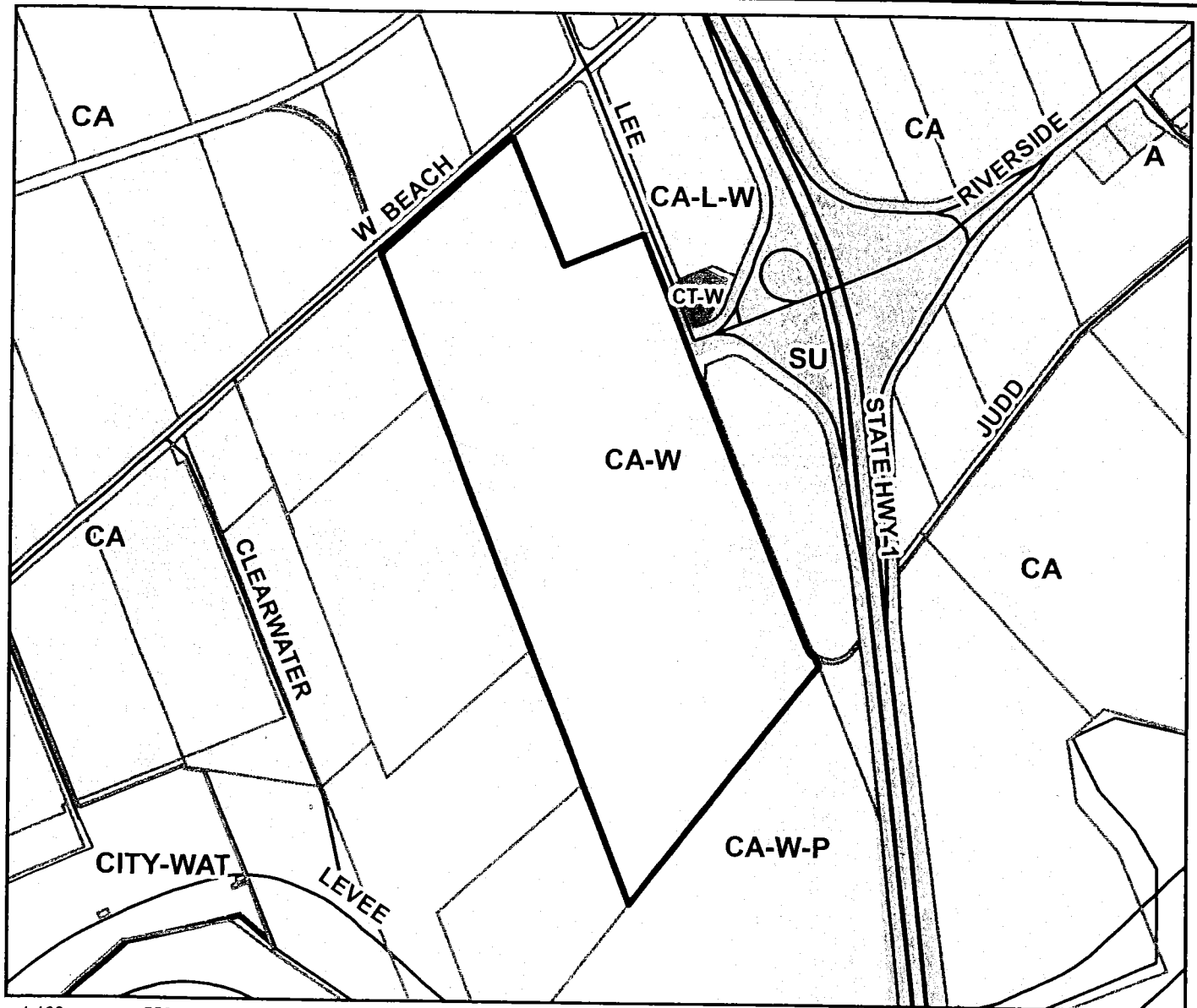


Map Created by
County of Santa Cruz
Planning Department
May 2010



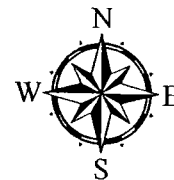
Zoning Map

APN: 052-581-09



LEGEND

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

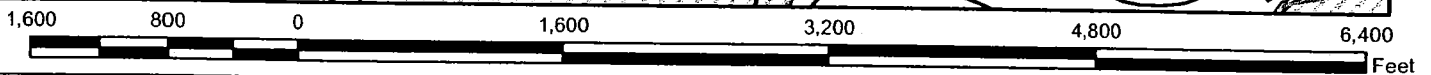
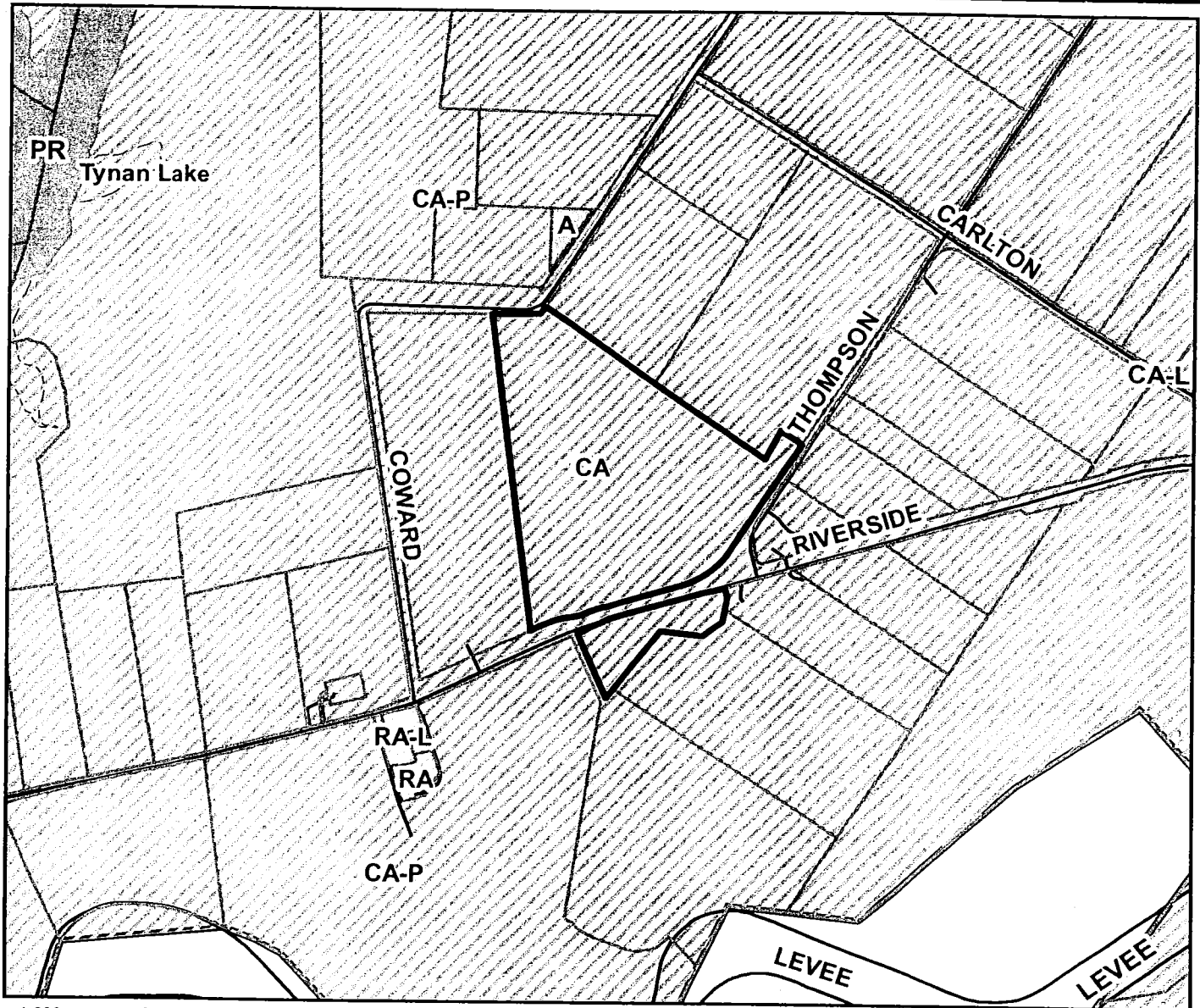


Map Created by
County of Santa Cruz
Planning Department
May 2010



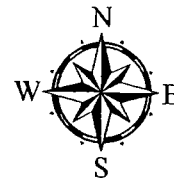
Zoning Map

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



LEGEND

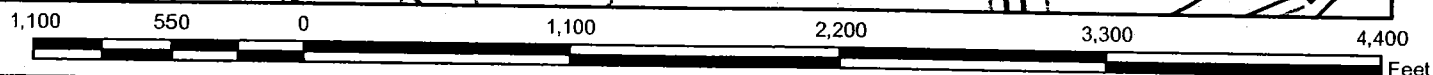
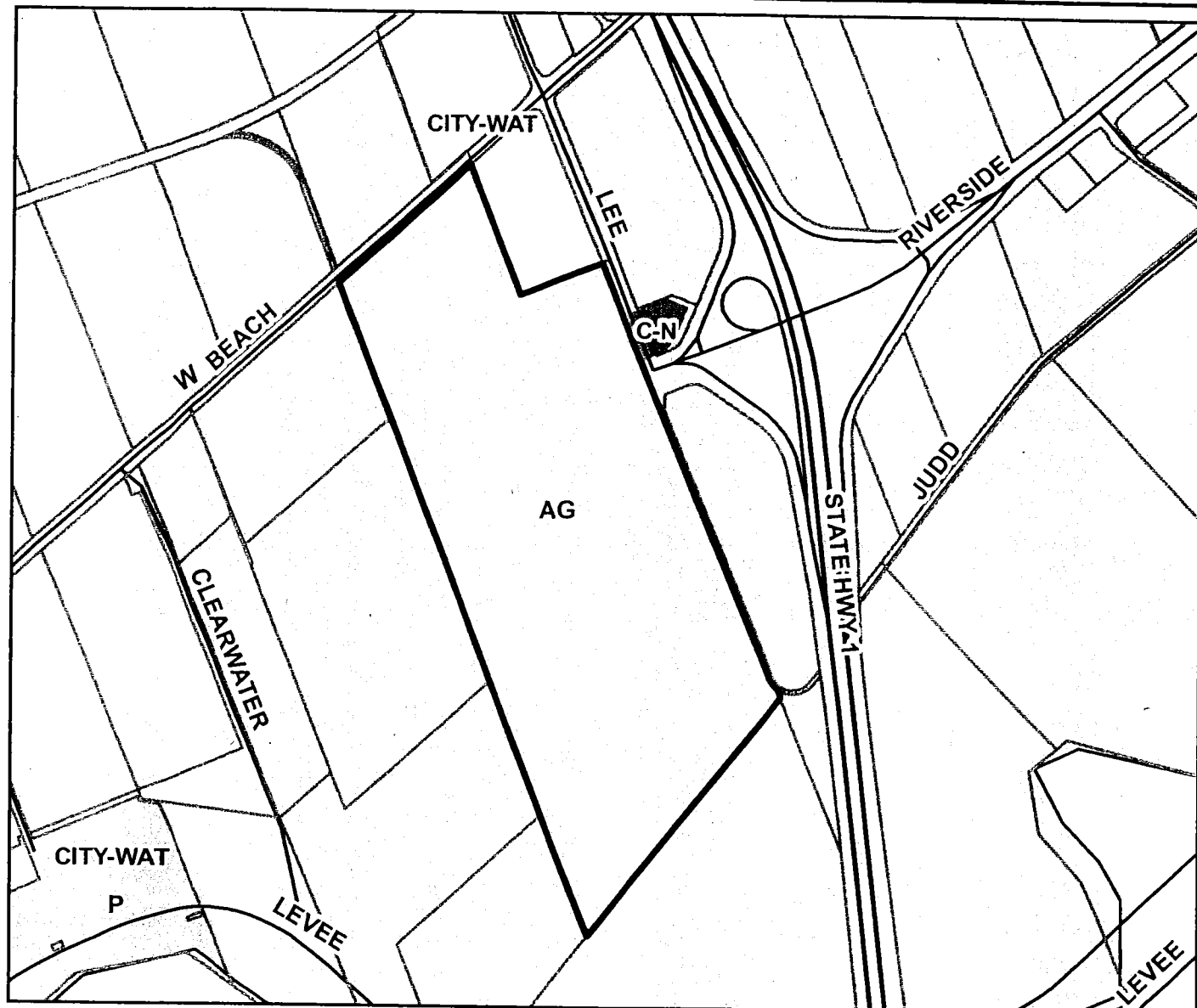
- | | | | |
|--|-------------------|--|-------------------------|
| | APN: 051-731-13 | | Lakes |
| | APN: 051-481-01 | | AGRICULTURE COMMERCIAL |
| | Assessors Parcels | | AGRICULTURE |
| | Streets | | AGRICULTURE RESIDENTIAL |
| | County Boundary | | |



Map Created by
County of Santa Cruz
Planning Department
May 2010

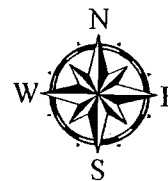


General Plan Designation Map



LEGEND

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

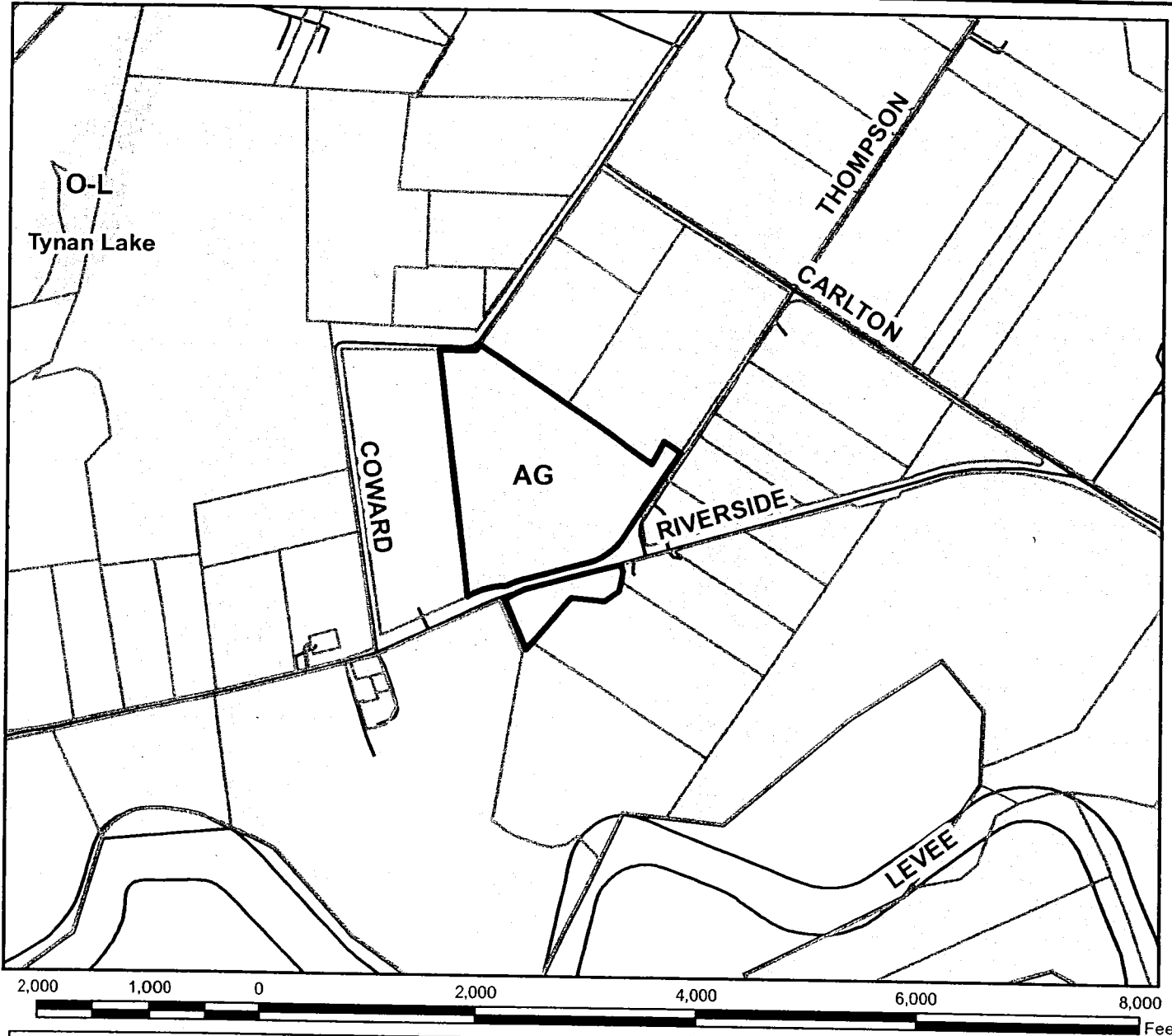


Map Created by
County of Santa Cruz
Planning Department
May 2010






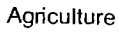

EXHIBIT D

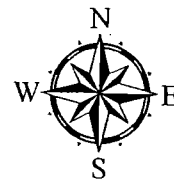


General Plan Designation Map



LEGEND

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



Map Created by
County of Santa Cruz
Planning Department
May 2010

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

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

PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

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

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

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

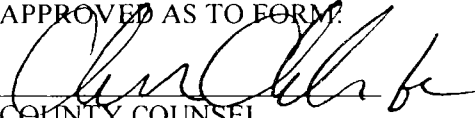
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 11th day of May 2011, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Renee Shepherd, Chairperson

ATTEST: _____
Cathy Graves, Secretary

APPROVED AS TO FORM:


COUNTY COUNSEL

ORDINANCE NO. _____

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

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

SECTION I

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

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

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

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

SECTION II

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

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

SECTION III

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

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

SECTION IV

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

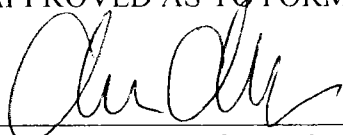
PASSED AND ADOPTED THIS _____ day of _____ 2011, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Mark Stone
Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



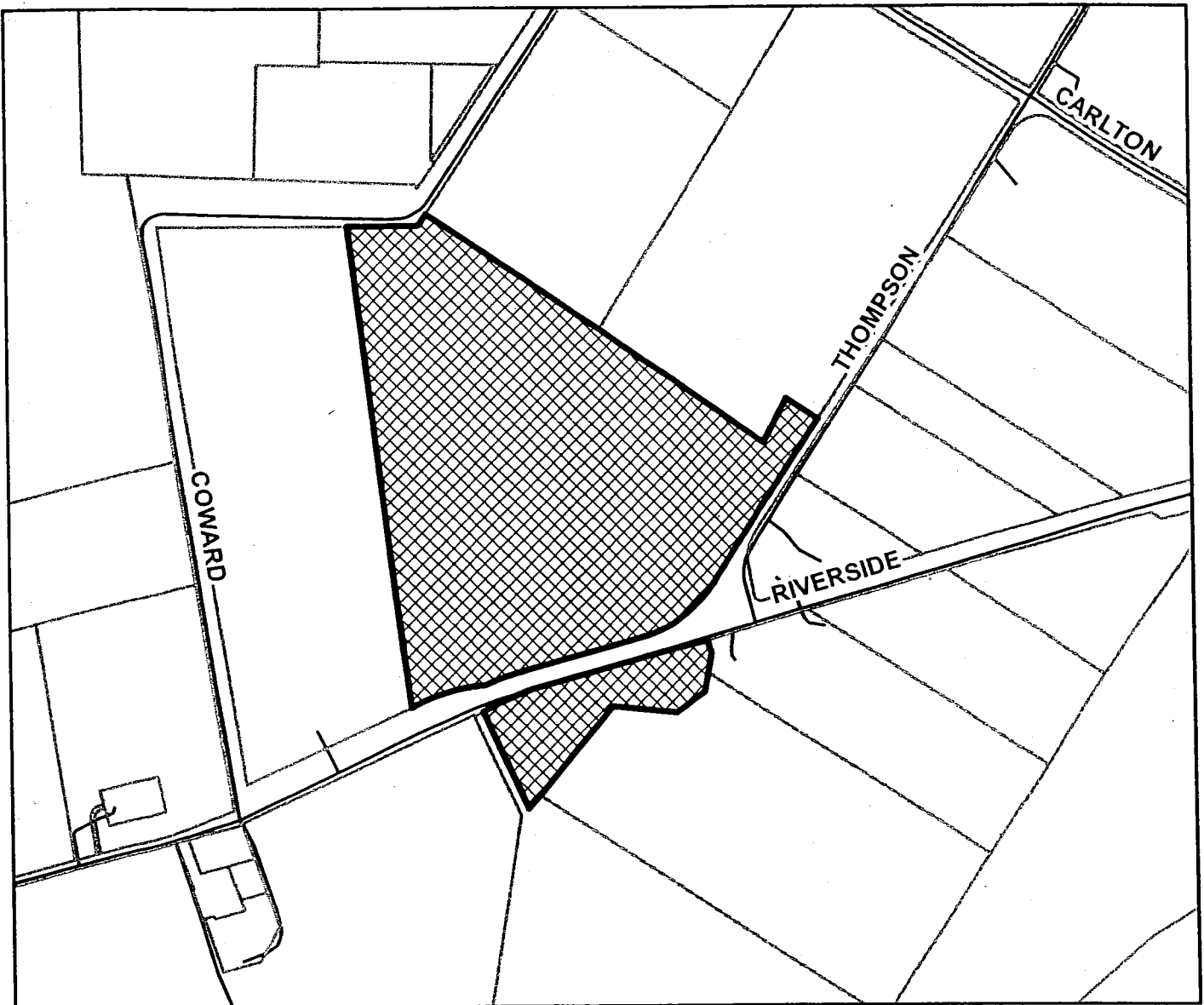
Assistant County Counsel

Exhibits: Rezoning Maps

DISTRIBUTION: County Counsel
Planning - Samantha Haschert
Assessor



Rezoning Map

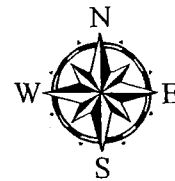


LEGEND

Rezone CA to CA-P

APN 051-481-01

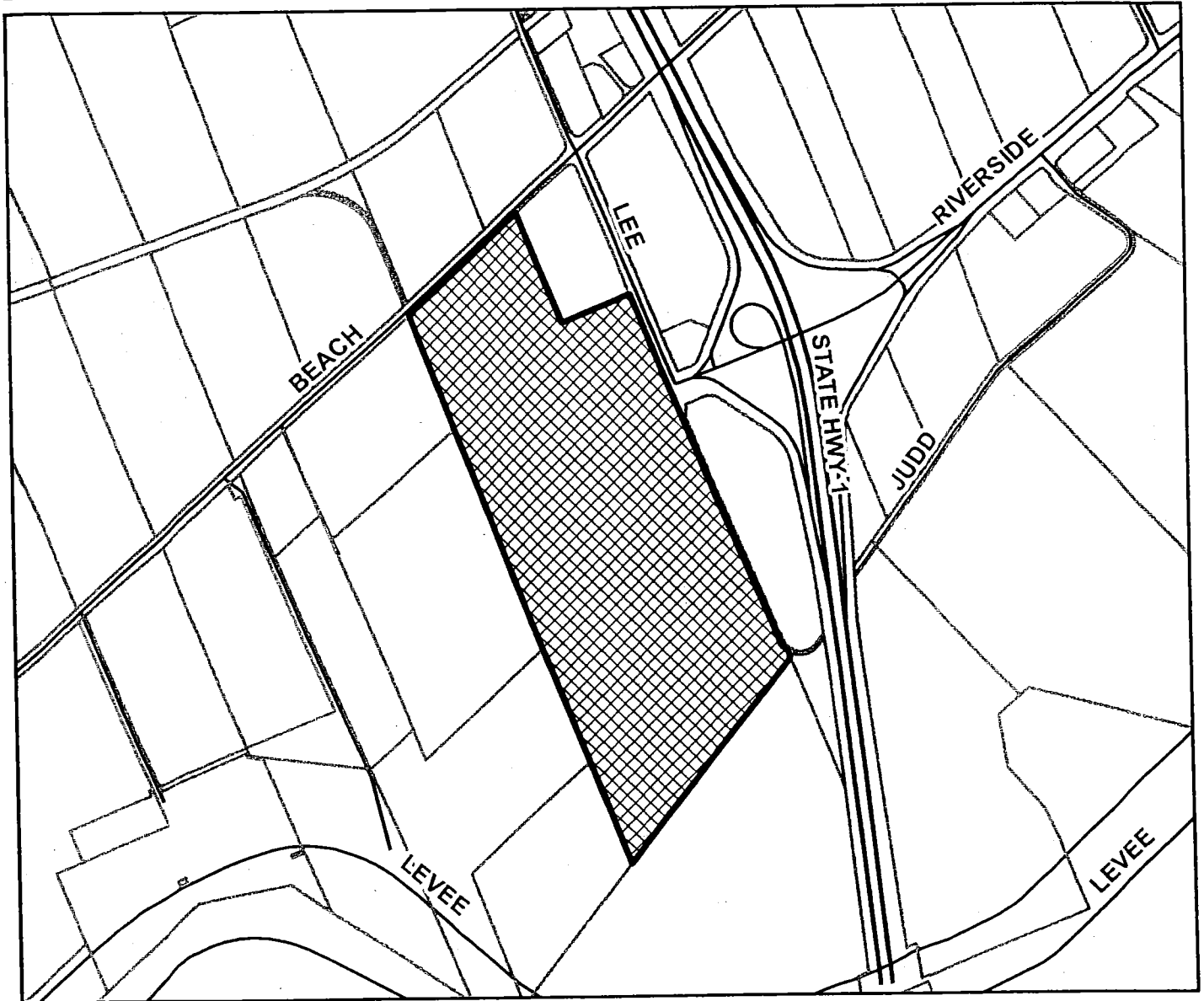
APN 051-731-13



Map Created by
County of Santa Cruz
Planning Department
May 2010



Rezoning Map

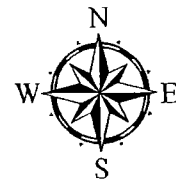


1,250 625 0 1,250 2,500 3,750 5,000 Feet

LEGEND

Rezone CA-W to CA-W-P

APN 052-581-09



Map Created by
County of Santa Cruz
Planning Department
May 2010

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

RESOLUTION NO. 1-2011

On the motion of Commissioner McCrary
duly seconded by Commissioner Manfre
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. 10-0116 involving three parcels: APN's 051-481-01 & 051-731-13 (retained as one parcel) located on the north and south sides of Riverside Road (Hwy. 129) in Watsonville, and APN 052-581-09 located on the south side of West Beach Road in Watsonville and the Agricultural Policy Advisory Commission has considered the proposed rezoning indicating the adoption of a 20-year Williamson Act contract, all testimony and evidence received at the public hearing, and the attached staff report.

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

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

PASSED AND ADOPTED by the Agricultural Policy Advisory Commission of the County of Santa Cruz, State of California, this 20th day of January, 2011, by the following vote:

AYES: COMMISSIONERS DAU, MCCRARY, MANFRE, EARNSHAW

NOES: None

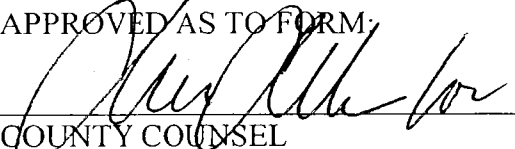
ABSENT: COMMISSIONER KIMES

ABSTAIN: None



Bruce Dau, Chairperson

ATTEST:  LISA LECOUP, FOR KEN CORBISHLEY
Ken Corbishley, Secretary

APPROVED AS TO FORM:

COUNTY COUNSEL

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

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

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

LAND CONSERVATION CONTRACT

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

WITNESSETH:

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

WHEREAS, said Property are located in an agricultural preserve heretofore established by
County; and,

WHEREAS, both Owner and County desire to limit the use of said Property to agricultural
uses and those compatible uses allowed in the CA (Commercial Agricultural) District and the P
(Agricultural Preserve) Combining District in order to discourage premature and unnecessary
conversion of such land to urban use, recognizing that such land has substantial public value as open
space, and that the preservation of such land in agricultural production constitutes an important
physical, social, aesthetic, and economic asset to the County; and

WHEREAS, the Parties have determined that the highest and best use of such land during the life of this contract, or any renewal thereof, is for agricultural purposes and agriculturally compatible uses.

NOW, THEREFORE, the Parties in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom do hereby agree as follows:

1. The Contract is made and entered into pursuant to the California Land Conservation Act of 1965, California Government Code §51200 et seq. including all amendments thereto and related County regulations including County Code Chapter 16.50.
2. During the term of this Contract the above-described land shall be used for the commercial production of agricultural commodities and/or uses allowed in the CA (Commercial Agricultural) and the P (Agricultural Preserve) Combining District of the County Zoning Ordinance which are compatible and incidental to the commercial agricultural use of the property. No structures shall be erected upon said land except such structures as may be incidental to and compatible with such commercial agricultural uses.
3. In consideration of the execution hereof by Owner and the execution of similar contracts by other property owners within the same agricultural preserve, County agrees not to authorize any uses, other than those permitted by the County Zoning Ordinance in the CA (Commercial Agricultural District) and the P (Agricultural Preserve) Combining District which are incidental to and compatible with the primary commercial agricultural use of the property, during the term of this contract or any renewal thereof. Nothing herein shall prohibit a change of boundaries of said Agricultural Preserve to omit lands not subject to a contract or to include additional lands.
4. In consideration of the execution hereof by County, Owner agrees to restrict its Property to those uses authorized in the CA (Commercial Agricultural) and the P (Agricultural Preserve) Combining District which are incidental to and compatible with the primary commercial agricultural use of the property. Owner further agrees that he will not convey any part of the above-described property unless any parcel proposed to be conveyed complies in all respects with the provisions of the General Plan, County Code, and State law.
5. In the event that an action in eminent domain for the condemnation of any land described herein is hereafter filed by any public agency, or when such land is acquired in lieu of eminent domain for a public improvement, this contract shall be deemed null and void as of the date the action is filed or the land is so acquired, provided that the condemnation or acquisition is of the fee title or other interest less than the fee which would prevent the land from being used for agricultural or

other compatible uses and provided that the contract shall be null and void only as to land actually so condemned or acquired or as to such land and a remaining portion that is rendered unsuitable for agricultural or compatible uses.

6. This contract shall be effective commencing on the _____ day of _____, 20_____, and shall remain in effect for a period of twenty (20) years therefrom. The anniversary date of the Contract is the _____ day of _____, 20_____. On the anniversary date of this contract beginning in the year when this Contract will have an unexpired term of 9 years, one year shall be automatically added to the term of this contract unless a notice of non-renewal is given as required by the County Code.
7. Either party hereto may cause this contract to expire at the end of nineteen (19) years from the first renewal date after the Effective date or 9 years after the last automatic 1 year renewal date, by serving a written notice of non-renewal consistent with the County Code and State law.
8. Owner shall not receive any payment from County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of this contract is the substantial public benefit to be derived herefrom and the advantage which will accrue to Owner in the event of any reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein.
9. The within contract shall run with the land described herein and shall be binding upon the heirs, successors, and assignees of the parties hereto.
10. This contract may not be cancelled except upon a petition by the Owner to the Board of Supervisors of the County consistent with State and local law and provided that such board, after a public hearing held in accordance with the provisions of Section 51284 of the Government Code, finds including but not limited to:
 - a. That the cancellation is not inconsistent with the purposes of the California Land Conservation Act of 1965; and
 - b. That cancellation is in the public interest.

The existence of an opportunity for another use of the land shall not be sufficient reason for cancellation. A potential alternative use of the land may be considered only if there is no proximate land not subject to a Land Conservation Act contract or agreement suitable for the use to which it is proposed the subject land be put. The uneconomic character of an existing agricultural use shall not be sufficient reason for cancellation. The uneconomic character of the existing use may be considered only if there is no other reason or comparable agricultural use to which the land may be put.

Upon such cancellation, the landowner shall pay to County an amount equal to fifty percent (50%) of the full market value of the land when relieved of the restriction, as found by the County Assessor, multiplied by the latest County assessment ratio published pursuant to Section 401 of the Revenue and Taxation Code when the Contract was initially entered into.

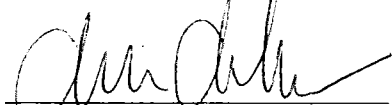
The Board of Supervisors of County may waive or defer such payments or any portion thereof provided the Board finds:

- a. It is in the public interest and the best interest of the program to conserve agricultural land that such payment be waived or deferred, and
- b. The reason for the cancellation is an involuntary transfer or involuntary change in the use of the land and the land is not suitable and will not be immediately used for a purpose that produces a greater economic return of the Owner.

The Board of Supervisors of the County may make any such waiver or deferral of payment contingent upon the future use made of the land and its economic return to the landowner for a period not to exceed the unexpired period of the contract, had it not been canceled, and a lien shall be on the subject land to secure the performance of the act or acts upon which the waiver of deferral is made contingent.

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

APPROVED AS TO FORM:



Assistant County Counsel

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

OWNER

By _____
Chairperson, Board of Supervisors

OWNER

NOTARY PUBLIC date

OWNER

OWNER

EXHIBIT "A"

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

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

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

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

APN 051-731-13

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

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

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

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

APN 051-481-01

LEGAL DESCRIPTION

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

PARCEL ONE:

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

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

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

PARCEL TWO:

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

PARCEL THREE:

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

APN: 052-581-09

PROPERTY TAX REDUCTION BY TAXING AGENCY

APN	DISTRIBUTION			051-481-01	051-731-13	
		ASSESSED VALUE x 1%		229.49	783.17	
051-481-01	2010-11	69-258	COUNTY LIBRARY	0.030503	7.00	23.89
051-731-13		11055	S C COUNTY GENERAL	0.256151	58.78	200.61
		77645	CABRILLO COL GO DS 1998 SER B	0.007017	1.61	5.50
		77650	CABRILLO COL GO DS 1998 SER C	0.001273	0.29	1.00
		77655	CABRILLO COL GO DS 1998 SER D	0.001462	0.34	1.14
		77660	CABRILLO COL GO DS 2004 SER A	0.010163	2.33	7.96
		77661	CABRILLO COL GO DS 2004 SER B	0.005421	1.24	4.25
		77665	CABRILLO COL GO DS 98A REF 2004	0.010752	2.47	8.42
		79966	PAJARO VAL USD GO DS 2002A 2005 R	0.027192	6.24	21.30
		79968	PAJARO VAL USD GO DS 2002 SER B	0.002465	0.57	1.93
		79971	PAJ VAL UNIF SCH DIST GENL	0.451544	103.62	353.64
		79981	CABRILLO COMM COL DIST GENERAL	0.067289	15.44	52.70
		79988	COUNTY SCHOOL SERVICE	0.029121	6.68	22.81
		81128	CO HWY SAFETY SERVICE AREA #9	0.002439	0.56	1.91
		86685	PAJARO STORM DRAIN MAINT DIST	0.022985	5.27	18.00
		87704	REC & PARKS - CO SERV AREA #11	0.002656	0.61	2.08
		88836	SC FLOOD CONT & WTR CONS ZONE 4	0.002385	0.55	1.87
		88838	SC FLOOD CONT & WAT CONS DISTGEI	0.002033	0.47	1.59
		96615	PAJARO VALLEY PUB CEM DIST	0.011111	2.55	8.70
		96619	PAJARO VALLEY FIRE PROTECTION DIS	0.121566	27.90	95.21
		98867	S C CO RESOURCE CONS DIST	0.000217	0.05	0.17
				1.065745	244.58	834.66

APN	DISTRIBUTION	69-262	11051	052-581-09
052-581-09	2010-11	11051	COUNTY LIBRARY	0.032067
		11055	S C COUNTY GENERAL	0.267754
		23600	COUNTY FIRE	0.080991
		77645	CABRILLO COL GO DS 1998 SER B	0.007017
		77650	CABRILLO COL GO DS 1998 SER C	0.001273
		77655	CABRILLO COL GO DS 1998 SER D	0.001462
		77660	CABRILLO COL GO DS 2004 SER A	0.010163
		77661	CABRILLO COL GO DS 2004 SER B	0.005421
		77665	CABRILLO COL GO DS 98A REF 2004	0.010752
		79966	PAJARO VAL USD GO DS 2002A 2005 R	0.027192
		79968	PAJARO VAL USD GO DS 2002 SER B	0.002465
		79971	PAJ VAL UNIF SCH DIST GENL	0.471997
		79981	CABRILLO COMM COL DIST GENERAL	0.070734
		79988	COUNTY SCHOOL SERVICE	0.030509
		81128	CO HWY SAFETY SERVICE AREA #9	0.00255
		86685	PAJARO STORM DRAIN MAINT DIST	0.024164
		87704	REC & PARKS - CO SERV AREA #11	0.002776
		88836	SC FLOOD CONT & WTR CONS ZONE 4	0.002493
		88838	SC FLOOD CONT & WAT CONS DISTGEI	0.002125
		96615	PAJARO VALLEY PUB CEM DIST	0.011614
		98867	S C CO RESOURCE CONS DIST	0.000227

CODE AREA TOTALS 1.065745