

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th7a

District Director's Report

C. T. T. 9/24/00

**September 26, 2000 (for October 12, 2000 Hearing)****RECORD PACKET COPY****To:** Coastal Commissioners and Interested Persons

From: Peter Douglas, Executive Director
Tami Grove, Deputy Director
Charles Lester, District Manager
Dan Carl, Coastal Planner

Subject: Certification Review for City of Watsonville Local Coastal Program Major Amendment Number 1-99 (PVUSD High School).

At the March 16, 2000 meeting in Carmel, the Coastal Commission approved, with suggested modifications, City of Watsonville Local Coastal Program (LCP) Major Amendment Number 1-99. This amendment was designed to modify the City's LCP to allow for the Pajaro Valley Unified School District to pursue a high school on property west of Highway One along Harkins Slough Road between Hanson and West Branch Struve Sloughs. Since that time, and within the required six-month time frame, (1) the City has taken actions to modify the LCP as directed by the Commission's suggested modifications (see Exhibit 2), and (2) the City, County of Santa Cruz, and Coastal Commission have entered into a memorandum of understanding as directed by the Commission's suggested modifications (see Exhibit 3). The Executive Director has determined that the actions taken by the City are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., October 12, 2000), and notification of this certification and Commission concurrence will be forwarded to the City on October 13, 2000 (see Exhibit 1 for draft notification).

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Watsonville to accept the Commission's suggested modifications for LCP Major Amendment 1-99 are legally adequate.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Watsonville LCP as directed by the Commission's approval with suggested modifications of LCP Major Amendment 1-99; the amended LCP will be certified as of today's date (i.e., October 12, 2000). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

- Exhibit 1: Draft letter to City of Watsonville Mayor Oscar Rios (1 page)
- Exhibit 2: City's Acceptance of the Coastal Commission's Suggested LCP Modifications (City of Watsonville Resolution Number 245-00 and Ordinance Number 1096-00) (84 pages; Resolution on pages 2-1 through 2-39, Ordinance on pages 2-40 through 2-84)
- Exhibit 3: Memorandum of Understanding (MOU) Regarding City of Watsonville LCP Amendment Number 1-99 (as executed by and between the City of Watsonville, Santa Cruz County, and the Coastal Commission); includes City and County Side-Agreement Regarding Affordable Housing (19 pages; 3-1 through 3-19)
- Exhibit 4: Revised City of Watsonville Zoning Map (1 page)



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CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
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**DRAFT**

October 13, 2000

Oscar Rios, Mayor
City of Watsonville
P.O. Box 50000
Watsonville, CA 95077-5000

Subject: *City of Watsonville Local Coastal Program (LCP) Major Amendment Number 1-99*

Dear Mayor Rios:

We have reviewed City of Watsonville Resolution Number 245-00 and companion Ordinance Number 1096-00 adopted by the City Council on August 22, 2000 and September 12, 2000 respectively. By those actions, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 1-99, and incorporated the Commission's suggested modifications into the City's LCP. We have also received the executed copy of the memorandum of understanding required by the Commission's suggested modifications.

I have determined, and the Commission has concurred, that the City's action with respect to LCP Major Amendment 1-99, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's October 12, 2000 meeting in Oceanside. As a result, the City's LCP, as amended by LCP Major Amendment 1-99, was certified as of October 12, 2000 and is now in effect.

If you have any questions, please contact Dan Carl of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas
Executive Director
California Coastal Commission

DRAFT

Charles Lester
District Manager
Central Coast District Office

cc: Alan Smith, Esq., City Attorney, City of Watsonville
Lorraine Washington, City Clerk, City of Watsonville
John Doughty, Director, City of Watsonville Community Development Department
John Casey, Superintendent, Pajaro Valley Unified School District

EXHIBIT 1 (1-1)

RESOLUTION NO. 245-00 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE RESCINDING RESOLUTION NO. 222-99 (CM) AND APPROVING THE TENTH (10TH) (GPA 2-00 AND TA-2-99) AMENDMENT TO THE *WATSONVILLE 2005 GENERAL PLAN* BY AMENDING *WATSONVILLE 2005 LOCAL COASTAL PROGRAM* TO ALLOW DEVELOPMENT OF THE NEW MILLENNIUM HIGH SCHOOL AND DIRECTING CHANGES TO BE MADE ON *THE WATSONVILLE 2005 GENERAL PLAN* OF THE CITY OF WATSONVILLE

The New Millennium High School

WHEREAS, applications for amendments to the Watsonville Coastal Land Use Plan (GPA-2-98) and the Watsonville Coastal Zone Implementation Plan (TA-2-99) were submitted by the Pajaro Valley Unified School District so as to allow for development of a public high school (the "Project") and were approved by Resolution 14-99 of the Planning Commission on June 7, 1999; and

WHEREAS, the City Council adopted Resolution No. 222-99 (CM) on July 27, 1999, and Ordinance No. 1080-99 (CM) on August 24, 1999, adopting such amendments; and

WHEREAS, such amendments were forwarded to the California Coastal Commission ("Coastal Commission") for consideration of the requested amendments; and

WHEREAS, the Coastal Commission considered the amendments at a public hearing on March 16, 2000, and denied the requests previously adopted by the Planning Commission and the City Council; and

EXHIBIT 2(2-1)

Reso No. 245-00 (CM)

Q:\COUNCIL\2000MEET\Meet0822.00\New High School General Plan 10th DATE: bvf 9/25/2000 (1:55pm)

STATE OF CALIFORNIA }
COUNTY OF SANTA CRUZ } ss

CERTIFICATION

I LORRAINE WASHINGTON, CITY CLERK OF THE CITY OF WATSONVILLE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE ATTACHED RESOLUTION NO. 245-00 IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF SAID RESOLUTION AS IT APPEARS UPON THE OFFICIAL RECORDS OF SAID CITY OF WATSONVILLE.

DATED: 19/25 2000

Lorraine Washington
CITY CLERK OF THE CITY OF WATSONVILLE

WHEREAS, the Coastal Commission approved the Local Coastal Program amendments recommended by Coastal Commission Staff on March 16, 2000, and confirmed on June 14, 2000, the Coastal Commission approval which addressed the high school and City wide coastal zone issues; and

WHEREAS, the Coastal Commission recommended that the City of Watsonville retain the existing Local Coastal Program designation "Coastal Area C" for the high school site with additional environmental constraints that are more fully delineated as Figure 2A of the Local Coastal Program amendments attached hereto as Exhibit "B"; and

WHEREAS, the Coastal Commission requested that a new land use designation "Coastal Area R" be established to include Highway One and local Street Right of Ways in (Area R) shown on Figure 1A of the Local Coastal Program amendments attached hereto as Exhibit "B"; and

WHEREAS, the California Coastal Commission requested that the City of Watsonville maintain ESHA wetlands and buffer designations as shown in Local Coastal Program Figure 2A of the Local Coastal Program amendments attached hereto as Exhibit "B," and to increase agricultural buffer areas to a 200 foot restricted use area for all coastal zone areas within the project; and

WHEREAS, the Coastal Commission requested the City of Watsonville incorporate implementation regulations and findings into the Local Coastal Implementation Plan for Coastal Zones C and R with new policies, performance standards appropriate for a public high school, and highway and road improvements for the entire Coastal Zone area, language of which is incorporated for Local Coastal Program amendments and Local Coastal Implementation Plan amendments attached hereto as Exhibit B; and

WHEREAS, a condition for approval was the adoption of a legally binding instrument to provide additional assurances regarding future annexation West of Highway 1, utility extensions and other related matters. It was agreed that this instrument would be in the form of a third party Memorandum of Understanding (MOU) between the City Council, Santa Cruz County and the California Coastal Commission; and

WHEREAS, on March 14, 2000, the City Council of the City of Watsonville and the Santa Cruz County Board of Supervisors (subject to one condition) adopted resolutions to execute the MOU with the Coastal Commission, and on June 14, 2000, the Coastal Commission agreed to participate in the MOU and on or about September 13, 2000, the MOU was to be executed; and

WHEREAS, Section 1 of the MOU provides the City must submit a comprehensive update of the City's Local Coastal Program for review and action by the Coastal Commission, should the Pajaro Valley Unified School District irrevocably abandon any project to build a school on Area CZ-C. Such comprehensive update must be forwarded to the Coastal Commission within one year of notice of abandonment (as defined in the MOU) of a school project on Area CZ-C; and

WHEREAS, the City has proposed amendments to its Local Coastal Plan described above as part of GPA-2-00 and TA-2-99 consistent with the requests of the California Coastal Commission, and consistent with the *Watsonville 2005, General Plan* and the California Coastal Act; and

WHEREAS, the Coastal Commission acting as the lead agency conducted review of the proposed Local Coastal Program amendments and acted as a functional equivalent

agency for CEQA review and has determined that if the land use designations are modified as specified by the Local Coastal Program amendments adopted by resolution that the project will not result in significant environmental effects for which feasible mitigation measures cannot be employed consistent with CEQA Public Resources Code section 21080.5 (2)(A); and

WHEREAS, on May 24, 1994, the *Watsonville 2005 General Plan* was adopted by Resolution No. 137-94 (CM) which included the lands west of Lee Road as a "Special Study Area"; and

WHEREAS, on November 7, 1995, the *Watsonville 2005 General Plan* was amended by Resolution No. 299-95 (CM) adopting GPA 1-95 thereby affecting 451 East Beach Street. GPA 1-95 was the first (1st) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 1995 calendar year; and

WHEREAS, on March 25, 1997, the *Watsonville 2005 General Plan* was amended by Resolution No. 89-97 (CM) adopting GPA 2-94, second (2nd) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 1997 calendar year, to change the City's Urban Limit Line to include the Lands West of Lee Road in substitution for Lands South of Corralitos Creek; to change the designation of the Lands West of Lee Road from "Special Study Area" to "Specific Plan Area," and to delete the Urban Reserve Overlay from the Lands South of Corralitos Creek; and

WHEREAS, on July 22, 1997, the *Watsonville 2005 General Plan* was amended by Resolution No. 235-97 (CM) adopting GPA-2-97 thereby affecting certain property at 527 Center Street Watsonville, owned by John Fiorovich. GPA 2-97 was the third

(3rd) amendment to the *Watsonville 2005 General Plan* and the second (2nd) amendment of the 1997 calendar year; and

WHEREAS, on November 4, 1997, the *Watsonville 2005 General Plan* was amended by Resolution No. 335-97 (CM) adopting GPA 3-97 thereby affecting certain property at 567 Auto Center Drive owned by Robert Erickson. GPA 3-97 was the fourth (4th) amendment to the *Watsonville 2005 General Plan* and the third (3rd) amendment of the 1997 calendar year; and

WHEREAS, on April 28, 1998, the *Watsonville 2005 General Plan* was amended by Resolution No. 132-98 (CM) adopting GPA 1-98 to redesignate 98 parcels in the vicinity of Airport Boulevard and Loma Prieta Avenue. GPA 1-98 was the fifth (5th) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 1998 calendar year; and

WHEREAS, on April 28, 1998, the *Watsonville 2005 General Plan* was amended by Resolution No. 134-98 (CM) adopting GPA 2-98 to redesignate 141.2 acres outside the City Limits of the City of Watsonville (Freedom/Carey Annexation). GPA-2-98 was the sixth (6th) amendment to the *Watsonville 2005 General Plan* and the second (2nd) amendment of the 1998 calendar year; and

WHEREAS, on December 8, 1998, the *Watsonville 2005 General Plan* was amended by Resolution No. 311-98 (CM) adopting GPA 3-98 to amend the *Land Use Diagram of the Land Use and Community Development Element* of the *Watsonville 2005 General Plan* requesting redesignation of Assessors Parcel Numbers 019-861-20 & 21 as part of a mixed use hospital re-use development project (298 Green Valley Road,

Watsonville). GPA 3-98 was the seventh (7th) amendment to the *Watsonville 2005 General Plan* and the third (3rd) amendment of the 1998 calendar year; and

WHEREAS, on May 11, 1999, the Council adopted Resolution No. 143-99 (CM) rescinding Resolution 89-97 (CM) pursuant to a January 28, 1999, Judgment and Peremptory Writ of Mandate commanding the Council to rescind such resolution; and

WHEREAS, on July 27, 1999, the City Council adopted Resolution No. 224-99 (CM) approving the eighth (8th) amendment to the *Housing Element, 1991 - 1996* of the *Watsonville 2005 General Plan* (GPA 2-99) and the first (1st) amendment of 1999 calendar year; and

WHEREAS, on March 10, 2000, the City Council adopted Resolution No. 71-00 (CM) approving the ninth (9th) amendment to the *Watsonville 2005 General Plan* (GPA 1-00) and the first (1st) amendment of 2000 to eliminate the Lands West of Lee Road as a "Special Study Area"; and

WHEREAS, on March 16, 2000, a duly noticed public hearing was conducted before the City Planning Commission; and after considering all written and verbal evidence, made a recommendation to the City Council that the proposed tenth (10th) amendment to the *Watsonville 2005 General Plan* (GPA 2-00) amending the *Watsonville 2005 Local Coastal Program* be adopted; and

WHEREAS, notice of time and place of hearing for approval of the General Plan Amendment was given at the time and in the manner prescribed by the Zoning Ordinance of the City of Watsonville. The matter was called for hearing; evidence both oral and documentary was introduced, was received and the matter was submitted for decision.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That Resolution 222-99 (CM) which was rejected by the California Coastal Commission is hereby rescinded.

2. That good cause appearing therefor and upon the Findings attached hereto and incorporated herein as Exhibit "A" that the tenth (10th) (GPA-2-00) amendment to the *Watsonville 2005 General Plan* (GPA 2-00 and TA 2-99) amending the *Watsonville 2005 Local Coastal Program* as set forth in Exhibit "B," attached hereto and incorporated herein, and as set forth in Ordinance No. 1096-00 (CM), is hereby approved.

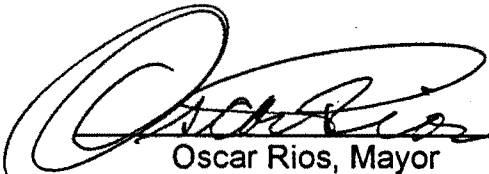
3. That this Resolution shall be automatically rescinded and be of no force and effect upon notice to the Executive Director of the California Coastal Commission by the Pajaro Valley Unified School District that said District has irrevocably abandoned any project to build a public school on the site as described in the March 14, 2000, *Memorandum of Understanding Regarding City of Watsonville LCP Amendment 1-99* between the City of Watsonville, the County of Santa Cruz and the California Coastal Commission, otherwise it shall remain in full force and effect.

4. That the Council hereby declares that the Local Coastal Program amendment will be carried out in accordance with the Coastal Act.

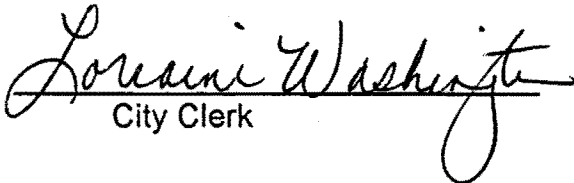
5. That the Council hereby accepts that the Local Coastal Program amendment as modified by the Coastal Commission and hereby acknowledges that the amendment will take effect automatically upon final Coastal Commission certification.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 22nd day of August, 2000, by Council Member Lopez, who moved its adoption, which motion being duly seconded by Council Member Phares, was upon roll call carried and the resolution adopted by the following vote:

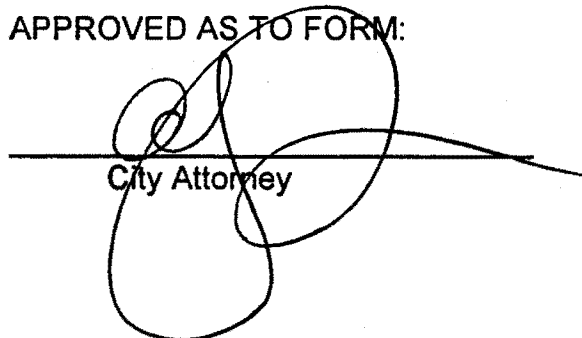
| | | |
|---------|------------------|---|
| AYES: | COUNCIL MEMBERS: | Bobeda, Doering-Nielsen, Gomez, Lopez, Phares, Carter, Rios |
| NOES: | COUNCIL MEMBERS: | None |
| ABSENT: | COUNCIL MEMBERS: | None |


Oscar Rios, Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

CITY OF WATSONVILLE
CITY COUNCIL

Project Nos: GPA-2-00
Applicant: PVUSD
APNs: 18-281-08, 12, 14, 18, and 19
Hearing Date: August 22, 2000

WATSONVILLE 2005 LOCAL COASTAL PROGRAM

FINDINGS OF FACT IN SUPPORT OF FINDINGS

1. **Finding No. 1.** The proposed amendments to the Coastal Land Use Plan and Coastal Zone Implementation Plan are in the public interest.

Facts in Support of the Finding. The proposed amendments will support the development of the New Millennium High School project on Area C which will serve to educate children in the Pajaro Valley Unified School District and therefore is in the public interest. Additional amendments requested by the Coastal Commission are intended to promote the protection of environmental resources within the Coastal Zone which supports Coastal Act policies.

2. **Finding No. 2.** The proposed amendments to the Coastal Land Use Plan and Coastal Zone Implementation Plan will not result in land use conflicts.

Facts in Support of the Finding. The proposed land use amendments will minimize any potential land use conflicts with coastal resources associated with the proposed New Millennium High School project and other projects in the Coastal Zone by establishing larger environmental buffers including, a 200-foot agricultural buffer; a 100-foot buffer to separate projects from adjacent wetland and riparian habitats identified by the current ESHA, and other related performance standards.

3. **Finding No. 3.** The proposed amendments are consistent with Watsonville 2005 General Plan and the California Coastal Act.

Facts in Support of the Finding. The proposed amendments update major components of the LCP which have not been updated since 1983. These amendments have been requested by the Coastal Commission to allow construction of a high school on Coastal Area C. These amendments strengthen the policies to protect high priority coastal resources such as the slough system, wetlands, and adjacent agricultural uses. The amendment incorporates a variety of performance standards and criteria to protect coastal resources in compliance with the California Coastal Act.

The proposed amendments for the high school are consistent with General Plan Policy 11.7, City-School District Coordination and Implementation Measure 11.1.1, Site Identification.

With regard to the California Coastal Act, the proposed project is consistent with Chapter 3, Coastal Resources Planning and Management Policies. Of particular importance is Chapter 3, Article 5, Land Resources, which allows the conversion of non-prime agricultural land if such conversion serves to preserve prime agricultural land. The proposed project site was chosen in large part to avoid prime agricultural lands present at other alternative sites.

Also, Chapter 3, Article 6, Development, requires that new development be located within, contiguous with, or in close proximity to existing developed areas. The proposed project site is separated from existing development by a 200 to 300 foot undevelopable wetland area and therefore is in close proximity to existing development. The project is a logical extension of urban use into an area that from the inception of the Watsonville Coastal Land Use Plan was planned for eventual development.

The amendments also create a new land use designation to address existing and proposed highway and road improvements in the Coastal Zone. This Area R designation requires additional coastal review criteria to be followed before new improvements can be pursued in the Coastal Zone. These provisions will improve protection of Coastal resources.

The proposed amendments further protect coastal resources by limiting the potential for future development beyond the existing City Boundaries in the Coastal Zone by establishing a utility non-access easement that precludes extension of utilities beyond the existing City boundaries, and prevents the City from requesting additional annexations West of Highway 1.

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|---|
| Attachment/Exhibit to: Resolution No. <u>245-00</u> (CM) |
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EXHIBIT "B"

WATSONVILLE 2005 LOCAL COASTAL PROGRAM LAND USE PLAN

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The Land Use Plan of the *Watsonville 2005 Local Coastal Program* is hereby amended as follows:

Figures 1A (Coastal Zone Area - Utility Prohibition District) and 2A (Coastal Zone Area C - Constraints) attached hereto and added to the Land Use Plan.

I. INTRODUCTION

This Land Use Plan (LUP) is a section of the Watsonville Local Coastal Program (LCP). It contains policies that have been adopted by the City Council and certified by the California Coastal Commission, to ensure carefully planned development, consistent with coastal resource protection, of lands lying within the six (6) areas where the Watsonville City limits overlap the Coastal Zone. (See Figures 1 and 1A) These policies have important relationships with the Watsonville General Plan and Zoning Ordinance, with the State Coastal Act, and with the plans of individual property owners, which are summarized in the following paragraphs.

A. Relationship to Watsonville General Plan and Zoning Ordinance.

The Watsonville Local Coastal Program consists of this Land Use Plan plus the Zoning Ordinance and zoning maps contained in the adopted Local Coastal Program Implementation Plan (IP). The Local Coastal Program is an element of the Watsonville General Plan. However, the policies of the Local Coastal Program take precedence over General Plan policies for property located in the Coastal Zone.

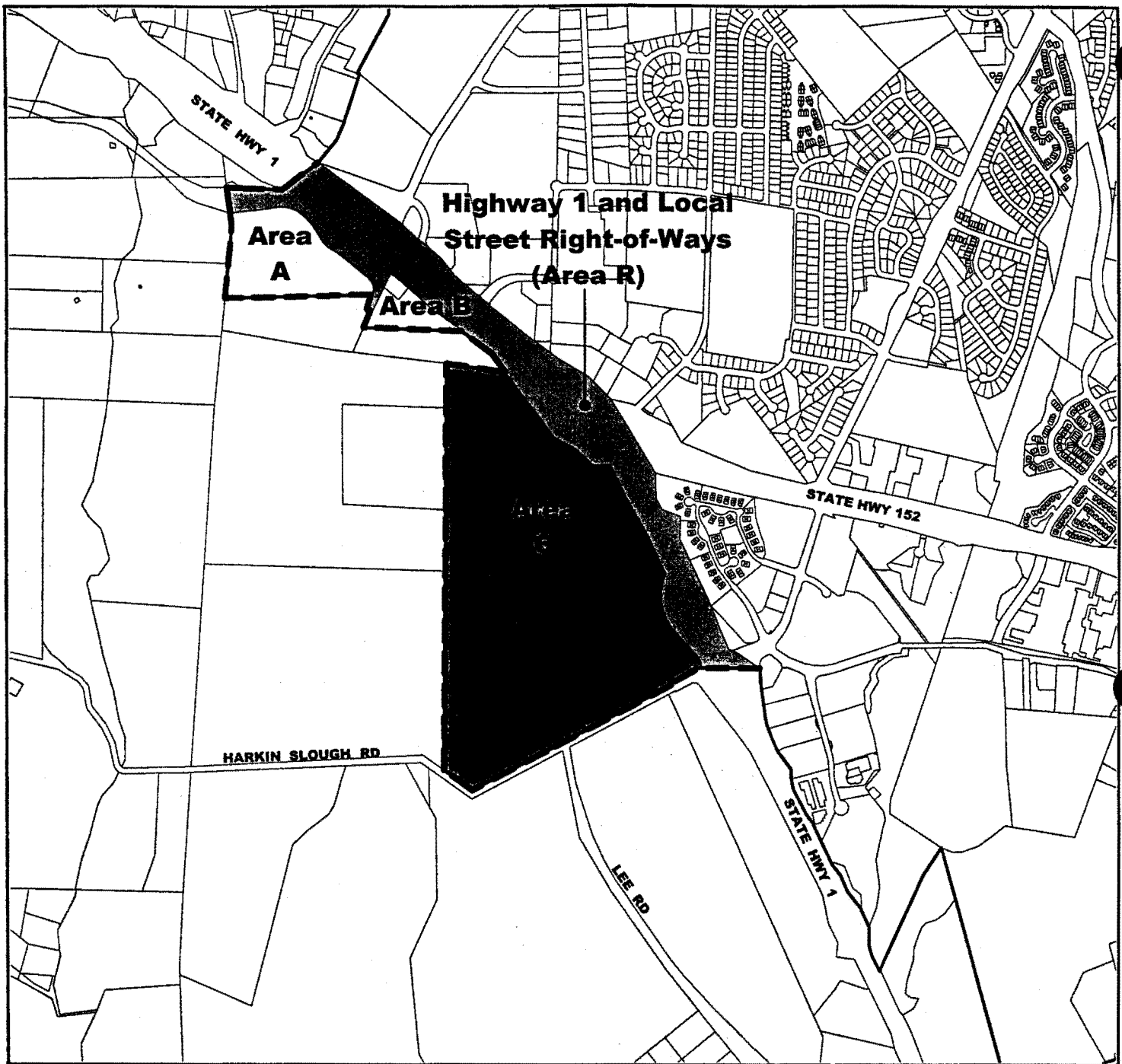
B. Relationship to the California Coastal Act of 1976.

This Land Use Plan has been found by the California Coastal Commission to be consistent with the Coastal Act and sufficiently specific to carry out its policies as they affect the portion of the Coastal Zone within Watsonville's city limits. The Land Use Plan translates the broad Coastal Act policies into specific City policies which reflect local conditions and local priorities as established by the Planning Commission and City Council after public hearings and deliberations. The relationship of each policy to the Coastal Act is discussed in the text. All Coastal Act policies are addressed, with the exception of a few policies which are not applicable due to the properties' small size, physical isolation, and distance from the shoreline. A table of Coastal Act policies is given in Appendix A.






C. Organization of this Document.

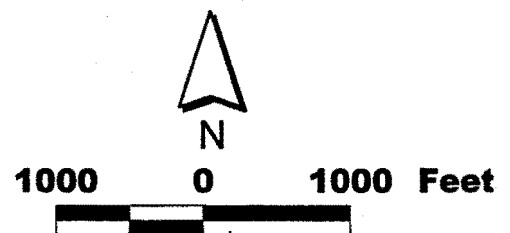
The next two sections of this document present the land use policies of the Local Coastal Program. To minimize repetition, policies which apply to all five areas and the Highway One and local street right-of-ways are given in Section II and additional policies which apply only to a single area are given in Section III.

Figure 1A: COASTAL ZONE AREA R - UTILITY PROHIBITION DISTRICT



Legend

-  **Special Study Area**
-  **Highway 1 and Local Street Right-of-Ways (Area R)**
-  **Utility Prohibition Overlay District**
-  **City Limit**
-  **Parcels**

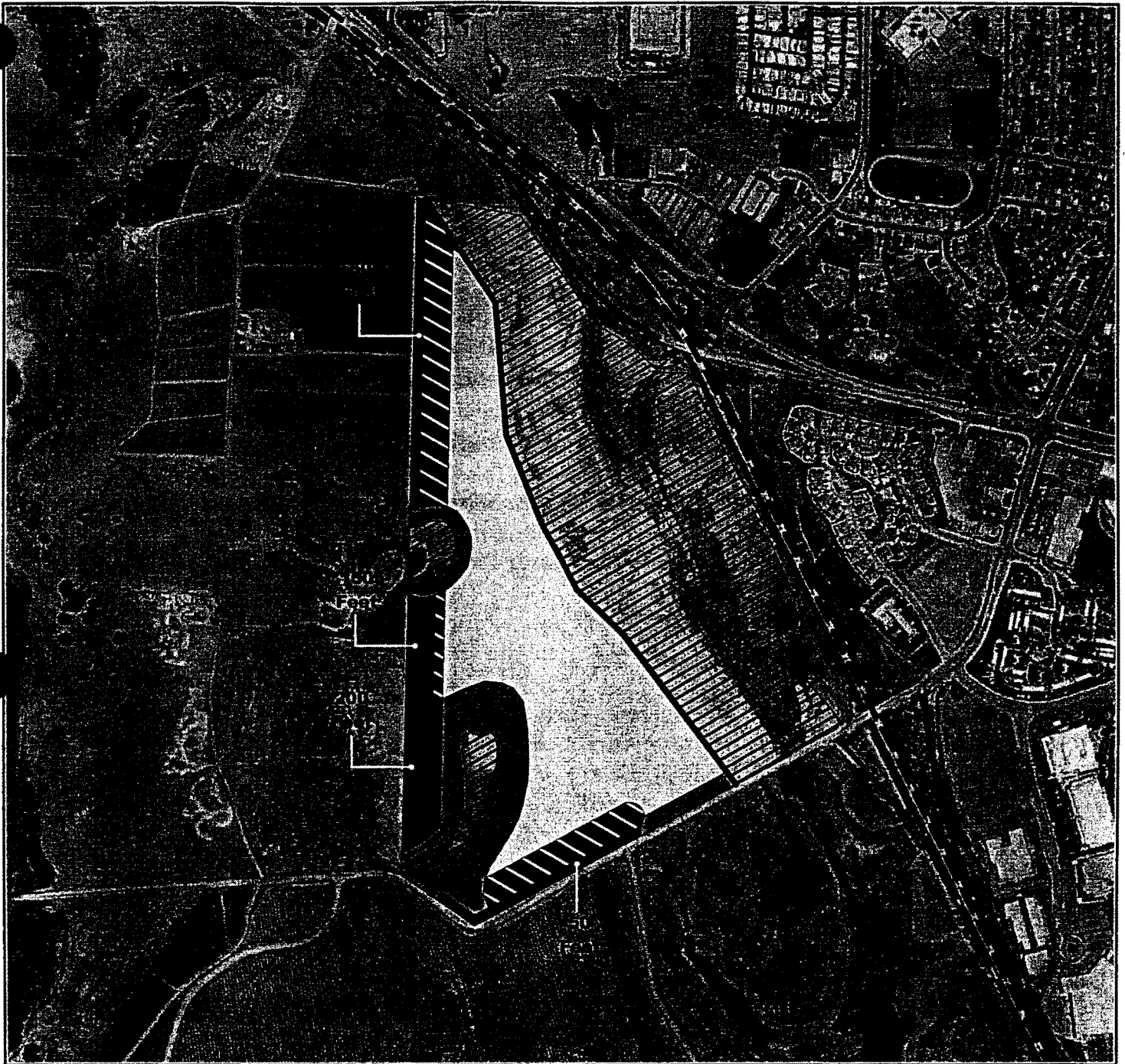









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This Document is a graphic representation only of the best available sources. The City of Watsonville assumes no responsibility for any errors.

Photo Source: 1993 USGS ORTHOPHOTO

Figure 2A: COASTAL ZONE AREA C - CONSTRAINTS



-  Agricultural Setback *200 Foot*
-  Public School Restricted Use Area Within Agricultural Setback
-  Recommended Development Envelope
-  ESHA*
-  ESHA BUFFER
-  Farm Road
-  Coastal Zone Boundary



500 0 500 Feet



*ESHA designation over West Branch Struve Slough also protects visual resources and minimizes land form alteration.

2-15

This Document is a graphic representation only of the best available sources. The City of Watsonville assumes no responsibility for any errors.

Photo Source: 1993 USGS ORTHOPHOTO

II. POLICIES AFFECTING ALL AREAS

Section II.A.2 ("Policies Affecting All Areas") is hereby amended by adding subsection a. and b. as follows:

A. Planning and Locating New Development and Agriculture.

2. a. The maximum amount of prime agricultural land, including but not limited to prime agricultural land on Area C, shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:
 - (1) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
 - (2) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
 - (3) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Policy II.A.(1).
 - (4) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
 - (5) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
 - (6) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.
2. b. Lands suitable for agricultural use (i.e., Areas A, B, and C) shall not be converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Policy II.A.(1). This policy shall not supercede specific Policies III.B.(4) and III.C.(4) that apply to Areas B and C.

Relation to Coastal Act: Sections 30241 and 30242 (prime and non-prime agricultural lands)

Effect on Development: Preserves agricultural lands and reinforces Policy II.A.(1) (See Section V.A for further details.)

Policy II.A. ("Policies Affecting All Areas") is hereby amended by adding subsection 7 as follows:

7. The City will not pursue any additional annexations to the City west of Highway One, nor support any annexation requests to the City from third parties in that geographic area, except for the Green Farm parcel (Santa Cruz County Tax Assessor's Parcel Number 052-271-04).

Policy B. (Coastal Visual Resources") is hereby amended as follows:

B. Coastal Visual Resources.

New development shall be sited and designed to protect views of scenic coastal areas (including the wetlands of the Watsonville Slough complex and associated riparian areas), to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding area, and where feasible to restore and enhance the visual quality of visually degraded areas; all utilities in new development shall be placed underground, and hillsides and pervious areas shall be revegetated through a mix of natives grasses, shrubs, and trees coordinated with, and complementary to, building design, consistent with a transition to the natural landform, and compatible with view protection. All development shall be designed and sited so as to be subordinate to preservation of the rural agricultural and wetland character of the surrounding rolling hill landscape.

Relation to Coastal Act: Section 30251

Effect on Development: Scenic coastal areas afforded view protection include the wetlands of the Watsonville Slough complex visible from or across Areas A, B, and C. Underground placement of utilities and hillside reforestation are existing requirements of the City's Conservation Element and support the preservation of visual resources.

Policy C. ("Public Works") is hereby amended as follows:

C. Public Works.

Special districts or City utility department service areas shall not be formed or expanded except where assessment for, and the provision of, the service would not induce new development inconsistent with the preservation of agricultural land and other coastal resources. The provision of sewer and potable water utilities in the coastal zone shall be contingent upon a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that provides that, except for the "Green Farm" parcel (Santa Cruz Tax Assessor's Parcel Number 052-271-04), the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the city from third parties in that geographic area, unless both of the following findings can be made:

- (i) The land to be annexed is not designated Viable Agricultural Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and
- (ii) The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County's Local Coastal Program or in Sections 30107.5 or 30121 of the Coastal Act.

In the event that a third party annexation west of Highway One is approved inconsistent with (i) or (ii) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County's agriculture or open space designation; and prohibit (a) the extension of urban services to this land, and (b) any subdivisions of the annexed land except those required for agricultural lease purposes.

Any such sewer and potable water utilities shall: be the minimum size necessary to accommodate the permitted use; be designed and built without extra connection points (i.e., stub-outs) not necessary for the permitted use; be installed only in conjunction with actual construction of the development that they are to serve; incorporate dedication of a one-foot or greater non-access easement surrounding the parcel served by the utilities across which extensions of sewer service and potable water are prohibited; be placed entirely within the City of Watsonville City limits unless certain overriding exception circumstances are found; emanate from one City sewer line under Highway One north of Beach Road unless certain overriding exception circumstances are found; and not be developed if capacity is not available to serve the permitted use.

Policy D.3. ("Environmentally Sensitive Habitats Areas and Water Resources"), as follows:

D. Environmentally Sensitive Habitats Areas and Water Resources.

3. Development of areas adjacent to environmentally sensitive habitat areas (including but not limited to those mapped in Figures 2 and/or 2A) shall be sited and designed so as to prevent impacts which would significantly degrade or be incompatible with the continuance of such habitat areas. Buffers from all such areas shall be included with all development; such buffers shall be planted in such a way as to provide functional resource value as well as to shield such sensitive habitat areas from development. Specific setback distances for development are given in Section III ("Policies Affecting Specific Areas").

Policies 4(c) and 4(d) are hereby amended as follows:

4. (c) Runoff from all impervious surfaces and from all areas subject to vehicular traffic shall be collected and disposed of in a way which does not result in soil erosion or degradation of water quality. Drainage systems shall be designed to accommodate runoff from at least a 25-year storm. All requirements of Land Use Plan Appendix D ("Erosion Sedimentation and Runoff Controls") shall be implemented.)
- (d) All development shall incorporate structural and non-structural Best Management Practices (BMPs). BMPs are methods for controlling, preventing, reducing, or removing typical runoff pollutants. BMPs generally fall into two categories: source control BMPs and treatment BMPs. Source control BMPs are designed to reduce or eliminate the introduction of pollutants into runoff (e.g., regular sweeping/vacuuming of vehicle parking areas). Treatment BMPs are designed to remove pollutants from runoff (e.g., silt fences to trap sediments at construction sites). In order of priority, all development shall: first, limit impervious surfacing and pollutant loading through good site planning; second, reduce pollutant loads through source control; and third, reduce pollutant loads through treatment controls (where appropriate).

III. POLICIES AFFECTING SPECIFIC AREAS

Policy B.4. (Criteria for Visitor-Serving Commercial Development) is hereby amended as follows:

AREA B

B.4. Criteria for Visitor Serving Commercial Development.

Visitor serving commercial use may be approved only if it is demonstrated that (A) public sewer and water services, if necessary, can and will be provided to the site, and only if such services are: (1) the minimum size necessary to serve the permitted development; and (2) provided by only one City sewer and water line under Highway One north of Beach Road (i.e., this connection must be shared by any development on Area C that also is allowed public sewer and/or water service) unless all of the following occur: (a) Caltrans will not allow the placement of a utility line to be installed in the Caltrans right of way within the City limits; (b) the City makes a finding that there is a one foot non-access strip surrounding any pipelines through County land which prohibits any tie-ins to the lines and which is dedicated to a non-profit agency; (c) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville Local Coastal Program Amendment 1-99; (d) the utility line(s) through the County is (are) found consistent with the County local coastal program and have received an appealable County coastal permit; and (e) the connecting lines within the City limits comply with all other applicable provisions of this ordinance; and (B) the proposed facility could not be located in an existing developed area and continued or renewed agricultural use is not feasible.

Section III (Policies Affecting Specific Areas) is hereby amended by adding a new Area R as follows:

AREA R

R.1 Permitted Uses

Transportation (Existing), Agriculture, Wetlands

R.2 Conditional Uses

- a. Transportation (Expansion)
- b. Utilities

R.3 Performance Standards for All Development

- a. New off-ramps from Highway One shall be prohibited if designed to relieve congestion generated by public school development on Area C.
- b. New off-ramps from Highway One and/or additional road capacity for any roads, offramps, or overpasses within this district (e.g., Rampart Road, Airport Boulevard off-ramp, Main Street, Harkins Slough Road overpass) shall be prohibited unless all of the following have occurred:

1. A traffic study has been completed by a qualified transportation engineer demonstrating that there exists a severe congestion problem inland of Highway One (i.e., level of Service D at peak periods) that cannot be solved by other feasible means (including but not limited to modifying traffic signal timing and alternative transportation measures) other than the new off-ramp or road widening project;
2. The project includes pedestrian, bicycle, and transit components, except in the case of offramp improvements only; and
3. There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that provides that, except for the "Green Farm" parcel (Santa Cruz Tax Assessor's Parcel Number 052-271-04), the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the city from third parties in that geographic area, unless both of the following findings can be made:
 - (i) The land to be annexed is not designated Viable Agricultural Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and
 - (ii) The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County's Local Coastal Program or in Sections 30107.5 or 30121 of the Coastal Act.

In the event that a third party annexation west of Highway One is approved inconsistent with (i) or (ii) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County's agriculture or open space designation; and prohibit (a) the extension of urban services to this land, and (b) any subdivisions of the annexed land except those required for agricultural lease purposes.

- c. New environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Managed observation

areas may be permitted adjacent to sensitive habitat areas, subject to an approved plan and management program that preserves sensitive habitat values and minimizes human disturbance.

- d. Except for the ESHA east of the farm road on Area C, all development shall be set back a minimum of 100 feet from any environmentally sensitive habitat area. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas native upland species are appropriate.
- e. All development shall be sited and designed to minimize the amount of noise, lights, glare, and activity visible and/or audible within environmentally sensitive habitat areas and their required buffers. Adequate screening (through plantings, soil berms, and/or solid wood fences) located outside of the environmentally sensitive habitat areas and their buffers shall be required to limit degradation of habitat and buffer areas, and to ensure that the amount of noise, lights, glare, and activity visible and/or audible in these areas are minimized.
- f. All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions or open space/conservation easements shall be required for all such buffer areas.

Section III ("Policies Affecting Specific Areas"), Area C, is hereby amended as follows:

(1) Replace the Area C portion of existing Land Use Plan Figure 2 with the Area C diagram shown on Figure 2A of the Land Use Plan, with buffers and setbacks as identified in Figure 2A of the Land Use Plan.

AREA C

C.1 Permitted Uses

Passive recreation; Agriculture; Aquaculture

C.2 Conditional Uses

- a. Residential, subject to C.4
- b. Light non-nuisance industrial park (not including outside storage), subject to

C.4

- c. Public schools until January 1, 2010; after January 1, 2010, public schools are not a conditional use unless they are already constructed; subject to C.4 and C.5

C.3. Performance Standards for All Development

- a. Environmentally sensitive habitat areas must be kept in a natural state and protected from the incursion of humans, domestic animals and livestock, from erosion, sedimentation and contaminated runoffs and from loud noise or vehicular traffic. Peat harvesting is permitted within such areas, provided such activity does not significantly degrade those areas and is compatible with habitat preservation, and grazing of presently grazed areas may be continued but not expanded, but discing, harrowing and all structures are prohibited. Managed observation areas may be permitted adjacent to sensitive habitat areas, subject to an approved plan and management program which preserves sensitive habitat values and minimizes human disturbance. All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions or open space/conservation easements shall be required for all such buffer areas. Land in environmentally sensitive habitat areas must be excluded from calculation of density and allowable impervious surface area.
- b. Density for Conditional Residential Use: 5 (non-habitat) acres per housing unit; any subdivision or residential use beyond one unit per existing parcel is allowed only pursuant to a specific plan pursuant to Policy III.C.(3)(n).
- c. Minimum Lot for Conditional Industrial Use: 20,000 sq. ft; pursuant to a specific plan, pursuant to Policy III.C.(3)(n).
- d. Maximum Impervious Surface Area: 10% of lot area; or up to 18 acres for a public school only (subject to Land Use Plan Policy III.C.(2)(c)), subject to C.5; "lot area" means gross parcel acreage minus acreage of wetland, riparian habitat, and other environmentally sensitive habitat areas within the gross parcel acreage. Vehicular parking areas shall be minimized.
- e. Minimum setback for all development or agricultural activity from riparian habitat: 100'; from wetland or transitional zone: 100' or to the edge of the development envelope depicted on Land Use Plan Figure 2A, whichever is greater. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a dense visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate.

In other areas native upland species are appropriate.

- f. Maximum Slope of Developed Portion of Lot (Before Grading): 15 feet in any 100 foot interval, except for isolated areas of slopes greater than 15% within the development envelope shown on Land Use Plan Figure 2A and if required for construction of a public school only (subject to Land Use Plan Policy III.C.(2)(c).
- g. There is a possibility that specimens of the endangered Santa Cruz Tarweed exist in Area C. Prior to approval of any development, a field search for this plant shall be conducted by a qualified botanist on all of Area C during the time of year in which the plant is expected to be in bloom. Any areas where Santa Cruz Tarweed are identified shall be deemed environmentally sensitive habitat areas to which the Local Coastal Program environmentally sensitive habitat policies apply.
- h. Approved erosion control measures must be utilized during construction. No excavation or grading shall be permitted during the months of October through March. All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation.
- i. Prior to the approval of any development relying upon a septic tank or other on-site system, a specific design must be submitted supported by an engineering analysis by a licensed soils engineer which demonstrates both sufficient separation between leaching fields and winter groundwater levels to ensure that no degradation of groundwater quality will occur. Any approval of a septic tank or other on-site system must also be conditional upon compliance with any waste discharge requirements established for that system by the Regional Water Quality Control Board.
- j. The City should work with the Wildlife Conservation Board, the Nature Conservancy, and other agencies to promote public or foundation acquisition of the upper half of the West Branch of Struve Slough in order to allow a greater degree of resource protection than is possible under private ownership.
- k. Any development in a streambed must be conditional upon execution of and compliance with an Agreement ("1603 Agreement") with the California Department of Fish and Game under the requirements of Sections 1601-1603 of the California Public Resources Code.
- l. Service Systems. Sewer service will probably not be required if the site is

developed at the recommended densities and a septic tank system is proven feasible. Sewer (only for a public school, subject to Land Use Plan Policy III.C.(2)(c)) and/or potable water service, may be provided only if all of the following circumstances apply to such utility(ies):

- (1) They shall be financed in a way which does not require nor involve assessments against or contributions from properties along Lee Road outside of Area C, or against any agricultural property;
- (2) They shall be the minimum size pipes, pumps, and any other facility(ies) necessary to accommodate the permitted use, and evidence is provided from a licensed civil engineer indicating that this is the case;
- (3) They shall be designed and built to end as a hook-up to the allowed development with no other stubs on or off the site;
- (4) They shall incorporate dedication of a one-foot or greater non-access easement surrounding the outer boundary of the parcel(s) on which the development to be served by the utility(ies) will occur. The extensions of sewer service and potable water shall be prohibited across the non-access easement and the easement shall be dedicated to a public agency or private association approved by the City Council. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be candidate entities to accept such an easement);
- (5) The wastewater connection shall emanate from only one City sewer line (no greater than six (6) inches wide if a force main, or eight (8) inches wide if a gravity line) under Highway One north of Beach Road except that two lines may be pursued if the requirements of subsection (8) below are met. In such case, no more than two sewer lines shall cross Highway One. If a sewer line is extended for a public school along Harkins Slough Road, such line shall be a six inch force main and shall enter the school site as near to Highway One as possible;
- (6) There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that provides that, except for the "Green Farm" parcel (Santa Cruz Tax Assessor's Parcel Number 052-271-04), the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the city from third parties in that geographic area, unless both of the following findings can be made:
 - (i) The land to be annexed is not designated Viable Agricultural

Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and

(ii) The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County's Local Coastal Program or in Sections 30107.5 or 30121 of the Coastal Act.

In the event that a third party annexation west of Highway One is approved inconsistent with (i) or (ii) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County's agriculture or open space designation; and prohibit (a) the extension of urban services to this land, and (b) any subdivisions of the annexed land except those required for agricultural lease purposes;

- (7) Adequate capacity is available to serve the site; for water, the result shall not be a worsening of the groundwater overdraft situation; and
 - (8) They must be placed within the City of Watsonville City limits, unless all of the following occur: (1) Caltrans will not allow such lines to be installed in the Caltrans right of way within the City limits; (2) the City makes a finding that there is a one foot non-access strip surrounding the pipeline through County land which prohibits any tie-ins to the line and which is dedicated to a non-profit agency; (3) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville Local Coastal Program Amendment 1-99; (4) the line through the County is found consistent with the County local coastal program and have received an appealable County coastal permit; and (5) the connecting lines within the City limits comply with all other applicable provisions of this ordinance.
- m. Phasing of Development. It is anticipated that market forces and development costs will delay development of this area until after the infilling of comparable lands east of Highway 1.
- n. Area C is designated as a Special Study Area where development is subject to a Specific Plan, unless that development is: (1) one residence per existing parcel; or (2) a public school. All other development, subdivision, and/or lot line adjustment is subject to a Specific Plan. The Specific Plan shall: define all development areas for Area C; provide permanent measures to protect areas within Area C outside of the development envelope shown on Land

Use Plan Figure 2A and outside of the building envelope pursuant to Land Use Plan C.(3).(q) and IP Section 9-5.705(c)(1); provide permanent measures to protect areas within agricultural and environmentally sensitive habitat areas and buffers; and ensure that all Local Coastal Program policies will be met. At a minimum, the Specific Plan shall:

- (1) Allow for non agricultural development only on the parcel(s) or portion(s) of parcel(s) found infeasible for continued or renewed agricultural use under Land Use Plan Policy III.C.(4) and IP Section 9-5.705(c)4 and only within the development envelope shown on Land Use Plan Figure 2A;
 - (2) Not allow any subdivision or other adjustment of parcel lines that cannot accommodate development consistent with Area C performance standards unless the parcel is permanently protected and dedicated to agriculture or another open space use;
 - (3) Allow for resubdivision of existing parcels which is encouraged to better meet Local Coastal Program objectives for Area C;
 - (4) Comply with all standards for development of Area C; and
 - (5) The Specific Plan shall also:
 - (i) Delineate a maximum building envelope of 8 acres within the development envelope shown on Land Use Plan Figure 2A that is found infeasible for continued or renewed agricultural use;
 - (ii) Within the maximum building envelope, the maximum impervious surface coverage is 7 acres; the remaining 1 or more acres is for landscaping and other pervious surface uses;
 - (iii) Allow for subdivision for residential purposes resulting in lots as small as one acre (minimum size for septic systems), provided that there is a maximum of 15 residences permitted; and;
 - (iv) Allow for portions of residential parcels to extend beyond the 8 acre maximum building envelope, provided that any such portions are restricted to agricultural uses or comprise the 200 foot agricultural buffer;
- (o) If improved site access is required to serve permitted development on Area C, such access shall be constructed from West Airport Boulevard and not Harkins Slough Road if this is feasible and corroborating evidence shows it to be the least environmentally damaging alternative. If this is not feasible, then the City shall recommend to Santa Cruz County that any improvements to Harkins Slough Road (including, but not limited to road widening), shall include replacing the West Branch of Struve Slough culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity between the West Branch of Struve Slough on Area

C and the California Department of Fish and Game Reserve, unless an alternative that is environmentally equivalent or superior to a bridge is identified. The City shall also recommend against any fill of any portion of the West Branch of Struve Slough except for incidental public services. Any Harkins Slough Road improvements at the Hanson Slough crossing shall provide adequate culverts to ensure habitat connectivity. Development shall be designed to minimize the extent of any such Harkins Slough Road improvements; improvements not necessary to serve the permitted development are prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within the West Branch of Struve Slough. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and lumination of the lighting to the greatest extent feasible; provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct lumination of sensitive habitat areas; and, incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period.

- p. All development associated with Area C within unincorporated Santa Cruz County shall have a valid County Coastal Development Permit before any City Coastal Development Permit can be exercised.
- q. All non-agricultural development on Area C shall be clustered within a building envelope no larger than 8 contiguous acres, with the exception that a public school (subject to Land Use Plan Policy III.C.(2)(c)) shall be located within a building envelope no larger than 42 contiguous acres. If residential use (one residence) is proposed on a parcel in the absence of a specific plan, then it shall be located in a manner that would allow one house on each remaining parcel to be located within a 8 acre contiguous building envelope.
- r. All development, other than habitat restoration activities, shall be restricted to the development envelope shown on Land Use Plan Figure 2A.
- s. The maximum height of any development shall be 30 feet as measured from finished grade.

C.4 Criteria for Non-Agricultural Use

Habitat preservation and restoration uses that remove agricultural land from production in or adjacent to habitat areas or on slopes are permitted, pursuant to a restoration plan prepared by a biologist. Other non-agricultural use may be permitted only if: (1) continued or renewed agricultural use is demonstrated to be infeasible because it cannot be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social,

and technological factors; or (2) if agricultural use on the site (or the part of the site proposed for non-agricultural use) has ceased, then non-agricultural use may be permitted only if renewed agricultural use is not feasible. An exception to making this finding (in the preceding sentence) may only be made to allow a public school (subject to Land Use Plan Policy III.C.(2)(c)). Non-agricultural development within Area C shall not be allowed unless a Specific Plan (see Land Use Plan Policy III.C.(3)(n)) is first adopted that: defines all development areas for Area C; provides permanent measures to protect areas within Area C outside of the development envelope shown on Land Use Plan Figure 2A and outside of the building envelope pursuant to Policy C.3.(q); and ensures that all plan policies will be met. Any non-agricultural use of a portion of Area C shall be sited to optimize agricultural use on the remainder of the site and on adjacent agricultural lands in unincorporated Santa Cruz County. At a minimum, a 200 foot, permanently protected (i.e., by easement or dedication) agricultural buffer (located on the portion of property devoted to non-agricultural uses) that incorporates vegetative or other physical barriers, shall be required to minimize potential land use conflicts. Limited public school parking, sports fields, and pathways only shall be allowed within the "Public School Restricted Use Area" portion of the 200-foot agricultural buffer on the perimeter of Area C as shown on Land Use Plan Figure 2A; buildings and any other structures shall be prohibited in this area.

C.5 Criteria for an Increase in Impervious Surface Coverage and Development on Slopes

An increase in impervious surface coverage (up to 18 acres of that portion of Area C within the development envelope defined in Land Use Plan Figure 2A) and development on isolated areas of slopes greater than 15% (within the development envelope shown on Land Use Plan Figure 2A) on Area C may be allowed for a public school (subject to Land Use Plan Policy III.C.(2)(c) only if: (a) the following findings are made; and (b) the following mitigation measures are included as enforceable conditions of any coastal development permit granted for a public school:

a. Required Findings:

- (1) The impervious surface coverage is the minimum necessary to accommodate a public school of a size documented as needed by the school district to serve existing and projected student populations and to meet State School Sizing Criteria;
- (2) There is no feasible alternative location;
- (3) The siting clusters the school as much as possible to leave as much of the non-habitat part of the site available for continued agriculture, open space or habitat restoration;

(4) Airport Safety.

- (i) The PVUSD has, prior to submitting an application for a coastal development permit but after March 16, 2000, given written notice to the State Department of Education pursuant to California Education Code section 17215, to request an airport safety and noise evaluation of any portion of Area C proposed for development. This notice shall request that this evaluation take into account changed circumstances since the 1992/97 Caltrans Aeronautics review, including but not limited to the following:
 - 1) The public school development envelope approved by City of Watsonville Local Coastal Program Amendment 1-99.
 - 2) Relevant factors listed in the revised Office of Airport Procedures of the Aeronautics Program, dated December 16, 1998 (e.g., flight activity, type of aircraft, proposed operation changes, etc.).
 - 3) The proposed runway extension; and
- (ii) The City has received Department of Education documentation, pursuant to section (i) above, indicating which portions of Area C are safe for public school development with respect to potential airport safety concerns; and

- (5) The design is evocative of, and designed to be compatible with, the rural agricultural character of the surrounding rolling hill landscape.

b. Required Coastal Development Permit Conditions:

- (1) The public school shall include: (a) an environmental stewardship program, with an interpretive and teaching plot adjacent to the upper finger of Hanson Slough on Area C for students to conduct supervised environmental restoration; and (b) a sustainable agricultural education component (e.g., similar to that at Watsonville High School) that may include some agricultural study plots on site;
- (2) There shall be no exterior night lighting, other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting shall be directed away from environmentally sensitive habitat areas and shall not be visible from any vantage point within environmentally sensitive habitat areas. All interior lighting shall be directed away from windows which are visible from environmentally sensitive habitat areas. All lighting shall be downward directed and designed so that it does not produce any light or glares off-site;
- (3) The Applicant shall develop a wetland restoration and landscape plan with input from a qualified wetland biologist and hydrologist that

incorporates, at a minimum, all of the provisions of Policy C.(3)(a) above and that shall provide for the restoration of all buffer areas (from environmentally sensitive habitat areas and agriculture). The plan shall be submitted and approved by the City prior to issuance of the coastal development permit. The Applicant shall post a bond with the City of sufficient amount to provide for all environmental enhancements and all mitigation measures that are identified in any final environmental document(s) certified for the project;

- (4) There shall be screening between habitat and areas with human activity so that such areas shall not be visible from any vantage point within environmentally sensitive habitat areas;
- (5) All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation;
- (6) Any land on Area C not incorporated into the building envelope for a public school shall be used only for agricultural purposes, open space, or habitat restoration, with the 200 foot buffer from the school and the fields adjusted accordingly. If the land is purchased by a school district, the district must present a binding agreement to offer the excess land for agricultural, open space, or habitat restoration use. An agreement to offer land for agricultural use must be made at no greater than fair market rents. Legal access must be provided to any remainder agricultural parcel, without any restrictions as to the farm employees' use;
- (7) Any agricultural wells on Area C that would be displaced by school development shall be made available at no more than current market costs to adjacent or nearby farmers, if such farmers demonstrate a need for the water and it can be feasibly transported to their fields;
- (8) The permittee shall record a deed restriction or an open space/conservation easement that provides that all agricultural and ESHA areas and their buffers shall be permanently maintained and protected. All agricultural and ESHA areas and their buffers shall be offered to appropriate resource management agencies and/or non-profit organizations along with sufficient funding to implement any mitigations or conditional requirements applicable to these areas;
- (9) An agricultural hold-harmless, right-to-farm agreement shall be recorded as a deed restriction on the property;

- (10) Any special event not associated with instructional programs and/or athletic events at the school that exceeds the maximum permitted student and employee capacity of the school, and/or that may adversely affect adjacent habitat areas, shall require a coastal development permit and shall be subject to all Area C performance standards;
- (11) There shall be a landscaping and grounds maintenance plan that provides for minimizing the use of pesticides, herbicides, and fertilizers, and protecting against adverse impacts associated with them. Such plan shall be submitted for the review and approval of the City. Pesticides and herbicides shall only be used if there is a documented problem and not on a regular preventative schedule, and shall not be applied if rain is expected. Non-chemical fertilizers are preferred. The least toxic alternatives, and the minimum necessary for the problem, shall be used in any case. The landscaping and grounds maintenance plan shall include nutrient control parameters;
- (12) All mitigation measures that are identified in any final environmental document(s) certified for the project shall be incorporated as conditions of approval. In the event that any such mitigation measures are in conflict with these required conditions and/or with any Area C or other Local Coastal Program performance standards, then the conflicting portion of any such mitigation measure shall not be incorporated as a condition of approval; and
- (13) Prior to the issuance of a Coastal Development Permit, the applicant shall submit a full geotechnical investigation consisting, at a minimum, of the following:
 - (i) Sufficient borings to fully characterize the soil conditions underlying all of the principal structures to be constructed.
 - (ii) Quantitative demonstration of bearing capacity of the soils.
 - (iii) Quantitative evaluation of lateral pressures to be expected due to the expansive nature of the soils at the site.
 - (iv) A seismic analysis consisting of the determination of the maximum credible earthquake at the site, corresponding maximum ground acceleration, and an estimate of the maximum duration of ground shaking.
 - (v) Evaluation of the potential for undiscovered potentially active fault strands crossing the site.
 - (vi) Quantitative analysis of slope stability for all natural and artificial slopes to be built for both static loads and for accelerations expected for the maximum credible earthquake at the site.

Geotechnical parameters used in these calculations should be obtained from laboratory analyses of undisturbed samples collected at the site. In the case of fill slopes, geotechnical parameters may be estimated from fill materials similar to anticipated material to be used at the site.

- (vii) Evaluation of shallow groundwater conditions occurring naturally at the site, and anticipated changes that will occur as a result of grading. In particular, the potential accumulation of perched ground water at the contact between artificial fills and clay-rich natural soils should be addressed.
 - (vii) Demonstration that the planned drainage and detention system will be sufficient to prevent accumulation of perched ground water at the base of fills during, at a minimum, a 100-year storm event. Demonstration that peak runoff during such an event will be reduced to allowable levels before being discharged to the natural watersheds downstream of the site.
 - (viii) Evaluation of potential for liquefaction of natural soils and of artificial fills. In particular, the potential for liquefaction of artificial fills due to the presence of perched groundwater at the base of fills should be addressed.
 - (ix) All foundations and structures must be constructed to conform to the California Building Code using design parameters which take into account ground shaking expected in the maximum credible earthquake for the site. Special attention should be paid to possible misalignment of foundation supports brought about by the expansive soils at the site.
- (14) The high school shall develop a refuse containment and maintenance program that includes at least the following components: fully enclosed or animal-proof garbage containers; specifically designated eating areas; and provisions built into maintenance contracts requiring that all eating areas anywhere on campus be swept clean on a daily basis.

Relation to Coastal Act: Area C contains two wetlands, as defined by the Coastal Commission, and a small area of riparian habitat. All three should be regarded as environmentally sensitive habitat areas requiring special protection under Sections 30231 and 30233. Section 30231 of the Coastal Act requires the maintenance and, where feasible, restoration of water quality by minimizing the adverse effects of wastewater discharge, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation,

maintaining natural vegetation buffer areas which protect riparian habitats, and minimizing the alteration of natural streams. Buffer areas are also required under Section 30240(b).

Effect on Development: The foregoing requirements will cluster development within the high, gently sloping terrace which runs along the middle of Area C where it can do the least damage to the low-lying environmentally sensitive areas, and protect the sensitive areas with buffer areas and dense planting. The large lot sizes are intended to limit the populations of people and domestic animals in close proximity with the sensitive habitats, and to allow the provision of adequately-sized septic tank leaching fields. The small maximum percentage of impervious ground water cover is intended to minimize the disruption of groundwater recharge and to avoid erosion problems due to channelization of runoff. Utility systems are encouraged not to be extended along Lee Road from Area C in order to avoid growth-including impacts on the west side of the road. (The east side is within the State Wildlife Conservation Board acquisition.) Any public school development (subject to Land Use Plan Policy III.C.(2)(c)) will likewise be clustered on the gently sloping terrace area at the center of Area C where it can best be hidden from the public viewshed and where its impact on adjacent agriculture and environmentally sensitive habitat can be minimized.

V. DISCUSSION OF ISSUES

That part of V.A. of section entitled Preservation of Agricultural Land is hereby amended as follows:

A. Regional Issues in Context of Coastal Act Policies

Preservation of Agricultural Land

Coastal Act policies provide for limiting conversions of agricultural lands, as well as establishing a stable urban-rural boundary. The Conservation Element of the Watsonville General Plan reaffirms that policy.

Three areas of the city within the Coastal Zone, Areas A, B and C₂ consist of 145 acres of prime range land as defined by the U.S. Department of Agriculture, as well as some cultivated agricultural land. By the definition used in the Coastal Act (Section 51201a-d of the Government Code), some of these lands do not qualify as prime agricultural land. Some lands are actually marginal agricultural lands, which may be seen from the amount of land not in use. However, Area C is predominantly prime agricultural land by virtue of its economic return and grazing viability.

That part of section V.A. entitled Wetlands is hereby amended to include the following two paragraphs:

Wetlands

The Watsonville Slough System is a very important system containing significant areas of fresh and salt water wetland, marsh, and open water areas, riparian and oak woodlands, as well as dune and coastal scrub communities nearer the coast. The diversity of habitat and its coastal location along the Pacific Coast Flyway combine to make the Slough System an important resting, feeding and refuge area for migratory, seasonal and resident waterfowl. In addition, the Slough System is home to many other birds, amphibians, reptiles, and other animals – some of these species protected by the Federal and State Endangered Species Acts – which likewise utilize the diverse habitat. The rich prey base supports a high diversity of raptor and other predators. Various plant species of concern, some of these endangered as well, are also prevalent in the Slough System. The entire Watsonville Slough System has been designated by the California Department of Fish and Game as an Area of Special Biological Importance.

Several sensitive species are known to occur in the Watsonville coastal zone vicinity. Such species include: Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*), a Federal and State Endangered Species; California red-legged frog (*Rana aurora draytonii*), a Federal Threatened Species and a State Special Concern Species; California tiger salamander (*Ambystoma californiense*), a Federal Candidate Species and a State Special Concern Species; Western pond turtle (*Clemmys marmorata*), a Federal Species of Concern and a State Special Concern Species; Tricolored blackbird (*Agelaius tricolor*), a Federal Species of Concern and a State Special Concern Species; and Bank swallow (*Riparia riparia*), a State Threatened Species.

That part of section V.B. entitled Area C is hereby amended as follows:

B. Issues Affecting Specific Areas in Light of Coastal Act Policies

Area C

The seven (7) parcels that comprise Area C are located southeast of Area B adjacent to Highway 1. Harkins Slough Road forms the southern boundary. The property, consisting of 125 acres of rolling grazing lands and wetland, is the largest. Over half of it is in field crops production with the remainder in grazing or vacant. No urban services are available to these parcels and access is only from Harkins Slough Road. The west branch of

Struve Slough parallels the highway and traverses across the easterly section of the property. Hanson Slough is located along the western boundary of Area C in two locations: a portion of the Hanson Slough headwaters can be found in the riparian area along the center of Area C's western boundary, and a separate upstream finger of Hanson Slough extends northward from the bend in the road at Harkins Slough Road. The Watsonville General Plan designates most of the West Branch of Struve Slough area as residential and as Environmental Management in the flood plain of the slough. Although this area was zoned R-1 (Single Family Residential – low density) prior to Local Coastal Program certification, the current Local Coastal Program zoning which now applies to this area designates it as CZ-C within which agriculture, wetlands and other open space uses are the principal permitted uses.

Several sensitive species are known to occur in the Watsonville coastal zone vicinity and suitable habitat for these species has been identified on Area C. Such species include: Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*), a Federal and State Endangered Species; California tiger salamander (*Ambystoma californiense*), a Federal Candidate Species and a State Special Concern Species; Western pond turtle (*Clemmys marmorata*), a Federal Species of Concern and a State Special Concern Species; Tricolored blackbird (*Agelaius tricolor*), a Federal Species of Concern and a State Special Concern Species; and Bank swallow (*Riparia riparia*), a State Threatened Species. In addition, at least one rare and endangered animal species has been positively identified on Area C: California red-legged frog (*Rana aurora draytonii*), a Federal Threatened Species and a State Special Concern Species, inhabits the upper portion of the West Branch of Struve Slough.

This group of parcels presents the largest set of questions. Though zoned for residential development, it has the most varied terrain of any of the Coastal Zone areas and is the location of the City's most valuable coastal resource, the West Branch of Struve Slough. Without question any form of development of the site would be difficult and would require preservation of the natural resources. Potential options included transfer of development rights to Area A, extremely limited light industrial development with the requisite buffer zones and flood control maintenance requirements, or designation of the entire area for environmental management. Residential development would require very strict performance standards with the need to extend road, sewer or septic tank and water systems, and the potentials for encroachment on the wetlands, flooding and further degradation of the groundwater, and the need for improved access to the parcels.

APPENDIX A - Table of Coastal Act Policies

Index of Coastal Policies in the Local Coastal Program (unchanged).

APPENDIX B

Identification and Analysis of Environmentally Sensitive Habitats Within the Coastal Zone Portions of the City of Watsonville

The section entitled Wetlands is hereby amended by amending the following paragraphs and adding two (2) new paragraphs as follows:

Wetlands

The Coastal Commission has official adopted Cowardin...

Exhibit 7 maps wetlands found on the project area. The major wetland was found as an extension of the West Branch of Struve Slough. A report on the extent of West Branch of Struve Slough resources was undertaken in 1998 ("Investigation of the Presence of Waters of the United States: New Millennium High School Site, Watsonville California" by Huffman & Associates, Inc. (dated June 1998)); this report covered only slough resources on Area C. This report did not cover any of the Highway One right-of-way (Area R). The report delineated less wetlands than were identified when the Local Coastal Program was certified. However, subsequent review by the Coastal Commission identified significant environmentally sensitive upland habitat between the farm road and the bottom of West Branch Slough. Based upon the resources identified there, the Commission defined the area east of the farm road on Area C as environmentally sensitive habitat, and defined a development envelope for Area C taking into account these resources and appropriate buffers thereto. Although it is not mapped on U. S. Fish and Wildlife Service National Wetlands Inventory Map (Exhibit 3), it appears to contain the same characteristics as the surrounding wetlands, mapped, that is, palustrine emergent wetland with an artificial, seasonal water regime.

Species found in the slough...

A transitional wetland area is also mapped at a slightly higher...

Both the transitional wetland and permanent wetland areas were...

A seasonal wetland area is mapped at the southwest portion of Area C. This wetland is an upstream finger of Hanson Slough, extending northward from the bend in Harkins Slough Road at the southwestern corner of Area C, that has been graded and utilized for

agriculture at various times historically. Portions of this area were in agricultural production on the site as recently as February 2000. Portions of this area were planted in legumes when sensitive habitats were identified at the time of original Land Use Plan certification, but codominant with these were dock, and plantain species, indicating the presence of at least seasonal inundation. Red-wing blackbirds were common in this area. Based upon their presence, the presence of hydrophytic plants, and at least seasonal inundation, the Land Use Plan defines this area as a seasonal wetland (wetland upland interface). A perched groundwater table in tandem with the surrounding steep slopes ensure that the hydrology of this upper finger is a constant. In fact, if agriculture were to cease in this area of Hanson Slough, and it were to be left alone, it would be expected that hydrophytic plants would reestablish in the base of the slough with moisture-tolerant grassland species extending up the slopes. In fact, even with the current unnatural cultivation of strawberries, hydrophytic weedy vegetation is already common in this area. If left alone, other wetland species would be expected to reestablish themselves.

This upland Hanson Slough resource on Area C is characterized by a steeply sloping bowl extending from the upper plateau area of Area C. This 'bowl' topographic feature continues onto the property to the west. The steep slopes funnel runoff into the slough where it then flows down to Harkins Slough Road, from there it flows adjacent to the roadway and into a culvert slightly west of the Area C boundary where it meets the main branch of Hanson Slough. Although Area C has changed significantly from what was probably a predominantly riparian landscape (marshy towards the West Branch of Struve Slough) historically, this Hanson Slough slope geomorphology remains essentially intact. It can be inferred that this sloped area has long been part of the hydrologic regime of Hanson Slough, and continues to feed this system.

Finally, the Watershed Institute at California State University Monterey Bay (CSUMB) has begun restoration of the portion of Hanson Slough directly adjacent to Area C (downslope of the upland finger on Area C). Through limited hydromodification at the lower end of the culvert under Harkins Slough Road, approximately 2 miles of wetland habitat are in the process of being restored. This restored wetland is supporting numerous native wetland plants, is visited by wetland birds, and has been used as an outdoor laboratory for wetland and water quality scientists at CSUMB and the United States Soil Conservation Service. The drainage from the disturbed finger of Hanson Slough on Area C flows directly into this downstream restoration site.

The section entitled Riparian Habitats is hereby amended by amending the following paragraph:

Riparian Habitats

In its "Wetlands Guidelines" (Appendix D) the Coastal Commission indicates...

Although riparian habitat is common to the west and south...

The second riparian habitat area consists of a grove of willows along the southwestern border of Parcel C. This area is a portion of the headwaters of Hanson Slough located partially on Area C and partially on the adjacent agricultural parcel west of Area C within unincorporated Santa Cruz County. Though described as 'riparian', this area can and should be defined as wetland as well. Hanson Slough extends from Area C through unincorporated Santa Cruz County agricultural lands where it feeds into Watsonville Slough proper to the south. As noted, this part of the parcel is presently planted in legumes. The planting has not interfered with the growth of the willows and other herbaceous riparian species (poison oak, wood betony, etc.). However, on the other side of the fence, outside the parcel, the area is heavily grazed and no riparian vegetation still exists. This area was marked by a high number of sparrows.

ORDINANCE NO. 1096-00 (CM)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WATSONVILLE AMENDING TITLE 9 (PLANNING &
ZONING) OF THE WATSONVILLE MUNICIPAL CODE
REGARDING THE COASTAL IMPLEMENTATION PLAN

Project: New Millennium High School

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Ord. No. 1096-00 (CM)

Q:\COUNCIL\2000MEET\Meet0912.00\New High School WM95709

1:47 pm 9/25/00

1 STATE OF CALIFORNIA } SS

COUNTY OF SANTA CRUZ

I, LORRAINE WASHINGTON, CITY CLERK OF THE CITY OF WATSONVILLE IN THE COUNTY OF
CRUZ, STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE ATTACHED ORDINANCE NO. 1096-00
IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF SAID ORDINANCE AS IT APPEARS UPON
THE OFFICIAL RECORDS OF SAID CITY OF WATSONVILLE.

DATED: 9/25, 19 2000

Lorraine Washington
CITY CLERK OF THE CITY OF WATSONVILLE

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| | |
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WHEREAS, the City Council of the City of Watsonville has established the *Watsonville 2005 Local Coastal Program* consisting of the *Watsonville Local Coastal Land Use Plan*, dated August 18, 1982; and a *Coastal Zone Implementation Plan*; and

WHEREAS, the City of Watsonville, the County of Santa Cruz and the California Coastal Commission entered into a *Memorandum of Understanding Regarding Cit of Watsonville LCP Amendment 1-99* (MOU); and

WHEREAS, said MOU provides at Section 1 that this ordinance and associated ordinances and resolutions, shall by their own terms, be rescinded and be of no further force and effect upon notice by the Pajaro Valley Unified School District (PVUSD) has irrevocably abandoned any project to construct a public school on the site, except that within one year of such notice by PVUSD, the City will then submit a comprehensive update of its Watsonville Local Coastal Program; and

WHEREAS, it is therefor the intention of the Council that this ordinance shall become automatically rescinded, void and of no further force and effect upon such notice by PVUSD to the Executive Director of the Coastal Commission; and

WHEREAS, the City of Watsonville *Local Coastal Implementation Plan* was adopted by Ordinance No. 789-88 (CM) on November 8, 1988, and amended by

Ordinance Numbers 788-98 (CM), 1051-98 (CM), and 1080-99 (CM). It is codified in the Watsonville Municipal Code at Chapter 5 of Title 9.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. ENACTMENT.

This ordinance shall be automatically rescinded upon notice by PVUSD to the Executive Director of the California Coastal Commission that the PVUSD has irrevocably abandoned any project to construct a public school on the site as described in the March 14, 2000, *Memorandum of Understanding Regarding City of Watsonville LCP Amendment 1-99* (MOU) between the City of Watsonville, the County of Santa Cruz and the California Coastal Commission, otherwise it shall remain in full force and effect.

Article 2. General Provisions

Article 2 (General Provisions) of Chapter 5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) is hereby amended by adding a new Section 9-5.201 to read as follows:

"Sec. 9-5.201. Annexation.

The City will not pursue any additional annexations to the City west of Highway One, nor support any annexation requests to the City from third parties in that geographic area, except for the Green Farm parcel (Santa Cruz County Tax Assessor's Parcel Number 052-271-04)."

Article 3. Coastal Permits

Sec. 9-5.304. Exemptions.

Article 3 (Coastal Permits) of Chapter 5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended by amending Subsection 9-5.304(q) in its entirety and adding a new Subsection 9-5.304(r) to read as follows:

(q) "Sidewalks and Bikeways. Maintenance, repair and construction of all sidewalks and bikeways within public rights-of-way, except for new construction beyond the developed edge of the roadway or within sensitive habitat areas.

(r) Special events. Except where the event will be of a different use and/or greater intensity than the permitted development where it is to be held or where the City determines that the event has the potential to:

(1) Either individually or together with other temporary events scheduled before or after the particular event precludes the general public from use of a public recreational area for a significant period of time;

(2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources; or

(3) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking area or otherwise significantly impact public use or access to coastal waters."

Article 4. Administration and Procedure

Sec. 9-5.410. Appeals to the Coastal Commission.

Subsection 9-5.410(b)(1)(ii) of Section 9-5.410 (Appeals to the Coastal Commission) of Article 4 (Administration and Procedure) of Chapter 5 (Coastal Zone

Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended to read as follows:

(ii) Any major public works project or major energy facility where:

(aa) "Major public works" means any of the following that cost more than one hundred thousand dollars (\$100,000) with an automatic increase in accordance with the Engineering News Record Construction Cost Index:

(ba) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(bb) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.

(bc) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(bd) All community college facilities.

(ab) Notwithstanding the criteria in (aa), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

(ac) "Major energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy that costs more than one hundred thousand dollars (\$100,000) with an automatic increase in accordance with the Engineering News Record Construction Cost Index."

Sec. 9-5.411. Emergency Permits.

Subsection (f) of Section 9-5.411 (Emergency Permits) of Article 4 (Administration and Procedure) of Chapter 5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby in its entirety amended to read as follows:

"(f) The Planning Director may grant an emergency permit based upon reasonable terms and conditions, including language indicating that the work accomplished under an emergency permit is considered temporary unless a regular permit is issued for the work, an expiration date and the necessity for a regular permit application later, if he or she finds that:"

(Note: Codifier (Subsections 9-5.411(f)(1) through (3) remain unchanged.)

Sec. 9-5.413. Life of coastal permits.

Subsections 9-5.413(b) and (d) of Article 4 (Administration and Procedure) of Chapter 5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code are hereby amended to read as follows:

(b) Extension of Coastal Permits. Any coastal permit may be extended for an additional period not to exceed one (1) year by the body which approved the permit. A public hearing duly noticed pursuant to the noticing requirements of Sections 9-5.404 through 9-5.408 shall be held to consider the extension. The extension request may be granted only if the reviewing body determines that there are no changed circumstances that may affect the consistency of the development with the Local Coastal Program. Notice of the reviewing body's determination of changed circumstances shall be provided consistent with the provisions of Section 9-5.412.

The determination of whether or not changed circumstances exist shall be appealable to the Coastal Commission as described in Section 9-5.410 for the following coastal permit extension requests: (a) if the original coastal permit was appealable to the Coastal Commission; or (b) if the development authorized by the original coastal permit would be appealable pursuant to Section 9-5.410 at the time the extension request is received by the City.

If the reviewing City body, or the Coastal Commission on appeal, determines that changed circumstances exist that may affect the consistency of the development with the Local Coastal Program, then the extension request shall be denied and the development shall be set for a full public hearing on the development as if it were a new application. In such a case, the Applicant shall not be required to file a new coastal permit application, but instead shall submit any information that the City, or

the Executive Director of the Coastal Commission if on appeal, deems necessary to evaluate the effect of the changed circumstances.

Any extension applied for prior to the expiration of the coastal permit shall automatically extend the time for commencement of development until such time as the reviewing body has acted upon the coastal permit extension request. The Applicant shall not undertake development during the period of automatic extension.

(d) **Modifications.** The Zoning Administrator shall refer any request for modifications to an approved coastal permit to the decision-making body that approved the coastal permit. A public hearing duly noticed pursuant to the noticing requirements of Sections 9-5.404 through 9-5.408 shall be held prior to modifying an approved coastal permit. Notice of the reviewing body's action on the request for modifications shall be provided consistent with the provisions of Section 9-5.412.

Any action on a coastal permit modification request shall be appealable to the Coastal Commission as described in Section 9-5.410 for the following coastal permit modification requests: (a) if the original coastal permit was appealable to the Coastal Commission; (b) if the development authorized by the original coastal permit would be appealable pursuant to Section 9-5.410 at the time the modification request is received by the City; or (c) if the modification requested is such that the proposed modified project would be appealable pursuant to Section 9-5.410.

A modification request may be granted only if the reviewing body, either the City or the Coastal Commission if on appeal, determines that: (a) the proposed modification would not lessen or avoid the intended effect of the approved coastal permit; and (2) the modified project would be consistent with the Local Coastal Program. If the modification request is denied by the City, or by the Coastal Commission if on appeal, then the terms and conditions of the original coastal permit shall remain in effect.

A request for modification shall not stay the expiration date of the coastal permit for which the modification is requested."

Article 7. District Regulations.

Sec. 9-5.702. District.

Section 9-5.702 (District) of Article 7 (District Regulations) of Chapter 5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended to read in its entirety as follows:

"The CZ District shall be subdivided into six (6) areas identified in the official Coastal Land Use Plan for the City, hereafter referred to as the Coastal Land Use Plan. On the City Zoning Map the lands shall be designated as follows:

- (a) Area A designated CZ-A;
- (b) Area B designated CZ-B;
- (c) Area C designated CZ-C;
- (d) Area D designated CZ-D;
- (e) Area E designated CZ-E; and
- (f) Area R designated CZ-R (Highway One and local street right-of-ways)"

Subsection (f). Zone R.

Subsection (f) of Section 9-5.703 (Principal Permitted Uses) of Article 7 (District Regulations) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended to read as follows:

"(f) Zone R

DLU 4321 Streets, local (improvements within the existing roadway prism)

DLU 4324 Freeways (improvements within the existing roadway prism)

DLU 89 Public and Quasi-public open space"

Sec. 9-5.704. Conditional uses.

Subsection (c). Zone C.

Subsection (c) of Section 9-5.704 (Conditional Uses) of Article 7 (District Regulations) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended in its entirety to read as follows:

"(c) Zone C

DLU 01 Single family residence

DLU 1282 Industrial machinery, equipment, and supplies – wholesale

DLU 19 Industrial non-manufacturing, miscellaneous

DLU 3565 Industrial pattern makers

DLU 4213 Industrial truck services

DLU 432 Highway right-of-way (within existing roadway area)

DLU 71 Public schools until January 1, 2010; after January 1, 2010, public schools are not a conditional use unless they are already constructed; subject to section 9-5.705(c)

Also, any of the principal permitted uses of the IP-Industrial Park District, as of August 30, 1985, subject to the regulation of both districts, except that the height, setback and other standards of the IP district shall not supercede any of these Coastal zone regulations."

Subsection (f). Zone R.

Subsection (f) of Section 9-5.704 (Conditional Uses) of Article 7 (District Regulations) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended in its entirety to read as follows:

- "(f) Zone R
DLU 4321 Streets, local (improvements beyond the existing roadway prism)
DLU 4324 Freeways (improvements beyond the existing roadway prism)
DLU 47 Utilities, Right of way"

Sec. 9-5.705. Regulations.

Subsection (b)(4)(ii) Zone B, Performance Standards.

Subsection (4)(ii) of Subsection (b)(Zone B, Performance Standards) of Section 9-5.705 (Regulations) of Article 7 (District Regulations) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended to read as follows:

"(ii) That public sewer and water services, if necessary, can and will be provided to the site, and only if such services are:

(aa) the minimum size necessary to serve the permitted development;

(ab) provided by only one City sewer and water line under Highway One north of Beach Road (i.e., this connection must be shared by any development on Area C that also is allowed public sewer and/or water service) unless all of the following occur:

(ba) Caltrans will not allow the placement of a utility line to be installed in the Caltrans right of way within the City limits;

(bb) the City makes a finding that there is a one foot non-access strip surrounding any pipelines through County land which prohibits any tie-ins to the lines and which is dedicated to a non-profit agency;

(bc) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville Local Coastal Program Amendment 1-99;

(bd) the utility line(s) through the County is (are) found consistent with the County local coastal program and have received an appealable County coastal permit; and

(be) the connecting lines within the City limits comply with all other applicable provisions of this ordinance; and (ac) applied for as specified in Section 9-5.705(g)(10)."

Subsection (c). Zone C, Performance Standards.

Subsection (c) (Zone C, Performance Standards) of Section 9-5.705 (Regulations) of Article 7 (District Regulations) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended to read in its entirety as follows:

"(c) Zone C. Performance Standards.

(1) Minimum Lot Area and Dimensions

| | |
|---------------------------------|--|
| Area per housing unit (density) | 5 acres |
| Lot area per housing unit | 1 acre (see Section 9-5.705(c)(4)(viii)) |
| Area for industrial use | 20,000 sq. ft. |
| Frontage | 100 feet |

Any development on Area C, other than habitat restoration activities, shall be confined to the development envelope shown in Land Use Plan Figure 2A. All non-agricultural development on Area C shall be clustered within a building envelope no larger than 8 contiguous acres, with the exception that a public school (subject to Section 9-5.704(c)) shall be located within a building envelope no larger than 42

contiguous acres. [exclude wetland, riparian habitat, and other environmentally sensitive habitat areas from development envelope and density calculations]

(2) Minimum Yard Setbacks

| | |
|-------------------------------|----------|
| Front: | 20 feet |
| Interior Side: | 5 feet |
| Rear: | 20 feet |
| Riparian Habitat: | 100 feet |
| Wetland or Transitional Zone: | 100 feet |

Hanson Slough: top of slope at the edge of the development envelop depicted on Land Use Plan Figure 2A.

West Branch of Struve Slough: top of slope at the edge of the development envelope depicted on Land Use Plan Figure 2A.

(3) Maximum Building Height and Lot Coverage

Lot coverage by impervious surface: 10%, or up to a maximum total of 18 acres for a public school only (subject to Section 9-5.704(c)), subject to Section 9-5.705(c)(5). Vehicular parking areas shall be minimized. The number of parking spaces shall be based upon Watsonville Municipal Code requirements for off-street parking as of March 16, 2000. For a public school, this means:

- (i) Elementary or junior high school: 1 parking space per employee, plus 20 public parking spaces;
- (ii) high school: 1 parking space per employee, plus 1 parking space per 7 student classroom seats;
- (iii) college or university: 1 parking space per 3 student classroom seats.

Height: 30 feet as measured from finished grade, subject to Section 9-5.705(g)(3). However, up to two buildings may exceed the 30 foot limit so long as each building has a maximum height of 37 feet, is a public school facility, and does not exceed 18,000 square feet.

[Exclude wetland, riparian habitat, and other environmentally sensitive habitat areas from gross parcel acreage for purposes of calculating maximum impervious surface coverage]"

(4) Special Conditions and Findings Required for Issuing a Special Use Permit and/or Coastal Permit:

(i) Habitat preservation and restoration uses that remove agricultural land from production in or adjacent to habitat areas or on slopes are permitted, pursuant to a restoration plan prepared by a biologist pursuant to Section 9-5.705(g)(4). For other non-agricultural use an Agricultural Viability Report must be prepared and must have concluded: (1) continued agricultural use is demonstrated to be infeasible pursuant to Section 9-5.815; or (2) if agricultural use on the site (or the part of the site proposed for non-agricultural use) has ceased, then non-agricultural use may be permitted only if renewed agricultural use is demonstrated to be infeasible pursuant to Section 9-5.815. An exception to making this finding (in the preceding sentence) may only be made to allow a public school (subject to Section 9-5.704(c)). Non-agricultural development within Area C shall not be allowed unless a Specific Plan (see Section 9-5.705(c)(4)(xv)) is first adopted that: defines all development areas for Area C; provides permanent measures to protect areas within Area C outside of the development envelope shown on Land Use Plan Figure 2A and outside of the building envelope pursuant to Section 9-5.705(c)(1); and ensures that all plan policies will be met. Any non-agricultural use of a portion of Area C shall be sited to optimize agricultural use on the remainder of the site and on adjacent agricultural lands in unincorporated Santa Cruz County, including, but not limited to maintenance of a 200 foot agricultural buffer consistent with Section 9-5.705(g)(6). Limited public school parking, sports fields, and pathways only shall be allowed within the "Public School Restricted Use Area" portion of the 200-foot agricultural buffer on the perimeter of Area C as shown on Land Use Plan Figure 2A; buildings and any other structures shall be prohibited in this area.

(ii) Environmentally sensitive habitat areas must be kept in a natural state and protected from intrusion of humans, domestic animals and livestock (including but not limited to adequate screening to block noise, glare, lights and visibility associated with same), from erosion, sedimentation and contaminated runoff, and from loud noise or vehicular traffic. Any development activity that alters drainage patterns to the portion of Hanson Slough at the southwestern corner of Area C shall provide for restoration of this portion of Hanson Slough to a functional wetland; this shall be provided for in a Biological Restoration Plan (Section 9-5.705(g)(4)). All environmentally sensitive habitat areas shall be buffered. There are three (3) environmentally sensitive habitat areas and at least three (3) environmentally sensitive habitat area buffer areas on Area C as depicted on Land Use Plan Figure 2A; the following environmentally sensitive habitat areas and buffering requirements shall be provided for by the Biological Restoration Plan (Section 9-5.705(g)(4)) as follows:

(aa) For the environmentally sensitive habitat area located between the top of slope at the edge of the development envelope depicted on Land Use Plan Figure 2A and the West Branch of Struve Slough: Within this

environmentally sensitive habitat area, invasive exotics shall be removed and appropriate native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. A weed control plan shall be implemented to increase native plant coverage. The unimproved access ways in this area shall not be improved, and, preferably, shall be removed and revegetated. No other uses shall be allowed in this area with the exception of one area of utility crossing (i.e., one wastewater pipeline, one potable water pipeline, and associated infrastructure) provided that these utilities are otherwise allowed by this ordinance. Any such area shall be the minimum width necessary to accommodate the utilities;

(ab) For the buffer area located between the top of slope at the edge of the development envelope depicted on Land Use Plan Figure 2A and Hanson Slough. Within this buffer, invasive exotics shall be removed and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Passive recreation (such as a pedestrian trail), supervised education and active wetland restoration and research activities are allowed in this buffer;

(ac) For the 100 foot buffer area around the Hanson Slough riparian area located along the western boundary of Area C. Within this buffer, invasive exotics shall be removed and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted; and

(ad) For the area along Harkins Slough Road east of Lee Road that acts as a buffer to the California Department of Fish and Game Ecological Preserve. Within this buffer, invasive exotics shall be removed and native trees, shrubs and native grasses (e.g., from a native plant palette recommended by the California Department of Fish and Game) shall be planted. Within this buffer, one access road of the minimum width necessary to accommodate the permitted use shall be allowed if otherwise allowed by this ordinance.

All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions, open space/conservation easements, or other such legal instruments shall be required for such buffer areas.

(iii) Maximum slope of developed portion of lot (before grading): 15% except for isolated areas of slopes greater than 15% within the development envelope shown on Land Use Plan Figure 2A and if required for construction of a public school only (subject to Section 9-5.704(c)), subject to Section 9-5.705(c)(5).

(iv) A field search for the endangered Santa Cruz Tarweed shall be conducted by a qualified botanist during the time of year in which the plant is expected to be in bloom (between June and October) on all of Area C before approval of any development. The report of such field investigation shall be forwarded to the California Department of Fish and Game for evaluation of the report's analysis and

conclusion(s). If any portion of the site is confirmed by the Department of Fish and Game to be endangered plant habitat, such area shall be treated as environmentally sensitive habitat to which the Local Coastal Program environmentally sensitive habitat policies apply;

(v) Any development relying upon a septic tank or other on-site system, shall submit a specific design and engineering analysis by a licensed soils engineer, which demonstrates both sufficient separation between leaching fields and winter groundwater levels, and that the requirements of the Regional Water Quality Board are complied with;

(vi) Any development in a streambed must be conditional upon execution of and compliance with an Agreement ("1603 Agreement") with the California Department of Fish and Game under the requirements of Sections 1601-1603 of the California Public Resources Code.

(vii) Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a Biological Restoration Plan (Section 9-5.705(g)(4)) prepared by a qualified wetland biologist wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a dense visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas native upland species are appropriate.

(viii) Residential lots may be smaller than the allocated density to allow for clustering; any permitted residential use shall be clustered on the smallest lots possible with shared driveways and the remainder open space retained for agricultural uses; residential development shall only occur within the development envelope shown on Land Use Plan Figure 2A.

(ix) Sewer (only for a public school, subject to Section 9-5.704(c)) and/or potable water service may be provided only if all of the following circumstances apply to such utility(ies):

(aa) They must be applied for and reviewed pursuant to Section 9-5.705(g)(10);

(ab) They shall be financed in a way which does not require or involve assessments against or contributions from properties along Lee Road outside of Area C, or against any agricultural property;

(ac) They shall be the minimum size pipes, pumps, and any other facility(ies) necessary to accommodate the permitted use, and evidence is provided from a licensed civil engineer indicating that this is the case;

(ad) They shall be designed and built to end as a hook-up to the allowed development with no other stubs on or off the site;

(ae) They shall incorporate dedication of a one-foot or greater non-access easement surrounding the outer boundary of the parcel(s) on

which the development to be served by the utility(ies) will occur. The extensions of sewer service and potable water shall be prohibited across the non-access easement and the easement shall be dedicated to a public agency or private association approved by the City Council. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the Department of Fish and Game or a non-profit land trust would be candidate entities to accept such an easement);

(af) The wastewater connection shall emanate from only one City sewer line (no greater than six (6) inches wide if a force main, or eight (8) inches wide if a gravity line) under Highway One north of Beach Road except that two lines may be pursued if the requirements of subsection (ai) below are met. In such case, no more than two sewer lines shall cross Highway One. If a sewer line is extended for a public school along Harkins Slough Road, such line shall be no greater than a six inch force main and shall enter the school site as near to Highway One as possible;

(ag) There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that provides that, except for the "Green Farm" parcel (Santa Cruz Tax Assessor's Parcel Number 052-271-04), the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the city from third parties in that geographic area, unless both of the following findings can be made:

(ba) The land to be annexed is not designated Viable Agricultural Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and

(bb) The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County's LCP or in Sections 30107.5 or 30121 of the Coastal Act.

In the event that a third party annexation west of Highway One is approved inconsistent with (ba) or (bb) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County's agriculture or open space designation; and prohibit (a) the extension of urban services to this land, and (b) any subdivisions of the annexed land except those required for agricultural lease purposes.

(ah) Adequate capacity is available to serve the site; for water, the result shall not be a worsening of the groundwater overdraft situation; and

(ai) They must be placed within the City of Watsonville city limits, unless all of the following occur: (1) Caltrans will not allow such lines to

be installed in the Caltrans right of way within the City limits; (2) the City makes a finding that there is a one foot non-access strip surrounding the pipeline through County land which prohibits any tie-ins to the line and which is dedicated to a non-profit agency; (3) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville Local Coast Plan Amendment 1-99; (4) the line(s) through the County is (are) found consistent with the County local coastal program and have received an appealable County coastal permit; and (5) the connecting lines within the City limits comply with all other applicable provisions of this ordinance.

(x) No subdivision or other adjustment of parcel lines shall be allowed which results in the creation of any parcel that cannot accommodate development consistent with Zone C performance standards unless the parcel is permanently protected pursuant to Section 9-5.705(g)(5) and dedicated to agriculture or another open space use.

(xi) All development visible from Highway One and/or other coastal zone roads shall be sensitively designed and subordinate to preservation of the public viewshed. All development shall be designed to be compatible with the rural agricultural character of the surrounding rolling hill landscape (See also Section 9-5.705(g)(3)).

(xii) If improved site access is required to serve permitted development on Area C, such access shall be constructed from West Airport Boulevard and not Harkins Slough Road if this is feasible and corroborating evidence shows it to be the least environmentally damaging alternative. If this is not feasible, then the City shall recommend to Santa Cruz County that any improvements to Harkins Slough Road (including, but not limited to road widening), shall include replacing the West Branch of Struve Slough culverts under Harkins Slough Road with a bridge of adequate span to provide for flood protection and habitat connectivity between the West Branch of Struve Slough on Area C and the California Department of Fish and Game Reserve, unless an alternative that is environmentally equivalent or superior to a bridge is identified. The City shall also recommend against any fill of any portion of the West Branch of Struve Slough except for incidental public services. Any Harkins Slough Road improvements at the Hanson Slough crossing shall provide adequate culverts to ensure habitat connectivity. Development shall be designed to minimize the extent of any such Harkins Slough Road improvements; improvements not necessary to serve the permitted development are prohibited. Any such road improvements shall include measures to protect habitat, and shall be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within the West Branch of Struve Slough. Night lighting shall be limited to the minimum necessary to meet safety requirements and shall incorporate design features that limit the height and lumination of the lighting to the greatest extent feasible;

provide shielding and reflectors to minimize on-site and off-site light spill and glare to the greatest extent feasible; avoid any direct lumination of sensitive habitat areas; and, incorporate timing devices to ensure that the roadway is illuminated only during those hours necessary for school functions and never for an all night period. Any such improvements to Harkins Slough Road shall be within the parameters of a Biological Restoration Plan prepared for such project pursuant to Section 9-5.705(g)(4).

(xiii) All development associated with Area C within unincorporated Santa Cruz County shall have a valid County Coastal Development Permit before any City Coastal Development Permit can be exercised.

(xiv) All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation. All requirements of Section 9-5.705(g)(8) shall be implemented.

(xv) Area C is designated as a Special Study Area where development is subject to a Specific Plan, unless that development is: (1) one residence per existing parcel; or (2) a public school. All other development, subdivision, and/or lot line adjustment is subject to a Specific Plan. The Specific Plan shall: define all development areas for Area C; provide permanent measures to protect areas within Area C outside of the development envelope shown on Land Use Plan Figure 2A and outside of the building envelope pursuant to Land Use Plan Policy C.3.q and Section 9-5.705(c)(1); provide permanent measures to protect areas within agricultural and environmentally sensitive habitat areas and buffers; and ensure that all Local Coastal Program policies will be met. At a minimum, the Specific Plan shall:

(aa) Allow for non agricultural development only on the parcel(s) or portion(s) of parcel(s) found infeasible for continued or renewed agricultural use under Land Use Plan policy III.C.4 and Section 9-5.705(c)4 and only within the development envelope shown on Land Use Plan Figure 2A;

(ab) Not allow any subdivision or other adjustment of parcel lines that cannot accommodate development consistent with Area C performance standards unless the parcel is permanently protected and dedicated to agriculture or another open space use;

(ac) Allow for resubdivision of existing parcels which is encouraged to better meet LCP objectives for Area C;

(ad) Comply with all standards for development of Area C; and

(ae) The Specific Plan shall also:

(ba) Delineate a maximum building envelope of 8 acres within the development envelope shown on Land Use Plan Figure 2A that is found infeasible for continued or renewed agricultural use;

(bb) Within the maximum building envelope, the maximum impervious surface coverage is 7 acres; the remaining 1 or more acres is for landscaping and other pervious surface uses;

(bc) Allow for subdivision for residential purposes resulting in lots as small as one acre (minimum size for septic systems), provided that there is a maximum of 15 residences permitted; and

(bd) Allow for portions of residential parcels to extend beyond the 8 acre maximum building envelope, provided that any such portions are restricted to agricultural uses or comprise the 200 foot agricultural buffer.

(5) Criteria for an Increase in Impervious Surface Coverage and Development on Slopes.

An increase in impervious surface coverage (up to 18 acres of that portion of Area C within the development envelope defined in Land Use Plan Figure 2A) and development on isolated areas of slopes greater than 15% (within the development envelope shown on Land Use Plan Figure 2A) on Area C may be allowed for a public school (subject to Section 9-5.704(c)) only if: (a) the following findings are made; and (b) the following mitigation measures are included as enforceable conditions of any coastal development permit granted for a public school:

(i) Required Findings:

(aa) The impervious surface coverage is the minimum necessary to accommodate a public school of a size documented as needed by the school district to serve existing and projected student populations and to meet State School Sizing Criteria;

(ab) There is no feasible alternative location;

(ac) The siting clusters the school as much as possible to leave as much of the non-habitat part of the site available for continued agriculture, open space or habitat restoration;

(ad) Airport Safety.

(ba) The Pajaro Valley Unified School District has, prior to submitting an application for a coastal development permit but after March 16, 2000, given written notice to the State Department of Education pursuant to California Education Code section 17215, to request an airport safety and noise evaluation of any portion of Area C proposed for development. This notice shall request that this evaluation take into account changed circumstances since the 1992/97 Caltrans Aeronautics review, including but not limited to the following:

(ca) The public school development envelope approved by City of Watsonville Land Use Plan Amendment 1-99.

(cb) Relevant factors listed in the revised Office of Airport Procedures of the Aeronautics Program, dated December 16, 1998 (e.g., flight activity, type of aircraft, proposed operation changes, etc.).

(cc) The proposed runway extension;
and

(bb) The City has received Department of Education documentation, pursuant to Subsection (ba) above, indicating which portions of Area C are safe for public school development with respect to potential airport safety concerns; and

(ae) The design is evocative of, and designed to be compatible with, the rural agricultural character of the surrounding rolling hill landscape.

(ii) Required Coastal Development Permit Conditions:

(aa) The public school shall include: (a) an environmental stewardship program, with an interpretive and teaching plot adjacent to the upper finger of Hanson Slough on Area C for students to conduct supervised environmental restoration; and (b) a sustainable agricultural education component (e.g., similar to that at Watsonville High School) that may include some agricultural study plots on site;

(ab) There shall be no exterior night lighting, other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting shall be directed away from environmentally sensitive habitat areas and shall not be visible from any vantage point within environmentally sensitive habitat areas. All interior lighting shall be directed away from windows which are visible from environmentally sensitive habitat areas. All lighting shall be downward directed and designed so that it does not produce any light or glares off-site;

(ac) The Applicant shall develop a wetland restoration and landscape plan with input from a qualified wetland biologist and hydrologist that incorporates, at a minimum, all of the provisions of Section 9-5.705(c)(4)(b) above and that shall provide for the restoration of all buffer areas (from environmentally sensitive habitat areas and agriculture). The plan shall be submitted and approved by the City prior to issuance of the coastal development permit. The Applicant shall post a bond with the City of sufficient amount to provide for all environmental enhancements and all mitigation measures that are identified in any final environmental document(s) certified for the project;

(ad) There shall be screening between habitat and areas with human activity so that such areas shall not be visible from any vantage point within environmentally sensitive habitat areas;

(ae) All site runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation;

(af) Any land on Area C not incorporated into the building envelope for a public school shall be used only for agricultural purposes, open space, or habitat restoration, with the 200 foot buffer from the school and the fields adjusted accordingly. If the land is purchased by a school district, the district must present a binding agreement to offer the excess land for agricultural, open space, or habitat restoration use. An agreement to offer land for agricultural use must be made at no greater than fair market rents. Legal access must be provided to any remainder agricultural parcel, without any restrictions as to the farm employees' use;

(ag) Any agricultural wells on Area C that would be displaced by school development shall be made available at no more than current market costs to adjacent or nearby farmers, if such farmers demonstrate a need for the water and it can be feasibly transported to their fields;

(ah) The permittee shall record a deed restriction or an open space/conservation easement that provides that all agricultural and environmentally sensitive habitat areas and their buffers shall be permanently maintained and protected (see Section 9-5.705(g)(5)). All agricultural and environmentally sensitive habitat areas and their buffers shall be offered to appropriate resource management agencies and/or non-profit organizations along with sufficient funding to implement any mitigations or conditional requirements applicable to these areas;

(ai) An agricultural hold-harmless, right-to-farm agreement shall be recorded as a deed restriction on the property pursuant to Section 9-5.705(g)(7);

(aj) Any special event not associated with instructional programs and/or athletic events at the school that exceeds the maximum permitted student and employee capacity of the school, and/or that may adversely affect adjacent habitat areas, shall require a coastal development permit and shall be subject to all Area C performance standards;

(ak) There shall be a landscaping and grounds maintenance plan that provides for minimizing the use of pesticides, herbicides, and fertilizers, and protecting against adverse impacts associated with them. Such plan shall be submitted for the review and approval of the City. Pesticides and herbicides shall only be used if there is a documented problem and not on a regular preventative schedule, and shall not be applied if rain is expected. Non-chemical fertilizers are

preferred. The least toxic alternatives, and the minimum necessary for the problem, shall be used in any case. The landscaping and grounds maintenance plan shall include nutrient control parameters;

(al) All mitigation measures that are identified in any final environmental document(s) certified for the project shall be incorporated as conditions of approval. In the event that any such mitigation measures are in conflict with these required conditions and/or with any Area C or other Local Coastal Program performance standards, then the conflicting portion of any such mitigation measure shall not be incorporated as a condition of approval;

(am) Prior to the issuance of a Coastal Development Permit, the applicant shall submit a full geotechnical investigation consisting, at a minimum, of the following:

(ba) Sufficient borings to fully characterize the soil conditions underlying all of the principal structures to be constructed.

(bb) Quantitative demonstration of bearing capacity of the soils.

(bc) Quantitative evaluation of lateral pressures to be expected due to the expansive nature of the soils at the site.

(bd) A seismic analysis consisting of the determination of the maximum credible earthquake at the site, corresponding maximum ground acceleration, and an estimate of the maximum duration of ground shaking.

(be) Evaluation of the potential for undiscovered potentially active fault strands crossing the site.

(bf) Quantitative analysis of slope stability for all natural and artificial slopes to be built for both static loads and for accelerations expected for the maximum credible earthquake at the site. Geotechnical parameters used in these calculations should be obtained from laboratory analyses of undisturbed samples collected at the site. In the case of fill slopes, geotechnical parameters may be estimated from fill materials similar to anticipated material to be used at the site.

(bg) Evaluation of shallow groundwater conditions occurring naturally at the site, and anticipated changes that will occur as a result of grading. In particular, the potential accumulation of perched ground water at the contact between artificial fills and clay-rich natural soils should be addressed.

(bh) Demonstration that the planned drainage and detention system will be sufficient to prevent accumulation of perched ground water at the base of fills during, at a minimum, a 100-year storm event. Demonstration that peak runoff during such an event will be reduced to allowable levels before being discharged to the natural watersheds downstream of the site.

(bi) Evaluation of potential for liquefaction of natural soils and of artificial fills. In particular, the potential for liquefaction of artificial fills due to the presence of perched groundwater at the base of fills should be addressed.

(bj) All foundations and structures must be constructed to conform to the California Building Code using design parameters which take into account ground shaking expected in the maximum credible earthquake for the site. Special attention should be paid to possible misalignment of foundation supports brought about by the expansive soils at the site.

(an) The high school shall develop a refuse containment and maintenance program that includes at least the following components: fully enclosed or animal-proof garbage containers; specifically designated eating areas; and provisions built into maintenance contracts requiring that all eating areas anywhere on campus be swept clean on a daily basis.

Subsection (f). Zone R, Performance Standards.

Subsection (f) of Section 9-5.705 (Regulations) of Article 7 (District Regulations) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) is hereby amended to read as follows:

(f) *Zone R, Performance Standards.*

(1) New off-ramps from Highway One shall be prohibited if designed to relieve congestion generated by public school development on Area C.

(2) New off-ramps from Highway One and/or additional road capacity for any roads, offramps, or overpasses within this district (e.g., Rampart Road, Airport Boulevard off-ramp, Main Street, Harkins Slough Road overpass) shall be prohibited unless all of the following have occurred:

(i) A traffic study has been completed by a qualified transportation engineer demonstrating that there exists a severe congestion problem inland of Highway One (i.e., level of Service D at peak periods) that cannot be solved by other feasible means (including but not limited to modifying traffic signal timing and alternative transportation measures) other than the new off-ramp or road widening project;

(ii) The project includes pedestrian, bicycle, and transit components, except in the case of offramp improvements only; and

(iii) There is a current City of Watsonville-adopted, legally-binding instrument (e.g., a memorandum of understanding) that provides that, except for the "Green Farm" parcel (Santa Cruz Tax Assessor's Parcel Number 052-271-04), the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the City from third parties in that geographic area, unless both of the following findings can be made:

(aa) The land to be annexed is not designated Viable Agricultural Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and

(ab) The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County's Local Coastal Program or in Sections 30107.5 or 30121 of the Coastal Act.

In the event that a third party annexation west of Highway One is approved inconsistent with (aa) or (bb) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County's agriculture or open space designation; and prohibit (a) the extension of urban services to this land, and (b) any subdivisions of the annexed land except those required for agricultural lease purposes.

(3) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Managed observation areas may be permitted adjacent to sensitive habitat areas, subject to an approved plan and management program that preserves sensitive habitat values and minimizes human disturbance.

(4) Except for the environmentally sensitive habitat area east of the farm road on Area C, all development shall be set back a minimum of 100 feet from any environmentally sensitive habitat area. Appropriate native trees, shrubs, and grasses shall be planted in the required setback area, consistent with a landscape plan prepared by a qualified wetland biologist, wherever development is adjacent to an environmentally sensitive habitat area, in such a manner as to provide a visual screen, impede human access and enhance bird roosting and nesting. Adjacent to running water, native riparian species are appropriate. In other areas native upland species are appropriate.

(5) All development shall be sited and designed to minimize the amount noise, lights, glare, and activity visible and/or audible within environmentally sensitive habitat areas and their required buffers. Adequate screening (through plantings, soil berms, and/or solid wood fences) located outside of the environmentally sensitive habitat areas and their buffers shall be required to limit degradation of habitat and buffer areas, and to ensure that the amount noise, lights, glare, and activity visible and/or audible in these areas are minimized.

(6) All environmentally sensitive habitat areas and environmentally sensitive habitat area buffers shall be permanently maintained and protected. Deed restrictions or open space/conservation easements shall be required for all such areas pursuant to Section 9-5.705(g)(5).

Subsection (g). All Zones A through E inclusive and R, Performance Standards.

Subsection (g) (All Zones A through E inclusive and R, Performance Standards) of Section 9-5.705 (Regulations) of Article 7 (District Regulations) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended in its entirety to read as follows:

"(g) *All Zones A through E inclusive and R. Performance Standards.* In addition to the above specific performance standards for each Zone, all approved development applications shall be subject to performance standards, findings, and conditions as needed for conformance with the Chapter II policies ("Policies Affecting All Areas") of the certified *Watsonville Coastal Land Use Plan* (LUP), as follows:

(1) Each coastal development permit shall cite applicable Chapter II policies, and, as necessary, the specific manner in which the policy requirements will be met for the particular project and site.

(2) *Land Use Plan Policy II.A.4, Archeologic Resources.* Permits shall be conditioned to require that if archaeological or paleontological materials are encountered, work which would disturb such materials shall be halted until reasonable mitigation measures, consistent with the standards prescribed by the State Historical Preservation Office, are implemented.

(3) *Policy II.B, Coastal Visual Resources.* New development shall be sited and designed to protect views of scenic coastal areas; in particular, this requirement shall apply to the seaward views from State Route One, across the wetlands and associated riparian areas of the Watsonville Slough Complex and along the Pajaro River. These existing scenic views of natural habitat and agricultural

croplands shall be protected through all appropriate measures, including but not limited to:

(i) Where feasible, new structures shall be hidden from Highway 1; otherwise such development shall be screened through planting and permanent upkeep of appropriate tree species (such as native live oak which will provide, upon maturity, complete vegetative screening on a year-round basis);

(ii) All linear utilities (including but not limited to electrical power, telephone and cable television service connections) in new development shall be placed underground. Accessory utilities (e.g., utility meters, electrical panels, and transformers) shall be placed underground as practicable and safe;

(iii) Advertising and commercial signs that would block views from Highway 1 and/or other coastal zone roads to the wetland and riparian and other environmentally sensitive habitat areas shown on Land Use Plan Figures 2 and/or 2A, shall not be allowed. All signs shall be designed to be consistent with the architectural character of the development, designed to be an integral part of the landscape area, and compatible with the character of the surrounding scenic rural lands. Plastic shall not be used as a sign material. Sign illumination, where necessary, shall be the minimum required and shall be designed to avoid off-site glare;

(iv) Land divisions and/or lot line adjustments that would result in increased visibility of future development due to the configuration of the new parcels as seen from Highway One and/or other coastal zone roads shall be prohibited;

(v) Minimize alterations of the natural landform through avoidance of grading visible from Highway One and/or other coastal zone roads. Where grading visible from Highway One and/or other coastal zone roads cannot be avoided, such grading shall blend the contours of the finished surface with the adjacent natural terrain and landscape to achieve a smooth transition and natural appearance. No retaining walls around the perimeter of the school site shall be allowed, however, any interior retaining walls that may protrude above the level of finished grade shall be minimized in height and colored, textured, and landscaped to reduce visual impacts from Highway One and/or other coastal zone roads.

(vi) All development visible from Highway One and/or other coastal zone roads shall be sensitively designed and subordinate to preservation of the public viewshed. All development shall be designed to be compatible with the rural agricultural character of the surrounding rolling hill landscape, except that no design changes that would entail a new approval from the State Architect are required. Compatible design shall be achieved through the use of: utilitarian design features; roofs pitched above horizontal; low-slung buildings separated by open spaces to break up visual massing; large building facades broken up by varied rooflines, offsets, and building projections that provide shadow patterns; large

structures broken down into smaller building elements (rather than long continuous forms); and second story building elements set back from the first story exterior. Large box-like designs, large unbroken roof lines, and/or large flat surfaces lacking architectural treatment shall not be allowed. All exterior finishes shall consist of earthen tone colors that blend with the surrounding landscape (such as board and batten wood siding). All required fencing shall be rustic split rail fencing of rough-hewn and unpainted wood timbers (e.g., cedar) with the exception that rustic wood fencing with no gaps can be utilized if such fencing is required to screen sensitive habitat areas from development.

(vii) All non-agricultural development shall include landscaping (for all areas not covered with structures) with only native plant species characteristic or indigenous to the immediate surrounding area that evoke the sense of rolling rural area. Such landscaping shall include a mix of natives grasses, shrubs, and trees coordinated with, and complementary to, building design, and consistent with a transition to the natural landform. All landscaping shall provide for screening vegetation fronting any structures that are visible from Highway One and/or other coastal zone roads. These landscape requirements shall be implemented through a landscape plan that, at a minimum, shall specify that: (a) all plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the plans; (b) landscaping will be kept free of weeds and invasive non-natives (such as acacia, pampas grass, and scotch broom) and shall require the removal of any such invasive non-natives that are already present on the site; (c) all landscaping will be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. The irrigation system shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

(4) "Biological Restoration Plans. Any habitat restoration, enhancement, and/or buffering plans shall be prepared by a wetland biologist and hydrologist developed in consultation with and subsequently distributed for review by the Department of Fish and Game and U.S. Fish and Wildlife Service. The plans and the work encompassed in the plans shall be authorized by a coastal development permit. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the City. No changes to the approved final plans shall occur without a City-approved amendment.

The elements of such a plan shall at a minimum include:

(i) A detailed site plan of the entire habitat and buffer area with a topographic base map;

(ii) A baseline ecological assessment of the habitat and buffer area, including but not limited to, assessment of biological, physical, and chemical criteria for the area;

(iii) The goals, objectives, performance standards, and success criteria for the site, including specific coverage and health standards for any areas to be planted. At a minimum, explicit performance standards for vegetation, hydrology, sedimentation, water quality, and wildlife, and a clear schedule and procedure for determining whether they are met shall be provided. Any such performance standards shall include identification of minimum goals for each herbaceous species, by percentage of total plantings and by percentage of total cover when defined success criteria are met; and specification of the number of years active maintenance and monitoring will continue once success criteria are met. All performance standards shall state in quantifiable terms the level and extent of the attributes necessary to reach the goals and objectives. Sustainability of the attributes shall be part of every performance standard. Each performance standard shall identify: (1) the attribute to be achieved; (2) the condition or level that defines success; and (3) the period over which success must be sustained. The performance standards must be specific enough to provide for the assessment of habitat performance over time through the measurement of habitat attributes and functions including, but not limited to, wetland vegetation, hydrology, and wildlife abundance.

(iv) The final design, installation, and management methods that will be used to ensure the mitigation site achieves the defined goals, objectives, and performance standards;

(v) Provisions for the full restoration of any impacts that are identified as temporarily necessary to install the restoration or enhancement elements;

(vi) Provisions for submittal, within 30 days of completion of initial (and subsequent phases, if any) of restoration work, of "as built" plans demonstrating that the restoration and enhancement has been established in accordance with the approved design and installation methods;

(vii) Provisions for a detailed monitoring program to include at a minimum provisions for assessing the initial biological and ecological status of the site. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program, with a description of the methods for making that evaluation;

(viii) Provisions to ensure that the site will be promptly remediated if monitoring results indicate that the site does not meet the goals, objectives, and performance standards identified in the approved mitigation program and provisions for such remediation. If the final report indicates that the mitigation project has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental

mitigation program to compensate for those portions of the original program which did not meet the approved performance standards. The revised mitigation program, if necessary, shall be processed as an amendment to this coastal development permit.

(ix) Provisions for submission of annual reports of monitoring results to the City for the first five years after all restoration and maintenance activities have concluded (including but not limited to watering and weeding, unless weeding is part of an ongoing long-term maintenance plan) and periodic monitoring after that time, beginning the first year after submission of the "as-built" assessment. Each report shall include copies of all previous reports as appendices. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the project in relation to the performance standards.

(5) Biological and Agricultural Easements. Prior to issuance of a coastal development permit to proceed with development of any site where a portion of the property has use restrictions placed on it for habitat or agricultural purposes, the landowner of the parcel(s) subject to the permit, shall have completed the following:

(i) A document shall have been executed and recorded in a form and content acceptable to the City Attorney and the Executive Director of the Coastal Commission as described below, dedicating to a public agency or private association approved by the City Council an open space and conservation easement over the specified portion of the land for the purposes established in the coastal permit findings. The City Council must find that the accepting agency has a mandate or charter to carry out the purposes of the easement dedication (e.g., the California Department of Fish and Game and the U.S. Fish and Wildlife Service would be candidate agencies to accept a habitat easement). An outright dedication or other transfer of title of the specified portion of the land can substitute for an easement. The document shall show the area of protection, both mapped and described in metes and bounds, consistent with the Local Coastal Program and coastal permit conditions. The document shall be recorded free of prior liens and any other encumbrances that the City Attorney determines may affect said interest. The document shall limit uses of and activities in the area of protection to those enumerated in the coastal permit or in a management plan or other document approved by the City as fulfilling compliance with a coastal permit condition. Provisions shall be included that permit the City staff, or in the case of habitat preservation or buffering, staff of the Department of Fish and Game and U.S. Fish and Wildlife Service, to enter and inspect the property for purposes of determining compliance with approved plans and permit.

(ii) If no suitable accepting agency has been determined, then the document shall take the form of an irrevocable offer to dedicate the land (or an easement on the land) to a public agency or private association approved by the City Council. In this case, the offer shall run with the land in favor of the People of the

State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording the offer.

(iii) If a direct easement, outright dedication or other transfer of title, or irrevocable offer to dedicate the land are infeasible in the opinion of the City Attorney and the Executive Director of the Coastal Commission, then the document shall take the form of a deed restriction over the specified portion of the land for the purposes established in the coastal permit findings. The deed restriction shall include a legal description and site plan of the Permittee's entire property. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the City Attorney determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without an amendment to the coastal development permit.

(iv) Review and approval by the Executive Director of the Coastal Commission of the aforementioned legal documents consistent with Section 9-5.414.

(6) Agricultural Buffers. Provide and maintain a buffer of at least 200 feet between agricultural land and non-agricultural uses on the property devoted to the non-agricultural uses. The setback shall incorporate vegetative or other physical barriers and be as wide as necessary as determined to minimize potential land use conflicts. The buffer area shall be permanently protected and restricted by easement or dedication pursuant to Section 9-5.705(g)(5), such document to incorporate the objectives and requirements herein. Buffer plantings or any other required barriers shall be maintained in perpetuity. Uses allowed in the buffers shall be limited to student agricultural activities, septic systems, any habitat improvements as may be specified in a habitat restoration plan (see Section 9-5.705(g)(4), and, for Area C only: (1) one road crossing of the minimum width for public safety purposes as necessary to serve the permitted use; and/or (2) limited public school parking, sports fields, and pathways within the "Public School Restricted Use Area" portion of the 200-foot agricultural buffer on the perimeter of Area C as shown on Land Use Plan Figure 2A; buildings and any other structures shall be prohibited in this area.

(7) Right to Farm Disclosure and Hold-Harmless Acknowledgment:

(i) Intent. It is the declared policy of this City to encourage agricultural operations. It is the further intent of the City to provide to its residents, students, and workers proper notification of the City's support of those person's right to farm. Where non-agricultural land uses occur near agricultural areas, agricultural operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result, agricultural operators may be forced to cease or curtail their operations. Such actions discourage investment in farm improvements to the detriment of agricultural uses and the viability of the area's agricultural industry as a whole. It is the purpose and intent of this section to reduce the area's loss of its agricultural resources by clarifying the circumstances under

which agricultural operations may be considered a nuisance. An additional purpose of this section is to promote a good neighbor policy by advising purchasers of property of the inherent potential problems associated with the purchase, such as the noises, odors, dust, chemicals, smoke, and hours of operation that may accompany agricultural operations. It is intended that through mandatory disclosures, purchasers and users will better understand the impact of living, working, or attending school near agricultural operations and be prepared to accept attendant conditions as the natural result of living or being in or near rural lands.

(ii) Findings. No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with properly accepted customs and standards, shall be or become a nuisance, private or public, due to any changed condition in or about the locality. The term "nuisance" shall have the meaning ascribed to that term in California Civil Code Section 3479, which reads in part, "Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the use of property, so as to interfere with the comfortable enjoyment of life or property .. is a nuisance." The City of Watsonville has determined that the use of real property for agricultural operations is a high priority and favored use and those inconveniences or discomforts arising from said use, shall not be or become a nuisance.

(iii) Disclosure Statement. The following statement shall be included on all coastal zone permits issued by the City and shall be delivered to all new purchasers or lessees of property in the coastal zone:

The City of Watsonville declares it a policy to protect and encourage agricultural operations. If your property is located near or adjacent to an agricultural operation, you may at sometimes be subject to inconvenience of discomfort arising from the operation. If conducted in a manner consistent with applicable State and local laws, said inconveniences and discomforts shall not be or become a nuisance.

(iv) Acknowledgment. Prior to issuance of a coastal development permit for a non-agricultural use on a parcel adjacent to an agricultural parcel, the City shall receive proof that the following document has been recorded as a deed restriction. This statement shall be recorded and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs, or assignees. The statements contained in this acknowledgment are required to be disclosed to prospective purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the property, and in any deed conveying the property, and distributed to all tenants, employees, students, or other uses of the said property:

The undersigned do hereby certify to be the owner(s) or Lessees of the hereinafter legally described real property located in the City of Watsonville and do hereby acknowledge and agree: (a) that the property described herein is adjacent to land utilized or designated for agricultural purposes; (b) that residents, students, or other users of the property may be subject to inconvenience or discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, insecticides, and fertilizers, and operation of machinery; (c) users of the property accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to assume the risks of inconveniences and/or discomforts from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent agricultural lands against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any issues that are related to the agricultural land use and its impact to users of the property. It is understood that the City has established a 200 foot agricultural setback on the herein described property to separate agricultural parcels and non-agricultural uses to help mitigate, but not necessarily completely alleviate, these conflicts.

(8) Polluted Runoff Controls. All development shall incorporate structural and non-structural Best Management Practices (BMPs). BMPs are methods for controlling, preventing, reducing, or removing typical runoff pollutants. BMPs generally fall into two categories: source control BMPs and treatment BMPs. Source control BMPs are designed to reduce or eliminate the introduction of pollutants into runoff (e.g., regular sweeping/vacuuming of vehicle parking areas). Treatment BMPs are designed to remove pollutants from runoff (e.g., silt fences to trap sediments at construction sites). In order of priority, all development shall: first, limit impervious surfacing and pollutant loading through good site planning; second, reduce pollutant loads through source control; and third, reduce pollutant loads through treatment controls (where appropriate). All development is subject to the following requirements, and shall at a minimum, include the following components:

(i) BMPs shall be designed to filter and/or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to its discharge to a storm water conveyance system, with the exception that more resource-protective runoff filtration and/or treatment standards for any specific coastal zone Area shall not be superceded;

(ii) Post-development peak runoff rates and volumes shall be maintained at levels similar to pre-development conditions;

(iii) All runoff shall be captured and filtered to remove typical runoff pollutants. Runoff from all surfaces subject to vehicular traffic or parking shall

be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates, or shall be filtered through an engineered filtration system specifically designed to remove vehicular contaminants. All filtered runoff that is suitable for groundwater recharge and/or wetland restoration purposes shall be directed to groundwater basins and/or wetlands in such a manner as to avoid erosion and/or sedimentation;

(iv) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips shall be maximized where geotechnical concerns would not otherwise prohibit such use;

(v) Structural BMPs, other than vegetated strips consistent with a biological restoration plan, shall be placed outside of environmentally sensitive habitat buffer areas;

(vi) All development shall include Erosion Control Plans which clearly identify all BMPs to be implemented during construction and their location. Such plans shall contain provisions for specifically identifying and protecting all nearby storm drain inlets and natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, block and gravel filters, drop-inlet sediment traps, etc.) to prevent construction-related runoff and sediment from entering into these storm drains or natural drainage areas which ultimately deposit runoff into the Watsonville Slough System and/or the Pacific Ocean. Silt fences, or equivalent apparatus, shall be installed at the perimeter of all construction sites. Except for the ESHA east of the farm road on Area C, no construction activity of any kind shall take place within 100 feet of any environmentally sensitive habitat areas, or outside of the development envelope shown on Land Use Plan Figure 2A. At a minimum, Erosion Control Plans shall also include provisions for stockpiling and covering of graded materials, temporary stormwater detention facilities, revegetation as necessary, restricting grading and earthmoving during the rainy season.

All Erosion Control Plans shall make it clear that: (a) dry cleanup methods are preferred whenever possible and that if wet cleanup is necessary, all runoff will be collected to settle out sediments prior to discharge from the site; all de-watering operations must require filtration mechanisms; (b) off-site equipment wash areas that provide containment and filtration of debris and wastewater are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment should not be allowed; in any event, wash water shall not be allowed to enter storm drains or any natural drainage; (c) concrete rinsates shall be collected and shall not be allowed into storm drains or natural drainage areas; (d) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-

site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather); and (e) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day;

(vii) All parking lot areas, driveways, and other vehicular traffic areas on site shall be swept and/or vacuumed at regular intervals and at least once prior to October 15th of each year. Any oily spots shall be cleaned with appropriate absorbent materials. All debris, trash and soiled absorbent materials shall be disposed of in a proper manner. If wet cleanup of any of these areas is absolutely necessary, all debris shall first be removed by sweeping and/or vacuuming, all storm drains inlets shall be sealed, and wash water pumped to a holding tank to be disposed of properly and/or into a sanitary sewer system (if available). All permitted uses shall have on-site appropriate spill response materials (such as booms, absorbents, rags, etc.) to be used in the case of accidental spills;

(viii) All outside storage areas and loading areas shall be graded and paved and either: (1) surrounded by a low containment berm; or (2) covered. All such areas shall be: (1) equipped with storm drain valves which can be closed in the case of a spill; or (2) equipped with a wash down outlet to the sanitary sewer (if available);

(ix) All restaurants and/or food service uses shall include a plumbed wash-down area (either inside or out) connected to the sanitary sewer (if available);

(x) All BMPs shall be permanently operated and maintained. At a minimum:

(aa) All BMP traps/separators and/or filters shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) prior to April 15th each year; and (3) during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all BMP traps/separators and/or filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year;

(ab) Debris and other water pollutants removed from BMP device(s) during clean-out shall be contained and disposed of in a proper manner; and

(ac) All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the City of Watsonville Public Works Department no later than June 30th of each year.

(9) "Environmentally Sensitive Habitat Area Buffers."

All environmentally sensitive habitat areas shall be buffered; specific buffer widths are specified for each Area (i.e., Areas A, B, C, D, E, and R) of the City's coastal zone. Such buffers shall be designed to shield such sensitive habitat areas from development, and to enhance the functional resource value of the buffer and the environmentally sensitive habitat area through a Biological Restoration Plan (Section 9-5.705(g)(4)) prepared for any development adjacent to environmentally sensitive habitat areas. Uses allowed within buffers shall be limited to low-intensity restoration activities (such as removal of invasive exotic species and replanting with native trees, shrubs, plants and grasses as appropriate), unless other uses are specifically identified for any particular buffer area in the performance standards for that area (see 9-5.705(a), (b), (c), (d), (e), and (f)).

(10) "Utility Extensions."

(i) An application for a development that requires public wastewater or water lines shall include:

(aa) a plan showing the location and sizing of all water and wastewater facilities;

(ab) calculations indicating the amount of water needed and wastewater generated from the development;

(ac) calculations for the commensurate sizing of the utility lines;

(ad) an analysis of alternative use of on-site systems;

(ae) a financial plan showing estimated costs and financing means of initial installation and future maintenance.

(ii) In order to approve any such public wastewater or water line, City staff shall have verified that:

(aa) the facilities are sized no greater than necessary to serve the permitted development;

(ab) the financial plan is sound and is not predicated on any third party funding that would induce growth inconsistent with this chapter.

(iii) Any permit to approve a public wastewater or water line must be conditioned to prohibit installation to occur prior to the commencement of construction of the development that it is to serve."

Sec. 9-5.706. Utility Prohibition Overlay District.

Article 7 (District Regulations) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended by adding a new Section 9-5.706 to read as follows:

"Sec. 9-5.706. Utility Prohibition Overlay District.

(a) This subsection establishes a Utility Prohibition Overlay District (UPO). This is a minimum one (1) foot wide overlay district that applies to property within the Coastal Zone located along the boundary of Coastal Zone Areas A, B and C. The purpose of the Utility Prohibition Overlay District (UPO) is to maintain a stable urban rural boundary by ensuring that there will be no additional urban development outside the current western boundary of the City within the Coastal Zone, and to protect agricultural lands, environmentally sensitive habitats and wetlands while providing for concentrated urban development in the City.

(b) The regulations of the Utility Prohibition Overlay District (UPO) shall apply to all property identified in this subsection in addition to the regulations of the underlying zone or district with which the UPO District is overlaid. Where the regulations established in this district are in conflict with other zoning or land use plan regulations, the more restrictive and/or the most protective of coastal zone resources shall apply.

(c) Within the Utility Prohibition Overlay District (UPO), wastewater utility pipelines and potable water utility pipelines are prohibited. However, an exception can be made for one wastewater and one water line to serve a new public school on Area C provided:

(1) Caltrans will not allow such lines to be installed in the Caltrans right of way within the City limits;

(2) the City makes a finding that there is a one foot non-access strip surrounding the pipelines through County land which prohibits any tie-ins to the line and which is dedicated to a non-profit agency;

(3) the City makes a finding that any pipelines through County lands are located inland of the Santa Cruz County Utility Prohibition Overlay District adopted pursuant to the MOU required by City of Watsonville LCP Amendment 1-99;

(4) the lines through the County are found consistent with the County Local Coastal Program and have received an appealable County coastal permit; and
(5) the connecting lines within the City limits comply with all other applicable provisions of this ordinance.

(d) The prohibitions specified within the UPO shall not restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as to maintain existing capacity of existing lines (or the potential addition of one new line to service the high school). In no case, however, is the physical expansion of these existing lines across the UPO allowed."

Article 8. Definitions.

Sec. 9-5.815. Agricultural Viability Report.

Article 8 (Definitions) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended by adding a new Section 9-5.815 to read as follows:

"Sec. 9-5.815. Agricultural Viability Report.

"Agricultural Viability Report" shall mean a report which assesses the viability of parcels as agricultural or grazing units, given existing conditions and proposed development. Viability is considered in terms of many factors, including product marketability, soils, parcel size and any other factors relevant to the particular parcel. The report shall establish a baseline of information to be used to describe the role that each factor plays as a variable influencing the site and surrounding area's viability for agricultural production. The report is prepared by a consultant according to approved City procedures. In terms of scope, the feasibility analysis should analyze both the site and the larger area's current and past productivity as an agricultural unit for the preceding five years.

Determination of the feasibility of continued or renewed agricultural use when agricultural land conversion is proposed shall be based upon an evaluation that addresses, and contains, at a minimum, the following elements:

(a) Soils

(1) The identification of all soil types that are found in the area (As stated in the most recent Soil Survey published by the United States Department of Agriculture).

(2) Storie index and Capability Classification ratings of all identified soil types (As stated in the most recent Soil Survey published by the United States Department of Agriculture).

(3) The expected animal unit month (AUM) yield for each identified soil type (As stated in the most recent Soil Survey published by the United States Department of Agriculture).

(4) The expected net dollar return for crops that are currently cultivated on each soil type.

(5) An identification of crop types that could be potentially grown on each identified soil type, and also the expected net dollar return for such crops.

(6) An identification of soil types used exclusively for grazing.

(7) An identification of agricultural uses in the area that are not dependent upon the soil (e.g., greenhouses), and where identified, a description of their location and nature of operation(s).

(b) Geographic

(1) The description of factors such as slope, temperature, adequate sunlight, length of growing season, precipitation, soil quality (depth, drainage, capability classification rating, storic index rating, texture, development, unique qualities) affecting agricultural operations in the area.

(2) The description of management techniques that are currently used, or could be used, in order to improve soil quality for agricultural operations.

(3) An identification of agricultural operations that use more than one parcel for production in the area, and where identified, a description of their current practice and average acreage for each individual operation.

(4) A description of the relationship or proximity of agricultural and urban land uses.

(c) Water

(1) The availability of water in the area.

(2) An identification of the water source.

(3) An identification of whether poor water quality impacts agricultural operations in the area.

(4) The current cost of water.

(d) Access

(1) Description of whether adequate access to agricultural operations in the area currently exist.

(2) Where access is problematic, an identification of the nature of the conflict; and how the conflict impacts agricultural operation(s).

(e) History

(1) An identification of the types of agricultural operations that have taken place in the area in the past and where have they occurred.

(2) An identification of how long agricultural operations have been conducted in the area.

(3) An identification of those parcels that have been used for agricultural operations in the area consistently in past, and where applicable an identification of such time periods.

(4) An identification of significant past management practices that have been used in the area in order to affect agricultural yields.

(f) Risk Factors

(1) An identification of whether drought years affect agricultural operations in the area and, if so, what the cost of water is during these periods.

(2) An identification of whether the costs of production and labor are unpredictable for agricultural operations in the area.

(3) An identification of whether commodity prices are consistent or inconsistent from year to year for crops grown in the area.

(4) An identification of whether salt water intrusion into well water supply is an issue, and if so, how it affects agricultural operations in the area.

(5) An identification of whether there is a problem with crop quality in the area.

(6) An identification of whether the agricultural market is volatile for crops grown in the area.

(g) Economics

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development; and

(2) An analysis of the operational expenses excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of the application for coastal development.

(3) Cost shall be determined by, and consist of, the following variables:

(i) Fixed Costs for any given crop are assumed to be constant, regardless of the annual yield. Fixed costs shall include only current costs and shall not speculate on potential future circumstances.

(aa) Land cost (i.e. rent, lease, property tax, etc.) shall NOT be included into the cost analysis (See Coastal Act Section 30241.5)

(ab) Capital costs including: 1) land improvements (i.e., fences, roads, clearing, leveling, wells and pumps, etc.); 2) equipment (i.e., trucks, tractors, buildings, special equipment (e.g. irrigation), etc.); 3) herd expenses (i.e.,

payment for bulls and heifers); and 4) miscellaneous expenses. Cost determination must also include depreciation and interest expenses.

(ac) Cultivating cost including operating costs for: 1) labor (i.e., the amount of hours necessary for planting and the rate of pay per hour including benefits); 2) materials (i.e., water, seed, feed supplements, salt, fertilizer, and pesticides); 3) machinery; 4) fuel and repair; and 5) outside consultants (i.e., veterinary and management).

(ii) Variable Costs are the harvest costs and are based on the amount of yield only. Depending on the crop yield, variable costs fluctuate for any given year. In most cases, this is expressed as the cost per unit of yield (tons, 100 weight, or pounds).

(4) Gross Revenue shall be determined by and consists of the following variables:

(i) Gross returns for each crop type as detailed in the annual crop report issued by the County Agriculture Commissioner.

(ii) Past return figures should factor in the appropriate Producer Price Index (PPI) figure in order to account to inflation over time.

(5) Evaluative methods to incorporate the above cost and revenue figures shall include:

(i) Determination of the net economic impact on private and public sectors and, second, a test for agricultural viability. Net economic impact refers to change in dollar flow within the community brought about by a given change in land use. "Net economic impact" equals total public revenues minus total public costs, plus private sector income. This should be computed according to the existing land use, the proposed development, and any viable project alternatives. This may be accomplished through the following process:

(aa) Cost/Revenue analysis that determines public costs associated with conversion of agricultural land and also revenues generated by increases in property tax within the project site. Public service marginal costs should compute the new and/or incremental costs of adding development to the public service system, which includes the cost of capital improvements necessary to accommodate such development. This should also state, and if possible quantify, those costs or externalities not easily accounted for in cost computations. One externality could include the probable change in assessed value of parcels adjacent to the development. Public service revenues are generated by increases in property tax within the project site.

(ab) Input/Output analysis that looks at the private sector of the areas economy in terms of its purchases and sales to other sector both locally and from outside the area. From this information, multipliers for each sector should be developed. Determination of the input figures will reveal the affect of removing the

subject number of acres, for the subject crop, from agricultural production. This will reveal the effect to the private sector economy.

(ii) Determination of the minimum acreage for a viable agricultural operation (farm family approach). In order to determine net income, production costs by crop should be computed on a per acre basis and subtracted from gross market receipts expected from that crop, as detailed in the County Agricultural Commissioner's annual crop report. The resulting figure represents the farmer's income per acre of productive land. The per acre income figure should then be divided into the County's Median Income figure to compute the number of acres required to support a farm family.

(iii) Determination of net return per acre, per crop type, for the area only. By crop type, determine gross revenue per acre for subject crop types as listed in the County Agricultural Commissioner's annual crop report. Then subtract from gross revenue figures the cost per acre associated with each crop type.

(h) Prime Agricultural Land Determination

(1) All agricultural land proposed for conversion to non-agricultural use shall be evaluated for a determination of whether it should be categorized as prime or non-prime agricultural land. As defined in the Coastal Act, "prime agricultural land" is "those lands defined in paragraph (1), (2), (3), or (4) of subsection (c) of Section 51201 of the Government Code" (Coastal Act Section 30113). Government Code Section 51200 - 51296, also known as the Williamson Act, lists the following definitions of prime agricultural land under the applicable four subsections of Section 51201(c):

(i) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.

(ii) Land which qualifies for rating 80 through 100 in the Storie Index Rating.

(iii) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

(iv) Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

The report shall include maps and photos (air and site photos) of the area being evaluated that, at a minimum, identify the following on all such figures: parcel lines, parcel numbers, farm boundaries, owners and/or leasees of each parcel and/or farm,

wells and/or any other water supply lines, Storie ratings, capability classifications, slopes, and roads.

For purposes of this definition, "area" means a geographic area of both the City and County of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the City's certified local coastal program.

The report shall not be considered complete until it has been submitted to, and found factually adequate by a qualified governmental reviewing authority other than the City. Examples of appropriate reviewing authorities include the Santa Cruz County Agricultural Commissioner, U.S.D.A. - Soil Conservation Service, Resource Conservation District, or the Coastal Commission."

Sec. 9-5.864. Typical Runoff Pollutants

Article 8 (Definitions) of Chapter 9-5 (Coastal Zone Implementation Plan) of Title 9 (Planning & Zoning) of the Watsonville Municipal Code is hereby amended by adding a new Section 9-5.864 to read as follows:

"Sec. 9-5.864. Typical Runoff Pollutants.

Typical runoff pollutants describes constituents commonly present in runoff associated with precipitation and irrigation. Typical runoff pollutants include, but are not limited to: paints, varnishes, and solvents; hydrocarbons and metals; non-hazardous solid wastes and yard wastes; sediment from construction activities (including silts, clays, slurries, concrete rinsates, etc.); ongoing sedimentation due to changes in land cover/land use; nutrients, pesticides, herbicides, and fertilizers (e.g., from landscape maintenance); hazardous substances and wastes; sewage, fecal coliforms, animal wastes, and pathogens; dissolved and particulate metals; and other sediments and floatables."

SECTION 2. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 3. CERTIFICATION.

This ordinance shall be transmitted to the California Coastal Commission to obtain approval and certification.

SECTION 4. EFFECTIVE DATE.

This ordinance shall be in force and take effect not before thirty (30) days from and after its final adoption and not before certification from the Coastal Commission.

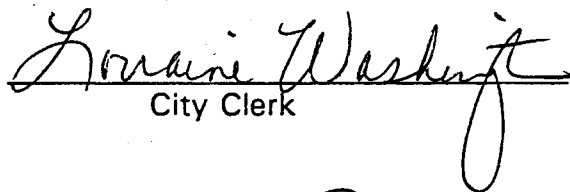
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Watsonville, held on the 22nd day of August, 2000, by Council Member Lopez, who moved its introduction and passage to print, which motion being duly seconded by Council Member Phares, was upon roll call carried and ordered printed and published by the following vote:

| | | |
|---------|------------------|---|
| AYES: | COUNCIL MEMBERS: | Bobeda, Doering-Nielsen, Gomez, Lopez, Phares, Carter, Rios |
| NOES: | COUNCIL MEMBERS: | None |
| ABSENT: | COUNCIL MEMBERS: | None |



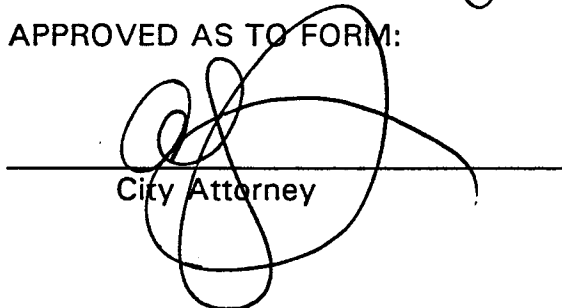
Oscar Rios, Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

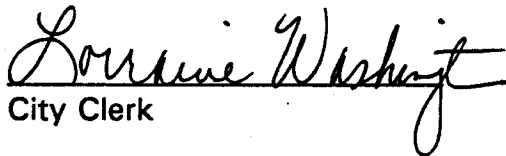
ORDINANCE NO. 1096-00 (CM)

The foregoing ordinance, having been printed and published as required by the Charter of the City of Watsonville, and coming on for final consideration at the regular meeting of the Council of the City of Watsonville, held on the 12th day of September, 2000, by Council Member Carter, who moved its adoption, which motion being duly seconded by Council Member Bobeda, was upon roll call carried and the ordinance finally adopted by the following vote:

| | | |
|---------|------------------|-------------------------------------|
| AYES: | COUNCIL MEMBERS: | Bobeda, Gomez, Phares, Carter, Rios |
| NOES: | COUNCIL MEMBERS: | None |
| ABSENT: | COUNCIL MEMBERS: | Doering-Nielsen, Lopez |


Oscar Rios, Mayor

ATTEST:


City Clerk

EFFECTIVE DATE:

October 12, 2000

MEMORANDUM OF UNDERSTANDING REGARDING CITY OF WATSONVILLE LCP AMENDMENT 1-99

This Memorandum of Understanding is by and between the City of Watsonville (hereinafter, the "City"), the County of Santa Cruz (hereinafter, the "County"), and the California Coastal Commission (hereinafter, the "Commission").

Whereas, the City has submitted an amendment to its certified Local Coastal Program (LCP) to modify performance standards and add "public school" as a conditional use in order to provide for the development of a public school on the west side of Highway One north of Harkins Slough Road on land currently designated for agriculture and other low intensity uses (hereinafter, the "site"); and

Whereas, the City has accepted a final EIR for the development of a public high school on the site; and

Whereas, Andrew Mills of Santa Barbara, California on behalf of the Pajaro Valley Unified School District (hereafter "PVUSD") performed an agricultural viability study, dated August 20, 1997, as part of the Third High School Environmental Impact Report, Revised Final version dated September 1998. This study concluded that there is a reasonable likelihood that the land within the project boundaries will fall out of agricultural use within the not too distant future as increasing production costs, declining marginal profitability, and pressures to convert marginal land to non-farm uses converge; and

Whereas, Section 30241 of the Coastal Act provides as follows:

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EXHIBIT 3 (3-1)

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer area's to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

3-2

- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands; and

Whereas, under Section 30007.5 of the Coastal Act the Legislature found and recognized that conflicts may occur between one or more policies of the Act and therefore declared that in carrying out the Act such conflicts are to be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declared that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies; and,

Whereas, an evaluation of the site by Coastal Commission staff concludes the site contains prime agricultural land, as defined in Section 30113 of the Coastal Act, that it has historically been farmed and it currently produces commercial strawberry crops; and

Whereas, the site is immediately adjacent to productive prime agricultural land; and

Whereas, development of the high school will result in the conversion of all agricultural land on the site to a public facilities use and extend urban uses into an agricultural area; and

Whereas, Section 30242 of the Coastal Act requires that non prime agricultural land shall not be converted to non agricultural use unless continued or renewed farming is not feasible or the conversion would preserve prime agricultural land or concentrate development consistent with 30250 of the Coastal Act; and

Whereas, Section 30243 of the Coastal Act requires that the long term productivity of soils and timberlands be protected, and

Whereas, the site is outside the current developed area of the City of Watsonville, and development of the high school, which includes the extension of sewer and water utilities and substantial improvements to Harkins Slough Road, may result in an incentive for future urban development on rural agricultural lands within Santa Cruz County, west of Highway One outside the current boundaries of the City; and

Whereas, Section 30250 of the Coastal Act requires that new urban development be located within existing developed areas able to accommodate such development, except as otherwise provided in the Coastal Act; and

Whereas, the site selected for the high school contains environmentally sensitive habitat areas as defined in Section 30107.5 of the Coastal Act and wetlands, as defined in Section 30121 of the Coastal Act; and

Whereas, Section 30240 of the Coastal Act protects environmentally sensitive habitats from significant disruptions of habitat values, permits only

development dependant on the habitat to be placed in these areas and requires that new development located adjacent to environmentally sensitive habitats be sited to prevent impacts that would significantly degrade those areas and shall be compatible with the continuation of the habitat; and

Whereas, Section 30233 of the Coastal Act requires the protection of wetlands and limits the development of non-resource-dependent uses within them; and

Whereas, The City, the County and the Commission desire to (1) maintain a stable urban rural boundary by ensuring that there will be no additional urban development outside the current western boundary of the City of Watsonville (See Exhibit A), and (2) protect rural agricultural lands and wetlands and other environmentally sensitive habitats while providing for concentrated urban development in the City of Watsonville and

Whereas, Notwithstanding the policy stated above, the parties understand that the City reserves the right, consistent with all applicable requirements, to pursue the potential annexation of only one additional parcel, identified as " Green Farm ", (APN 052-271-04); and

Now, therefore, the City, the County and the Commission agree as follows:

1. **EFFECT OF ABANDONMENT.** Except as provided in this paragraph, City, County and Commission agree that this MOU, the certification of the Watsonville LCP Amendment 1-99, and any associated ordinances and resolutions shall, by their own terms, be rescinded, and be of no further

force and effect, upon notice by PVUSD to the Executive Director of the Coastal Commission that it has irrevocably abandoned any project to construct a public school on the site, except as follows. The City agrees that, in this event, it will submit, within one year of PVUSD's notice of abandonment, a comprehensive update of the City's LCP for review and action by the Coastal Commission.

2. CITY ACTION Within six months of the Commission's adoption of suggested modifications on the City's 1999 LCP submittal, the City shall act in good faith to hold a public hearing to consider adoption and submission for certification by the Commission of amendments to the City's LCP and will similarly consider the adoption of amendments to the City's General Plan for non-Coastal Zone areas of the City west of Highway One, that include the following elements:

- a. A "right-to farm" ordinance that provides protections to agricultural uses adjacent to the City of Watsonville, west of Highway One;
- b. Establishment of a (1) one foot wide utility prohibition overlay district along the boundary of existing Coastal Zone Areas A, B, and C (see Exhibit A) across which the placement of wastewater utility pipeline and potable water utility pipelines is prohibited, except that the parties agree that certain exceptions to this policy may be pursued through normal and required legal processes without need for amendment to this MOU and

notwithstanding Section 11 of this MOU.¹ The limitations of this subparagraph (b) shall not however restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as necessary to maintain existing capacity of said existing lines as of the date of this MOU (in other words, no physical expansion of existing lines).

- c. A policy and/or standard as may be applicable stating that, except for the "Green Farm" parcel (Santa Cruz County Tax Assessor's Parcel Number 052-271-04) as provided in the recitals to this Memorandum above, the City will not pursue any additional annexations to the City west of Highway One, nor support any annexations to the City from third parties in that geographic area, unless both of the following findings can be made:
 - i. The land to be annexed is not designated Viable Agricultural Land Within the Coastal Zone (Type 3) by the Santa Cruz County General Plan/Local Coastal Program Land Use Plan, or the land to be annexed has been re-

¹ Acknowledged exceptions include: (1) potable water and wastewater service to the Gilbertson parcel (APN 052-011-46), and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including Agricultural worker housing; (2) Leachate lines to and from the City and County landfill and the City Wastewater Treatment Plant; and (3) pipelines to distribute water for environmental restoration, maintenance or enhancement. Acknowledgement of these possible exceptions in no way binds any of the parties in future legal decision-making processes.

designated from Viable Agricultural Land Within the Coastal Zone to a different land use designation by the County of Santa Cruz through a Local Coastal Program Land Use Plan amendment and rezoning; and

ii. The land is not Environmentally Sensitive Habitat, (including wetlands) as defined in Title 16, Section 16.32 of the County's LCP or in Sections 30107.5 or 30121 of the Coastal Act.

d. A policy and/or standard as may be applicable stating that if a third party annexation west of Highway One is approved inconsistent with (i) or (ii) above, the City will limit zoning of the incorporated land to that zoning most equivalent to the County's agriculture or open space designation; and prohibit (a) the extension of urban services to this land and (b) any subdivisions of the annexed land except those required for agricultural lease purposes

3. CITY ACTION Within six months of the Commission's adoption of suggested modifications to the City's 1999 LCP amendment submittal, the City shall act in good faith to hold a public hearing to consider the adoption and submission for certification by the Commission of amendments to its LCP, that include the following elements:

- a. Policies and/or standards as may be applicable that i) prohibit nonresource-dependent development in ESHAs/wetlands except, that in wetlands, incidental public service purposes including, but not limited to, burying cables and pipelines, may also be allowed; ii) protect ESHAs/wetlands against any significant disruption of habitat values; iii) provide for adequate buffers between the school use and ESHA/wetlands, through siting and design, to prevent impacts that would significantly degrade these areas; iv) ensure that the site development is compatible with the continuance of these ESHAs/wetlands; and
- b. Policies and/or standards as may be applicable that provide adequate buffers to minimize conflicts between agricultural uses and the high school;

4. **SUPER MAJORITY VOTE.** Any of the amendments to the LCP or General Plan identified in Sections 2 and 3 approved by the City for submission to the Commission as LCP amendments or as amendments to the City's General Plan for areas outside the Coastal Zone West of Highway One shall include a requirement that future amendments to or revocation of these provisions shall require approval by a super majority of the City Council. (Five votes to amend or revoke.)

5. **COUNTY ACTION** Within one year of the Commission's adoption of suggested modifications on the City's 1999 LCP submittal, the County will

act in good faith and hold a public hearing to consider the adoption and submission for certification by the Commission of amendments to the County's LCP and similar amendments to its General Plan, that include the following elements:

- a. Establishment of a (1) one foot wide utility prohibition overlay district along and immediately adjacent to the City's boundaries west of Highway One (City limits) (as shown on Exhibit A²) across which the placement of wastewater utility pipelines and potable water utility pipelines is prohibited, except that the parties agree the certain exceptions to this policy may be pursued through normal and required legal processes without need to amendment to this MOU and notwithstanding section 11 of this MOU.³ The limitations of this subparagraph (a) shall not however restrict the repair, replacement, maintenance, refurbishment or functional improvements of existing water and sewer lines insofar as necessary to maintain existing capacity of

² All parties agree that no amendment to this MOU is necessary to extend the utility prohibition overlay district around APN# 052-271-04 if it is annexed, subject to all planning and regulatory processes.

³ Acknowledged exceptions include: (1) potable water and wastewater service to the Gilbertson parcel (APN 052-011-46), and the agricultural uses principally and conditionally permitted under the present County Commercial Agricultural Zoning district, including Agricultural worker housing; (2) Leachate lines to and from the City and County landfill and the City Wastewater Treatment Plant; and (3) pipelines to distribute water for environmental restoration, maintenance or enhancement. Acknowledgement of these possible exceptions in no way binds any of the parties in future legal decision-making processes.

said existing lines as of the date of this MOU (in other words, no physical expansion of existing lines)⁴.

- b. A policy and/or standard as may be applicable that limits the width of Harkins Slough Road to the minimum width of roadway, bikeway and pedestrian ways necessary to serve the High School or as otherwise needed to meet minimum County or Cal Trans design standards as applicable; and, that encourages other improvements needed to provide habitat connectivity between the west branch of Struve Slough on Area "C" and the California Department of Fish and Game Reserve on the south side of Harkins Slough Road adjacent to the school site.
- c. A policy and/or standard as may be applicable that requires the County to reserve a one-foot non-access strip around any easements granted to the City for wastewater utility pipelines and potable water utility pipelines so as to limit future utility extensions inconsistent with this agreement.

6. SUPER-MAJORITY VOTE. Any of the amendments to the LCP or General Plan identified in Section 5 approved by the County for submission to the Commission as LCP amendments or as amendments to the County's General Plan shall include a requirement that future amendments to, or

⁴ Only for the specific purpose of accommodating new development within the City east of Highway One, expansion of the main wastewater utility line from the City sewer treatment plant is exempted from this prohibition, subject to all applicable regulatory review and approvals.

revocation of, these provisions shall require approval by a super majority of the County Board of Supervisors. (Four votes to amend or revoke.)

7. COASTAL COMMISSION ACTION Within the statutory time limits, the Coastal Commission shall, in good faith, hold a public hearing to consider the approval of amendments submitted to the Commission pursuant to this agreement by the City or the County

8. HARKINS SLOUGH INTERCHANGE. The City, County and Commission agree to consider the effects of the execution of this Memorandum on limiting growth inducing impacts that might otherwise result from any future City project proposals for improving the Highway 1 Harkins Slough Interchange.

9. SUPER-MAJORITY VOTE. A super-majority vote to amend or revoke amendments to the City and County LCP's and General Plans as provided by Sections 3 and 5 of this Memorandum shall be required.

10. REFERENDUM. Any legislative action taken by the City or the County pursuant to this agreement is subject to referendum under Article 2, Section 11 of the Constitution of the State of California, or the City Charter.

11. AMENDMENTS. This Memorandum may only be amended by the agreement of all parties hereto, i.e., the City Council, Board of Supervisors and the Coastal Commission. An amendment means a change in this Memorandum that deletes, modifies, explains or adds a provision (or a portion thereof) to this Memorandum. All amendments must be written to be

effective. If any party to this Memorandum requests an amendment to this Memorandum, such party shall promptly notify the other parties in writing. Such written notice shall be directed to the executive officer of the parties to whom the request is made, and to the PVUSD, The Santa Cruz group of the Sierra Club, Santa Cruz Chapter of the Community Alliance with Family Farmers, and the Watsonville Wetlands Watch. For each such proposed amendment, such notice shall specify with particularity: the general nature of the proposed amendment, all factual, technical or legal bases for the proposed amendment, the identity of the persons within each agency or elsewhere who propose and who have personal knowledge of the reasons and bases for such proposed amendment, and the proposed language of the amendment. Within 30 days of receiving such written notice, appointed or elected representatives of each of the parties with meaningful authority to recommend amendments shall diligently meet and in good faith discuss such request. Such meetings will require public notification. Public notification will, at a minimum, consist of an advisory notification on the public agendas of the three signatory parties. Such meetings shall continue to be held diligently until the amendment is either accepted or rejected.

12. INTERPRETATION AND RESOLUTION OF AMBIGUITIES. If any party deems any provision of this Memorandum vague or ambiguous, such party shall follow the process described for amendments in Section 11. Interpretations and resolution of ambiguities must be agreed to by the City

Council, Board of Supervisors and the Coastal Commission in order to be effective.

13. LEGISLATION. The City and County shall support legislation relative to this Memorandum that shall permit any person to petition a court of competent jurisdiction to require the City, the County and/or the Commission to comply with the terms of this Memorandum, including any amendments hereto. Such legislation shall not become enforceable until (1) the County and City both have Housing Elements in their respective General Plans certified by the California Department of Housing and Community Development and (2) either the County or City commence any official action to rescind the "supermajority" voting requirements contained herein.

14. EFFECTIVE DATE. This Memorandum of Understanding will become effective upon its duly authorized execution by the Mayor of the City, Chairperson of the County Board and the Executive Director of the Commission.

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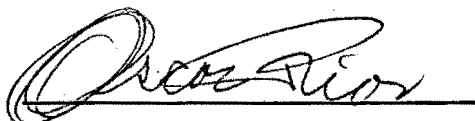
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MEMORANDUM OF UNDERSTANDING REGARDING CITY OF WATSONVILLE LCP
AMENDMENT 1-99

Page 15

City of Watsonville



Mayor

9-12-00

Date

County of Santa Cruz

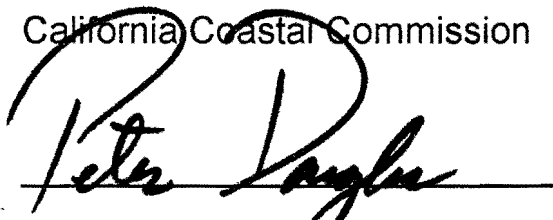


Chair of the Board of Supervisors

9/13/00

Date

California Coastal Commission



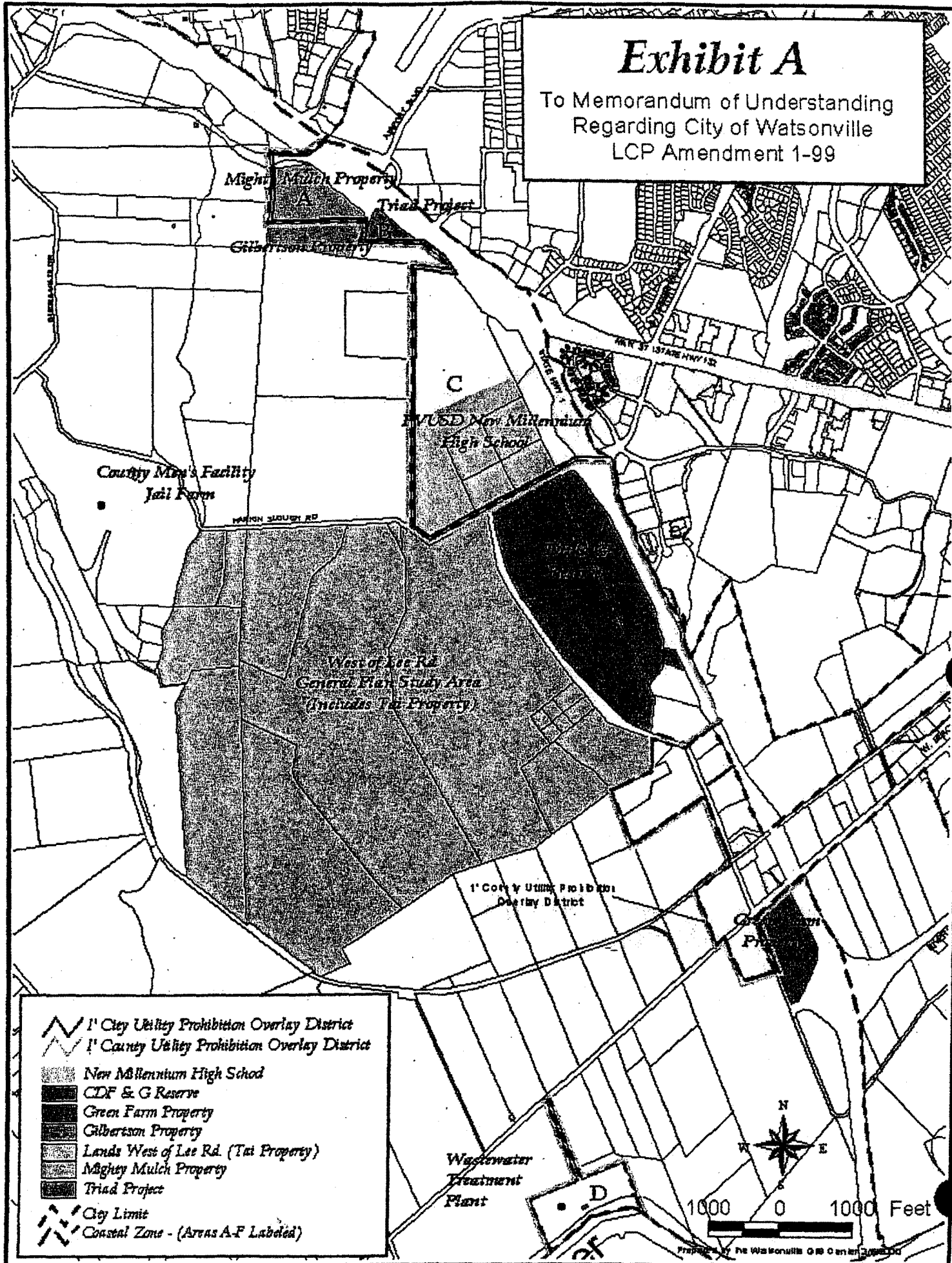
Executive Director

9/8/00

Date

Exhibit A

To Memorandum of Understanding
Regarding City of Watsonville
LCP Amendment 1-99



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SEP 15 2000

MOU Regarding Affordable Housing

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Whereas, the City of Watsonville (City) is considering entering into a Memorandum of Understanding between the City, the County of Santa Cruz (County) and the California Coastal Commission (Commission) relative to proposed modifications to the City's certified Local Coastal Program (LCP) adding public schools as a conditional use to accommodate the development of a public high school on the west side of Highway One, north of Harkins Slough Road; and

Whereas, the County's Housing Element has not been certified by the California Department of Housing and Community Development (HCD); and

Whereas, the failure to have a certified Housing Element precludes the County from competing for available State and Federal funding for much needed affordable housing and community development funds; and

Whereas, it is mutually acknowledged that there is a substantial lack of affordable housing in Santa Cruz County and that the creation of new affordable units to serve all segments of the community is a critical issue for the County and the region; and

Whereas, it is mutually agreed that the preservation of prime agricultural land and environmentally sensitive areas is a common goal; and

Whereas, the City has been asked to provide assurances that there will be no additional urban development or annexation west of Highway One inconsistent with the MOU signed by the City, County and Coastal Commission; and

Whereas, the City and County agree that each share responsibility to facilitate adequate affordable housing for low income people, particularly the agricultural labor force; and

Whereas, the City desires to work cooperatively with the County to identify potential projects and programs that will address the critical lack of affordable housing including agricultural workers housing throughout the County; and

Whereas, and equitable distribution of affordable housing throughout the County is of benefit to all residents; and

Whereas, the City and County agree that housing development should utilize, to the extent possible, existing utilities and transportation networks incorporated in developed areas throughout the County.

Now, therefore, the City and the County Agree as follow:

1. The County within six months of the date of this Memorandum of Understanding shall act in good faith to hold a public hearing to consider the adoption and submission for certification by HCD modifications to the County's Housing Element that includes as a minimum the consideration of the following elements:
 - a. Increase quality, affordable housing for all segments of the community, with particular emphasis on agricultural workers, families with children, and first-time home buyers; and
 - b. Increase affordable housing through rehabilitation of existing housing and creative purchasing opportunities for affordable housing in general; and
 - c. Create new incentives for the development of new affordable housing units such as fee reductions and priority processing; and
 - d. Geographically disperse affordable single and multi family housing throughout the County, particularly such housing for agricultural workers in the North and South County;
2. Said agreement shall be executed as a condition for the City of Watsonville considering entering into a Memorandum of Understanding between the City of Watsonville, the County of Santa Cruz and the California Coastal Commission relative to modifications of the City's certified Local Coastal Program (LCP) adding public schools as a conditional use in order to accommodate the development of a public high school on the west side of Highway One, north of Harkins Slough Road.

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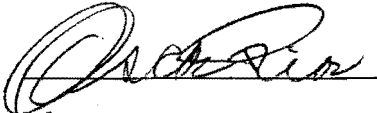
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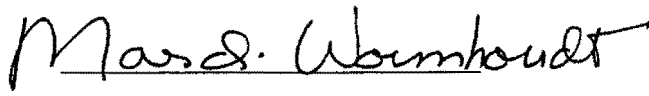
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City of Watsonville


Mayor

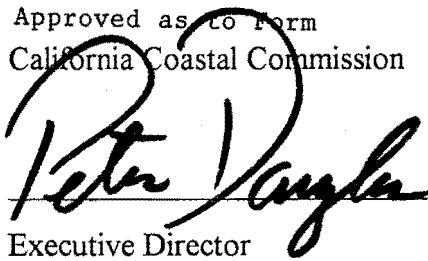
9-12-00
Date

County of Santa Cruz


Chair of the Board of Supervisors

9/13/00
Date

Approved as to form
California Coastal Commission


Executive Director

9/8/00
Date

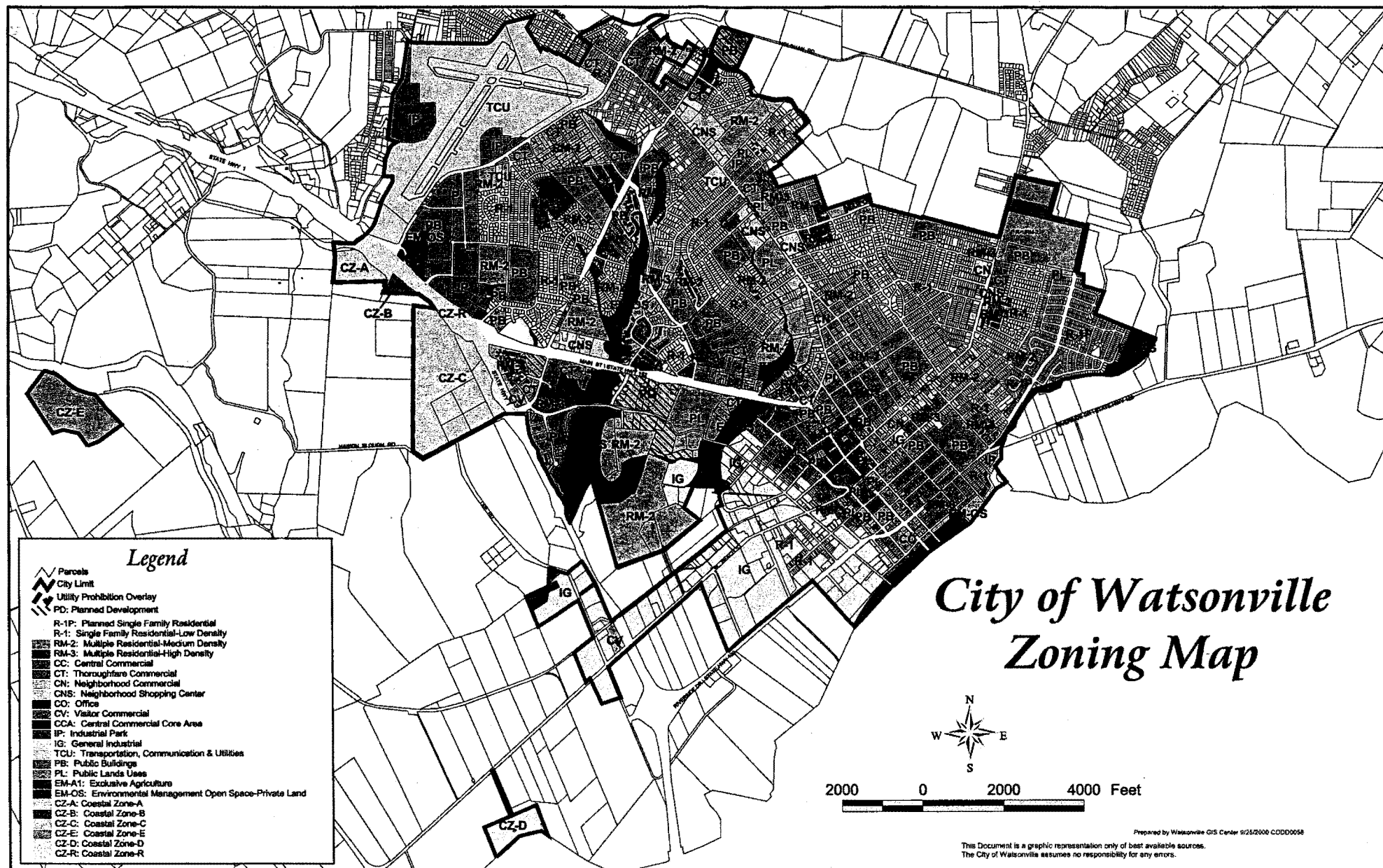


EXHIBIT 4(4-1)

