

CALIFORNIA COASTAL COMMISSION

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W15b

Prepared August 20, 2003 (for September 10, 2003 hearing)

To: Commissioners and Interested Persons

From: Diane Landry, District Manager
Dan Carl, Coastal Planner

RECORD PACKET COPY

Subject: **Santa Cruz County LCP Major Amendment Number 1-02 Part 2 (Second Units on Agricultural Land)** Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's September 10, 2003 meeting to take place at the Eureka Inn, 518 Seventh Street, in Eureka.

Summary

Santa Cruz County is proposing to amend its certified Local Coastal Program (LCP) Implementation Plan (IP, also known as the LCP zoning code) to allow second units as a principally permitted use on most agriculturally zoned land in the County. In particular, the amendment allows second units on land zoned Commercial Agriculture (CA) and Agriculture (A); second units would still not be an allowed use in the other agricultural zone district (AP, or Agricultural Preserve). The County also proposes to slightly modify its second unit ordinance to acknowledge second units on agricultural land (since they are not currently so allowed).

The rural coastal zone areas of the County, and in particular the north and south County areas, are mostly zoned CA and A. There are some limited residential enclaves (e.g., Bonny Doon on the north coast) in these mostly rural pastoral areas, and some other zoning districts, but agricultural zoning predominates. The north county area is well known to the Commission as an area of sweeping agricultural fields and mountains, much of this in extensive State Park and other undeveloped public land holdings, traversed by Highway One. Likewise, south County agricultural lands are similarly resource rich, and, near to Watsonville, extend several miles inland from the Monterey Bay to Highway One. Both areas include a myriad of waterways and sensitive habitat areas, and are critical public viewsheds, particularly from Highway One. As a result, the proposed amendment affects some of the more sensitive coastal zone lands within the County.

The County LCP Land Use Plan (LUP) clearly distinguishes between rural lands and urban lands, and directs development to urban areas where it can best be accommodated. The LCP includes an urban services line to define such urban areas, and a rural services line to define limited rural developed areas outside of rural ones (e.g., the town of Davenport). Urban-rural distinction is a fundamental element of the County's land use framework deriving directly from the Coastal Act.

Within this basic land use framework, the County has a series of land use designations, including agricultural designations for much of the area outside of urban areas. The LUP specifies that agriculture



California Coastal Commission

September Meeting in Eureka

Staff: D. Carl Approved by: *DSL*

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is the priority use within the County's coastal zone (along with coastal dependent development), and that residential has the lowest priority within the coastal zone; the LUP prohibits conversion of a higher priority use to a lower priority use.

The proposed amendment will allow additional residential density within these sensitive agriculturally zoned areas. The existing LCP zoning code is already confusing in terms of the amount and type of residential development and density that is allowed on agricultural property. This confusion stems from separate IP agricultural zone provisions allowing different types of residential development (e.g., single family residential, farm worker housing, caretaker's quarters, other dwelling units in "dwelling groups," etc.), what type of projects can qualify for each of these, and the manner in which each can cumulatively be applied to an agriculturally zoned property. To add second units to the mix will only serve to add to that confusion. More importantly, it would provide significant growth incentive for each CA and A zoned property in the coastal zone; conceivably doubling the amount of residential density that could be pursued. This in turn increases the likelihood that urban services are extended to serve ever-bourgeoning residential development; if not breaking the urban-rural boundary, ultimately expanding it. It also increases the potential for there to be complaints from additional residents that surrounding agriculture is a nuisance, ultimately making it more difficult for agricultural operators to operate, and decreasing the viability of agriculture in these areas. Thus, it is likely that the amendment will lead to future growth in what is now a rural agricultural area to the detriment of those rural agricultural resources inconsistent with certified LUP, and inconsistent with the Coastal Act.

Staff believes that the County LCP needs to be clarified regarding the parameters of residential development on agricultural land. Unfortunately, due to the complicated way in which the LCP is organized in this respect, such an effort would be a significant undertaking requiring substantial time and coordination with the County to perfect language in multiple interrelated sections of the LCP. **Therefore, Staff recommends that the Commission deny the amendment request.** Such a denial would be without prejudice to a future amendment submittal that clarified allowed residential types and residential density on agricultural lands in the coastal zone so that allowed residential uses and maximum potential densities are clear, and that the County's sensitive rural coastal zone lands are protected as directed by the Coastal Act and the LUP.

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Exhibit E: LUP Policies 5.13 et seq and 5.14 et seq (Commercial and non-Commercial Agricultural)

I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, deny the proposed amendment. The Commission needs to make one motion in order to act on this recommendation.¹

Denial of Implementation Plan Major Amendment Number 1-02 Part 2

Staff recommends a YES vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. I move that the Commission **reject** Part 2 of Major Amendment Number 1-02 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County.

Resolution to Deny. The Commission hereby **denies** certification of Part 2 of Major Amendment Number 1-02 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

II. Findings and Declarations

The Commission finds and declares as follows:

A. Proposed LCP Amendment

1. Description of Proposed LCP Amendment

The amendment modifies two sections of the certified LCP zoning code:

¹ Note that the motion and resolution refers to "Part 2 of Major Amendment Number 1-02." The reason for this is that this amendment request is part 2 of a three part LCP amendment submitted by the County. In other words, LCP amendment number 1-02 is in three parts. The other two parts of the amendment, regarding a proposed PUD ordinance and a Watsonville-area utility prohibition zone, are also separately before the Commission at the September hearing.



First, it adds second units as a principally permitted use in the Commercial Agriculture (CA) and Agriculture (A) zoning districts, subject to a level 4 (i.e., public hearing not required) review. These use changes modify certified LCP Section 13.10.312 (see page 7 of exhibit C).

Second, it modifies Section 13.10.681 (Second Units) in several subsections to acknowledge second units on agricultural land (since they are not currently so allowed).

See exhibit A for the Board's resolution, exhibit B for the Board of Supervisor's staff report, and exhibit C for the proposed changes in cross-through and underline format.²

2. General Effect of Changes Proposed

The LCP does not currently allow second units on agricultural lands. By making them a principally permitted use in the CA and A zoning districts, second units could be pursued subject to the criteria for second units (Section 13.10.681) and subject to the additional criteria of the LUP and Section 13.10.310 (and related sections) addressing development, including residential development, on agricultural lands. Because of the level 4 review/principal permitted use designation, public hearings will not be required, and such projects will only be appealable to the Commission on location grounds.³

In general, it can be expected that additional residential development will be pursued in the CA and A zoning districts if the proposed amendment be certified. One of the reasons that the County is proposing the change to the LCP is to encourage the development of additional housing stock, particularly affordable housing. Santa Cruz County is one of the least affordable housing markets in the entire country, with median home prices now at \$550,000, and the average home prices at nearly \$650,000. Allowing second units on agricultural land was deemed by the County to be an appropriate way to help address this problem (see Board staff report and resolution – exhibits A and B).

B. LUP Consistency Analysis

1. Standard of Review

The standard of review for proposed modifications to the County's LUP is consistency with the Coastal Act. The standard of review for proposed modifications to the County's IP is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as

² Note that changes to Section 13.10.312 are limited page 7 of exhibit C, and changes to Section 13.10.681 begin on page 8 of exhibit C.

³ Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. Only the first 3 criteria would apply to second unit development on CA and A zoned land.



to the kinds, locations, and intensities of coastal development. IP (zoning) standards then typically further refine LUP policies to provide guidance on a parcel by parcel level. Because this is an IP (only) LCP amendment, the standard of review is the certified LCP LUP.

2. LUP Consistency Requirement

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the LUP. The County's LUP protects coastal resources, particularly rural, open space and agricultural lands, and specifically visual resources. It also distinguishes between urban and rural development, and directs development to developed areas best able to accommodate it. Overall, these LUP requirements reflect and implement similar fundamental goals of the Coastal Act. Selected LUP policies include:

Urban/Rural Distinction

The LCP is structured to encourage rural lands to stay rural, and to direct development to urban areas of the County better able to absorb such development. LUP policies include:

***LUP Objective 2.1 Urban/Rural Distinction.** To preserve a distinction between urban and rural areas of the County, to encourage new development to locate within urban areas and discourage division of land in rural areas; and to achieve a rate of residential development which can be accommodated by existing public services and their reasonable expansion, while maintaining economic, social, and environmental quality.*

***Chapter 5 Open Space Protection Goal.** To retain the scenic, wooded, open space and rural character of Santa Cruz County; to provide a natural buffer between communities; to prevent development in naturally hazardous areas; and to protect wildlife habitat and other natural resources.*

Land Use Priorities

The LCP establishes a hierarchy of priority uses, with agricultural use as the highest priority, and a prohibition against replacing a higher priority use with a lower priority use. The LUP states:

***LUP Policy 2.22.1 Priority of Uses within the Coastal Zone.** Maintain a hierarchy of land use priorities within the Coastal Zone:*

First Priority: Agriculture and coastal-dependent industry

Second Priority: Recreation, including public parks; visitor serving commercial uses; and coastal recreation facilities.

Third Priority: Private residential, general industrial, and general commercial uses.

***LUP Policy 2.22.2 Maintaining Priority Uses.** Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority.*



Agriculture

The LCP is extremely protective of agricultural land. Most of the County's north coast and south county rural coastal zone areas are designated for agriculture in the LUP. LUP policies include:⁴

LUP Objective 5.13 Commercial Agricultural Land. To maintain for exclusive agricultural use those lands identified on the County Agricultural Resources Map as best suited to the commercial production of food, fiber, and ornamental crops and livestock and to prevent conversion of commercial agricultural land to non-agricultural uses. To recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands.

LUP 5.13.5 Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land. Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural use. Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops and raising of animals including grazing and livestock production.

LUP 5.13.6 Conditional Uses on Commercial Agricultural (CA) Zoned Lands. All conditional uses shall be subject to standards which specify siting and development criteria; including size, location and density. Allow conditional uses on CA zoned lands based upon the following conditions: (a) The use constitutes the principal agricultural use of the parcel; or (b) The use is ancillary incidental, or accessory to the principal agricultural use of the parcel; or (c) The use consists of an interim public use which does not impair long term agricultural viability; and (d) The use is sited to avoid conflicts with principal agricultural activities in the area; and (e) The use is sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production.

LUP 5.13.7 Agriculturally Oriented Structures. Allow only agriculturally oriented structures or dwellings on Commercial Agricultural Land; prohibit non-agricultural residential land use when in conflict with the fundamental objective of preserving agriculture.

Visual Resources

The County's LCP is extremely protective of coastal zone visual resources, particularly views from public roads, and especially along the shoreline. This is particularly true as it pertains to maintaining the rugged character of the rural north Santa Cruz coast. LUP policies include:

Objective 5.10.a Protection of Visual Resources. To identify, protect, and restore the aesthetic values of visual resources.

Objective 5.10.b New Development in Visual Resource Areas. To ensure that new development

⁴ See also exhibit E for LUP Policies 5.13 et seq (Commercial Agricultural Land) and 5.14 et seq (Non- Commercial Agricultural Land).



is appropriately designed and constructed to minimal to no adverse impact upon identified visual resources.

LUP Policy 5.10.2 Development Within Visual Resource Areas. Recognize that visual resources of Santa Cruz County possess diverse characteristics.... Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section. ...

LUP Policy 5.10.3 Protection of Public Vistas. Protect significant public vistas...from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations, ... inappropriate landscaping and structure design.

LUP Policy 5.10.5 Preserving Agricultural Vistas. Continue to preserve the aesthetic values of agricultural vistas. Encourage development to be consistent with the agricultural character of the community. Structures appurtenant to agricultural uses on agriculturally designated parcels shall be considered to be compatible with the agricultural character of surrounding areas.

LUP Policy 5.10.6 Preserving Ocean Vistas. Where public ocean vistas exists, require that these vistas be retained to the maximum extent possible as a condition of approval for any new development.

LUP Policy 5.10.7 Open Beaches and Blufftops. Prohibit the placement of new permanent structures that would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection and for public beach access. Use the following criteria for approved structures: (a) allow infill structures (typically residences on existing lots of record) where compatible with the pattern of existing development. (b) Require shoreline protection and access structures to use natural materials and finishes to blend with the character of the area and integrate with the landform.

LUP Policy 5.10.9 Restoration of Scenic Areas. Require on-site restoration of visually blighted conditions as a mitigating condition of permit approval for new development. The type and amount of restoration shall be commensurate with the size of the project for which the permit is issued. Provide technical assistance for restoration of blighted areas.

LUP Policy 5.10.10 Designation of Scenic Roads. The following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection. State Highways: Route 1 – from San Mateo County to Monterey County...

LUP Policy 5.10.11 Development Visible From Rural Scenic Roads. In the viewsheds of rural scenic roads, require new discretionary development, including development envelopes in proposed land divisions, to be sited out of public view, obscured by natural landforms and/or existing vegetation. Where proposed structures on existing lots are unavoidably visible from scenic roads, identify those visual qualities worthy of protection (See policy 5.10.2) and require the siting, architectural design and landscaping to mitigate the impacts on those visual qualities.



(See policy 5.14.10.)

LUP Objective 5.11 Open Space Preservation. *To identify and preserve in open space uses those areas which are not suited to development due to the presence of natural resource values or physical development hazards.*

LUP Policy 7.7.1 Coastal Vistas. *Encourage pedestrian enjoyment of ocean areas and beaches by the development of vista points and overlooks with benches and railings, and facilities for pedestrian access to the beaches...*

Cumulative Impacts

The LCP protects against impacts associated with individual projects, as well as the cumulative impact from such projects in relation to current and potentially planned development. The LUP states:

LUP Policy 2.1.4 Siting of New Development. *Locate new residential, commercial or industrial development, within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources.*

Conclusion

In sum, the County's LUP protects the coastal resources associated with the affected agricultural lands, including their agricultural productivity as well as their rural and open space character, and also the way in which they define the public viewshed. The County's rural north and south coast areas, mostly agricultural and rural, are explicitly protected against inappropriate structures and development that would impact agricultural viability and visual resources. Overall, these LUP requirements reflect and implement similar fundamental goals of the Coastal Act.

3. Consistency Analysis

Background on Agricultural Lands Involved

The rural coastal zone areas of the County, and in particular the north and south County areas, are mostly zoned CA and A. There are some limited residential enclaves (e.g., Bonny Doon on the north coast) in these mostly rural pastoral areas and some other zoning districts, but agricultural zoning predominates. The north county area is well known to the Commission as an area of sweeping agricultural fields and mountains, much of this in extensive State Park and other undeveloped public land holdings, traversed by Highway One. Likewise, south County agricultural lands are similarly resource rich, and, near to Watsonville, extend several miles inland from the Monterey Bay to Highway One. Both areas include a myriad of waterways and sensitive habitat areas, and are critical public viewsheds, particularly from Highway One. As a result, the proposed amendment affects some of the more sensitive coastal zone lands within the County.



Urban-Rural Distinction

The County LCP Land Use Plan (LUP) clearly distinguishes between rural lands and urban lands, and directs development to urban areas where it can best be accommodated. The LCP includes an urban services line to define such urban areas, and a rural services line to define limited rural developed areas outside of rural ones (e.g., the town of Davenport). Urban-rural distinction is a fundamental element of the County's land use framework deriving directly from the Coastal Act.

Within this basic land use framework, the County has a series of land use designations, including agricultural designations for much of the area outside of urban areas. The LUP specifies that agriculture is the priority use within the County's coastal zone (along with coastal dependent development), and that residential development is the lowest priority within the coastal zone; the LUP prohibits conversion of a higher priority use to a lower priority use (see policies above).

Within the agricultural zoning districts, CA-zoned land represents the more valuable land in an agricultural resource context. A-zoned land has been deemed less valuable in this sense. There is also a substantially more limited supply of A-zoned land than CA-zoned land in the coastal zone. LUP and IP policies clearly distinguish between CA versus non-CA land, and place far greater policy protection on CA land (see exhibits D and E). Other than the park and open space zone district, the CA-zone district is probably the most resource protective of the LCP's zoning districts due to the resource sensitivity associated with this land.

Lack of Clarity Regarding Residential Development Allowed in Agricultural Lands

The LUP is clear that agricultural lands are to be protected for agriculture (see exhibit E). The LUP does, however, allow for limited residential use on CA and A zoned lands provided that it can be found ancillary to agricultural use of the property, and does not conflict with ongoing agricultural activities on or adjacent to the site; such residential use cannot reduce the farmable portion of the site below a minimum economic farm unit (LUP Policies 5.13.28, 5.13.29, and 5.14 et seq). The County Code has a series of required findings emanating from these requirements (for example, in Section 13.10.314 – see exhibit D).

The LCP is unclear, however, in terms of the type and absolute density of residential development that would be allowed on an agricultural parcel. Partially, this is an organizational problem because the LCP is extremely complex, with substantial cross-referencing between overlapping requirements, LUP and IP. For example, the IP allows: one detached dwelling unit per parcel; one detached dwelling unit for the owner or lessee (or employee of either) for each 40 acres of site area; any number of dwelling units that are accessory to the main dwelling used as agricultural caretakers quarters subject to the farm worker housing requirements of 13.10.631; any number dwelling units in dwelling groups (for A-zoned land, at densities established by IP Chapter 13.14 for calculating rural residential densities, and for CA-zoned land one dwelling unit per 40 acres), where dwelling groups are groups of 2 or more detached or semi-detached single- or multi-family dwellings on a parcel under common ownership and sharing a yard or court, where yard refers to setback areas on the parcel; farm worker housing, again subject to 13.10.631, with reference to caretakers housing, mobile homes, travel trailers, farm worker quarters, and camps;



foster homes; habitable accessory structures (subject to the accessory structure requirements of 13.10.611); farm worker camps and manufactured homes as farm labor housing for any number of individual units (again subject to 13.10.631); a manufactured home, pursuant to Section 13.10.682 (permanent occupancy of manufactured homes); and manufactured homes for temporary caretaker or watchman quarters, subject to 13.10.631. Each of these is described as “agricultural support and related facilities” in the LCP use code charts, although it isn’t clear in each case that that is the case (and that, rather, they are simply residential uses); second units will likewise be placed in this category as proposed (see LCP Section 13.10.312 in exhibit C).

Complicating this, the LUP specifies that residential density on agricultural lands is determined by the rural residential density determination matrix (IP Chapter 13.14) which assigns points to different constraint factors to arrive at an allowable density for a site. However, Chapter 13.14 doesn’t apply to commercial agricultural land; partially because CA-zoned land isn’t allowed to be subdivided (except for exclusive agricultural purposes) and its purpose is not to support any development other than agricultural development (see LUP Policies 5.13 et seq and Section 13.10.312 text – exhibits E and D). The matrix calculations arrive at a “minimum average parcel size allowed for development.” Although geared more towards land division than density, this can be interpreted to apply in the reverse to allowed density. The matrix also refers to “overriding minimum acreage maximum density” policies that take precedence over matrix scores. For CA land, the override policies are LUP Policies 5.13.14 and 5.13.19. However, these policies are about land divisions, and the criteria for same (see exhibit E). Because the LCP doesn’t contemplate subdivision of CA land for other than agricultural purposes, development density isn’t explicitly addressed. For A-zoned land, it refers to LUP policies specifying densities not to exceed one unit per 10-40 acres, depending the matrix value. On top of all of this, the LCP requires a 200 foot setback requirement between habitable development (like that listed above) and commercial agricultural land. All of these factors affect developable area of an agricultural site, and allowed density within that.

As can be seen from the discussion above, the LCP is unclear regarding allowable residential types and residential densities on these agricultural lands. In addition, the IP is unclear as to whether each of the residential uses (and corresponding units) described above cumulatively apply to the unclear density maximum, or whether they individually apply to that calculation. It isn’t clear, for example, how farm worker housing, mobile homes, and dwelling groups are meant to be calculated in relation to traditional single family residential and site constraints. Because of this, the absolute density that might be allowed in the coastal zone in a full build-out scenario is not clear. To add second units to this mix, particularly to the CA zone districts, is inappropriate without full knowledge of the potential build-out scenarios. In addition, it isn’t clear whether second units would apply to each of the types of residential use allowed on agricultural properties (e.g., whether each of the above-listed residential types allowed on agricultural land be allowed a second unit, or just a subset of them). The County did not analyze these issues in their amendment submittal (see Board staff report and resolution, exhibits A and B).

In sum, the LCP lacks clarity regarding the amount and type of residential density allowed on agricultural lands, particularly CA-zoned lands that are crucially important in the County coastal zone. To date, the Commission is not aware of significant resource impacts due to this lack of clarity.



However, in the foreseeable future when County rural coastal zone lands are going to be looked to more and more for residential development (as urban areas become more built out), this lack of clarity could lead to resource degradation. It is not appropriate in this context to add second units as allowed uses for these rural properties. To do so will only serve to add to the density confusion, as indicated above. More importantly, it would provide significant growth incentive for each CA and A zoned property in the coastal zone; conceivably doubling the amount of residential density that could be pursued. This in turn increases the likelihood that urban services are extended to serve ever-burgeoning residential development in rural areas; if not breaking the urban-rural boundary in each case, ultimately expanding it.⁵ It also increases the potential for there to be complaints from additional residential users surrounding agricultural activities that such activities are a nuisance, ultimately making it more difficult for agricultural operators to operate, and decreasing the viability of agriculture in these areas. Thus, it is likely that the amendment will lead to future growth in what is now a rural agricultural area to the detriment of those rural agricultural resources inconsistent with certified LUP, and inconsistent with the Coastal Act.

Residential Development on Agricultural Land Not a Principal Permitted Use

LUP Sections 5.13.5 and 5.13.6 define principal and conditional uses on CA-zoned lands (see policies above). Residential uses are clearly not among the principally permitted uses, and are only a conditional use under certain circumstances, spelled out in such policies as LUP 5.13.28 (Residential Uses on Commercial Agricultural Land) and 5.13.29 (Residential Use Ancillary to Commercial Agriculture); see exhibit E. For A-zoned land, the LUP is not explicit regarding principal versus conditional uses, but the LUP objective for non-commercial agricultural land (i.e., A-zoned) is clearly not for residential development. With very limited exceptions, all residential uses described above are conditional uses on agricultural land in the coastal zone (see exhibit C).⁶ Even the first single-family dwelling on a CA-zoned agricultural parcel is a conditional use.

The proposed amendment inserts second units under “agricultural support and related facilities” in the LCP use code charts, and makes them a principally permitted use on CA and A zoned lands (see exhibit C). The way in which it does this is by specifying a level 4 review. The way that the County LCP specifies principally permitted uses in the code is by review level; level 4 or below is principally permitted (see code section 13.10.312(a)(2) on page 1 of exhibit C).⁷ The review levels correspond to the types of information that must be submitted with an application, the types of hearings required, and, for CA-zoned land, the types of additional findings required per Section 13.10.314(a). Actions by the

⁵ Note, for example, that the County is currently proposing to allow urban water and sewer infrastructure (as an exception to a prohibition on extending these services) to serve conditional and principal uses on CA-zoned lands in the south county area as part of LCP amendment request 1-02 Part 3. LCP amendment request 1-02 Part 3 is also being reviewed by the Commission at the September 2003 hearing (item number W15c). For the same type of reasons described here, Commission staff are recommending denial of the exception to allow infrastructure extensions to CA-zoned lands in that case.

⁶ Principally permitted residential development on agricultural land includes: foster homes with 6 children or less, habitable accessory structures of 640 square feet or less, temporary manufactured homes, and a detached single-family unit on A-zoned lands (see exhibit C).

⁷ Note that this methodology applies to all zone districts, not just the agricultural zone districts.



County to approve non-principally permitted uses are also appealable to the Coastal Commission (in addition to those County actions taken to approve any use when located in an appealable zone).

There are multiple issues with designating second units a principally permitted use.

First, second units do not meet the LUP criteria for a principally permitted use on CA land, and do not appear consistent with the LUP use objectives for non-CA land (i.e., A zoning). Likewise, the proposed listing of them as "agricultural support and related facilities" is inconsistent with the LUP's agricultural policies. Residential units such as these are not what the LUP envisions for agricultural lands, and it is inappropriate to define them as a principally permitted use on agricultural land; if anything, and similar to the existing IP text, such units are more aptly described by the LUP as conditional discretionary uses. As described above, even the initial house on a CA-zoned property is a conditional use; the same should translate to second units.

Second, a level 4 review means that second units would not require a public hearing, and would have lesser noticing requirements. Again, since such units should not be considered principally permitted, this use, if allowed, is more aptly considered a conditional use. A conditional use requires a discretionary approval; a discretionary approval requires a public hearing at the Zoning Administrator level or above, and not at a ministerial staff level.⁸

Third, a level 4 review level means that the required findings for conditional uses on CA-zoned lands would not have to be made for second units (section 13.10.314(a)). These findings are critical for ensuring that inappropriate non-agricultural development does not occur on CA land, and implements LUP policies to this effect. To except second units from these findings would be inconsistent with the LUP.

Fourth, level 4 review conflicts with other LCP specified review levels that would continue to apply. For example, Section 13.10.681(b) to which the second units must comply, requires processing at level 5 for coastal zone applications (see page 8 of exhibit C).⁹ Likewise, LCP Section 13.20.100(a) requires a level 5 approval for all development in the coastal zone. Thus, the use code changes set up an internal inconsistency between them and Sections 13.10.681(b) and 13.20.100(a) as to what review level applies. As seen above (and below) the review level is critical to protecting agricultural lands.

Fifth, as a principally permitted use (via a level 4 review), actions to approve second units in the coastal

⁸ Note that AB 1866, that amended Government Code Section 65852.2 et seq regarding second units, provides that second unit applications received after July 1, 2003 be considered by local governments "ministerially without discretionary review or a hearing" (Section 65852.2(a)(3)). However, this requirement is specific to residential zoning districts. As a result, it does not apply to agricultural districts such as the ones in question in this amendment, and the County code can continue to require public hearings for second units on agricultural lands.

⁹ Note that the County has submitted an LCP amendment request to the Commission designed to modify Section 13.10.681 in response to AB 1866 to remove the level 5 review parameters for second units. This related amendment application (SCO-MAJ-2-03 Part 1) is also being considered by the Commission at the October hearing (item number W15d). Thus, it is possible that this internally inconsistency could be resolved. That said, as indicated above, AB 1866 applies to residential land, and not agricultural land. Therefore, it is also possible that this internal inconsistency will remain.



zone would not be categorically appealable to the Coastal Commission. This safeguard was put in place precisely to ensure adequate review for development outside of the scope of what the LCP principally envisions for property. As discussed above, this is critically important for agricultural property for which growth pressure can be exceedingly high as urban areas reach build-out, and where statewide perspective can be particularly relevant in light of local development pressures.

In sum, it is inappropriate to designate second units on agricultural land as principally permitted uses. It is inconsistent with the LUP's agricultural policies, and will lead to inadequate review and scrutiny of such applications. The lesser protection in this regard is expected to lead to more such development than might otherwise be allowed, and exacerbate the growth inducement issues detailed above relating to urban-rural boundaries, and the protection of rural agricultural resources as directed by the LUP, and the Coastal Act.

4. Conclusion

The rural coastal zone areas of the County, and in particular the north and south County areas, are mostly zoned CA and A. There are some limited residential enclaves in these mostly rural pastoral areas (e.g., Bonny Doon on the north coast), and some other zoning districts, but agricultural zoning predominates. The north county area is well known to the Commission as an area of sweeping agricultural fields and mountains traversed by Highway One. Likewise, south County agricultural lands are similarly resource rich, and extend several miles inland from the Monterey Bay to Highway One. Both areas include a myriad of waterways and sensitive habitat areas, and are critical public viewsheds, particularly from Highway One. As a result, the proposed amendment affects some of the more sensitive coastal zone lands within the County.

The LCP clearly distinguishes between rural lands and urban lands, and directs development to urban areas where it can best be accommodated. The LCP includes an urban services line to define such urban areas, and a rural services line to define limited rural developed areas outside of urban ones (e.g., the town of Davenport). Urban-rural distinction is a fundamental element of the County's land use framework deriving directly from the Coastal Act.

Within this basic land use framework, the County has a series of land use designations, including agricultural designations for much of the area outside of urban areas. The LUP specifies that agriculture is the priority use within the County's coastal zone (along with coastal dependent development), and that residential has the lowest priority within the coastal zone; the LUP prohibits conversion of a higher priority use to a lower priority use.

The proposed amendment will allow additional residential type and density within these sensitive agriculturally zoned areas. The existing LCP zoning code is already confusing in terms of the amount and type of residential development and density that is allowed on agricultural property. This confusion stems from separate IP agricultural zone provisions allowing different types of residential uses (single-family residential, farm worker housing, caretaker's quarters, other dwelling units in "dwelling groups," etc.), what type of projects can qualify for each of these, and the manner in which each can cumulatively



be applied to an agriculturally zoned property. To add second units to the mix will only serve to add to that confusion. More importantly, it would provide significant growth incentive for each CA and A zoned property in the coastal zone; conceivably doubling the amount of residential density that could be pursued. This in turn increases the likelihood that urban services are extended to serve ever-bourgeoning residential development; if not breaking the urban-rural boundary, ultimately expanding it. It also increases the potential for there to be complaints from additional residents that surrounding agriculture is a nuisance, ultimately making it more difficult for agricultural operators to operate, and decreasing the viability of agriculture in these areas. Because the amendment makes second units principally permitted, it makes it relatively easier for this category of development to be approved, and excepts such approvals from Coastal Commission review in most cases.

Thus, it is likely that the amendment will lead to future growth in what is now a rural agricultural area to the detriment of those rural agricultural resources inconsistent with certified LUP, and inconsistent with the Coastal Act.

The Commission must determine whether the zoning code changes proposed are consistent with and adequate to carry out the LUP. In this case, and as detailed above, the changes proposed are not consistent with the LUP and inadequate to carry it out. Therefore, the amendment is denied as submitted.

In many cases, the Commission suggests modifications to address inconsistencies that result in denial of a submittal. In this case, however, due to the complicated way in which the LCP is organized in this respect, and the magnitude and complexity of the modifications that would be necessary to clarify the LCP regarding the parameters of residential development on agricultural land, the Commission doesn't believe that such an effort would be the best use of its limited staff resources at this time. Rather, the Commission encourages the County to pursue such modifications independently. Commission staff will be available to assist in such an effort, but the initial steps, including the initial conceptualizing regarding an appropriate LCP organizational framework to resolve issues related to non-agricultural density and allowed development on agricultural land, must first be undertaken by the County. The Commission's denial is thus without prejudice to a future amendment submittal that clarified residential uses and density on agricultural lands in the coastal zone so that maximum potential densities are clear, and that the County's sensitive rural coastal zone lands are protected as directed by the Coastal Act and the LUP.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.



The County in this case exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference. As detailed in the findings above, the proposed amendment is expected lead to negative resource impacts to agricultural land in the County's coastal zone. These negative impacts can be avoided by denying the amendment.

As such, there are feasible alternatives available, namely to not amend the LCP in this manner, that would substantially lessen any significant adverse environmental effects which approval of the proposed LCP amendment would have on the environment within the meaning of CEQA. Thus, the proposed LCP amendment will result in significant environmental effects for which feasible mitigation measures have not been employed inconsistent with CEQA Section 21080.5(d)(2)(A). Therefore, the LCP amendment is not approvable under CEQA and is denied.



BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 110-2002

On the motion of Supervisor Almquist
duly seconded by Supervisor Pirie
the following Resolution is adopted:

RESOLUTION AMENDING COUNTY CODE SECTIONS 13.10.312(b) AND 13.10.681 TO
ALLOW SECOND UNITS ON AGRICULTURAL LAND

WHEREAS, on November 6, 2001, the Board of Supervisors considered a number of recommendations by the County Administrative Officer regarding various actions to increase the production of affordable housing, one of which was to amend the Zoning Ordinance to allow the construction of second units on agricultural land; and

WHEREAS, on November 20, 2001, the Board of Supervisors gave preliminary approval to the conceptual Zoning Ordinance amendments, and directed the Planning Department to formally process the amendments through the Agricultural Policy Advisory Commission and the Planning Commission, and to report back to the Board on April 9, 2002; and

WHEREAS, the proposed ordinance to allow second units on agricultural land has been discussed by the Board of Supervisors in the past as a part of the strategies to meet the California Department of Housing and Community Development's concerns regarding the County's Housing Element and to address the dire need for moderate and affordably priced housing; and

WHEREAS, the proposed amendment to County Code Section 13.10.312(b) - Agricultural Uses Chart, adds second units as permitted uses in the Commercial Agricultural ("CA") and Agricultural ("A") zone districts, and proposes the same level of review as for second units in the residential zone district (Level IV - Administrative approval with public noticing); and

WHEREAS, the proposed amendment for Section 13.10.681 - Second Units, the section that contains the specific development and occupancy requirements for second units, establish the specific requirements and standards for second units on agricultural land; and

WHEREAS, the proposed County Code amendments to allow second units on agricultural parcels were considered by the County Agricultural Policy Advisory Commission on February 21, 2002 and recommended for adoption by the Board of Supervisors; and

WHEREAS, the proposed County Code amendments to allow second units on agricultural parcels were considered by the County Planning Commission on February 27, 2002 and recommended for adoption by the Board of Supervisors; and

WHEREAS, the proposed amendments have been found to be categorically exempt from the California Environmental Quality Act (CEQA), and consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines;

Attachment 1

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves amendments to County Code Sections 13.10.312(b) and 13.10.681 Allowing Second Units on Agricultural Land, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of LCP Amendments.

BE IT FURTHER RESOLVED AND ORDERED that these amendments will become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 9th day of April, 2002 by the following vote:

AYES:	SUPERVISORS	Pirie, Wormhoudt, Campos, Almquist & Beautz
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

JANET K. BEAUTZ

Chairperson of the Board of Supervisors

ATTEST: **GAIL T. BORKOWSKI**

Clerk of the Board of Supervisors

APPROVED AS TO FORM:

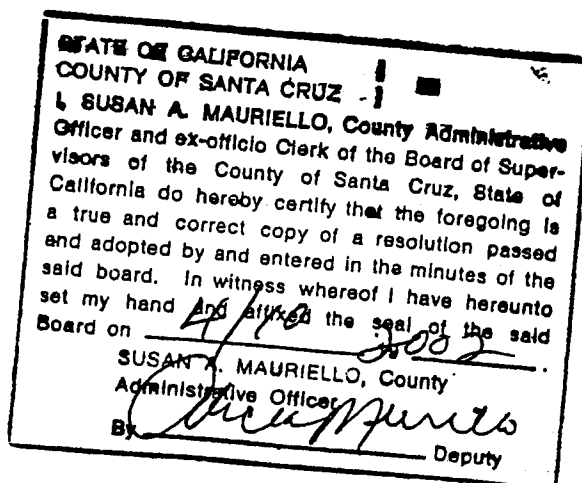
County Counsel

cc: County Counsel
Planning Department

Exhibits:

1-A: Proposed Ordinance No. ___ amending County Code Sections 13.10.312(b) and 13.10.681 Allowing Second Units on Agricultural Land

CCC Exhibit A
(page 2 of 2 pages)





COUNTY OF SANTA CRUZ

0727

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN JAMES, DIRECTOR

March 26, 2002

AGENDA: April 9, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS TO ALLOW SECOND UNITS ON AGRICULTURAL PARCELS

Members of the Board:

Your Board is being asked to consider amendments to the Zoning Ordinance to allow the construction of second units on agriculturally-zoned parcels, thus furthering the goal of increasing the amount of affordable housing in agricultural areas. The proposed ordinance (Attachment 2) includes amendments to two sections of the Zoning Ordinance, as discussed below.

Background:

On November 6, 2001, your Board considered a number of recommendations by the County Administrative Officer regarding various actions to increase the production of affordable housing. One of the recommendations was to amend the Zoning Ordinance to allow the construction of second units on agricultural land. Your Board directed that preliminary ordinance amendments be presented for additional discussion at your November 20, 2001 meeting.

On November 20, 2001, your Board of Supervisors gave preliminary approval to the conceptual Zoning Ordinance amendments, directed the Planning Department to formally process the amendments through the Agricultural Policy Advisory Commission (APAC) and the Planning Commission, and report back on April 9, 2002.

Proposed Ordinance Amendment:

The proposed ordinance (Attachment 2) amends two sections of the Zoning Ordinance. The first, Section 13.10.312(b) - Agricultural Uses Chart, adds second units as permitted uses in the Commercial Agricultural ("CA") and Agricultural ("A") zone districts. This amendment also proposes the same level of review as for second units in the residential zone district (Level IV - Administrative approval with public noticing).

The second section of the Zoning Ordinance proposed for amendment is Section 13.10.681 - Second Units, the section that contains the specific development and occupancy requirements for second units. The proposed amendments establish the following specific requirements and standards for second units on agricultural land:

- The second units may be placed on land zoned for agriculture or on land with an Agricultural land use designation on the General Plan;
- It requires that second units on agricultural land be within 100-feet of the main dwelling, unless a different location is approved by the Agricultural Policy Advisory Commission that would have less impact on the agricultural resource;
- Requires the second unit to maintain the setbacks required for the primary dwelling, including any required buffers;
- Allows second units and other types of farmworker housing on parcels greater than 10 acres;
- Maintains the same occupancy limitation as for second units on non-agricultural land.
- Maintains the same unit size standards as in other rural areas (800 sq. ft. on parcels less than 2.5 acres; 1,200 sq. ft. on parcels larger than 2.5 acres).

Discussion and Recommendation:

The proposed ordinance to allow second units on agricultural land has been discussed by your Board in context of encouraging the development of second units throughout the unincorporated County and distributing the units in the rural, as well as urban, areas. This ordinance will widen the applicability of the second unit ordinance to a new segment of the community by providing housing opportunities to farmworkers and other persons involved in the agricultural industry in the County.

The proposed Zoning Ordinance amendments have been found by Planning Department staff to be categorically exempt from CEQA and a CEQA Categorical Exemption form has been prepared (Attachment 3).

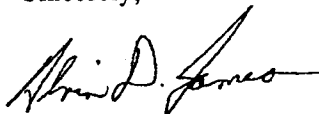
The proposed ordinance was considered by the County's Agricultural Policy Advisory Committee (APAC) on February 21, 2002. APAC recommended its adoption with several minor modifications, which were incorporated into the version of the ordinance that was forwarded to the Planning Commission. The Planning Commission considered the revised ordinance on February 27, 2002, and recommended its adoption by your Board.

It is, therefore, RECOMMENDED that your Board:

1. Adopt the attached Resolution Amending County Code Sections 13.10.312(b) and 13.10.681 to allow second units on agricultural land (Attachment 1); and

2. Adopt the attached Ordinance Amending County Code Sections 13.10.312(b) and 13.10.681 to allow second units on agricultural land (Attachment 2); and
3. Certify the CEQA Exemption (Attachment 3); and
4. Direct the Planning Department to transmit the amendments to the California Coastal Commission as a Local Coastal Program Implementation Plan amendment for their approval and certification.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED



Susan A. Mauriello
County Administrative Officer

ATTACHMENTS: *

1. Resolution Recommending Amendment to County Code Sections 13.10.312(b) and 13.10.681 Allowing Second Units on Agricultural Land

Exhibit 1-A: Proposed Ordinance Amending County Code Sections 13.10.312(b) and 13.10.681 to Allow Second Units on Agricultural Land
2. Ordinance Amending County Code Sections 13.10.312(b) and 13.10.681 to Allow Second Units on Agricultural Land
3. CEQA Exemption
4. Letter of November 13, 2001 from Alvin James, Planning Director, to the Board of Supervisors
5. Agricultural Policy Advisory Commission Resolution
6. Minutes of Agricultural Policy Advisory Commission Meeting of February 21, 2002
7. Agricultural Policy Advisory Commission staff report
8. Planning Commission Resolution
9. Minutes of Planning Commission Meeting of February 27, 2002

*STAFF NOTE: NOT ATTACHED
HERE. AVAILABLE FOR REVIEW
AT COMMISSION'S SANTA
CRUZ OFFICE.



ORDINANCE NO. _____
ORDINANCE AMENDING CHAPTERS 13.10
OF THE SANTA CRUZ COUNTY CODE TO ALLOW SECOND
UNITS ON AGRICULTURAL LAND

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

SECTION I

Section 13.10.312(b) of the Santa Cruz County Code is hereby amended to read as follows:

13.10.312 Uses in agricultural districts.

(a) Principal Permitted Uses.

1. In the Coastal Zone, the principal permitted uses in the agricultural districts shall be as follows:

“CA” and “AP”: agricultural pursuits for the commercial cultivation of plant crops, including food, fiber, flower or other ornamental crops and the commercial raising of animals, including grazing and livestock production, and apiculture and accessory uses and structures, excepting those agricultural activities listed as discretionary uses requiring a Level V or higher approval.

“A”: agricultural pursuits, including the noncommercial or commercial cultivation of plant crops or raising of animals, including apiculture, single-family residential and accessory uses and structures, excepting those agricultural activities listed as discretionary uses requiring a Level V or higher approval. (Ord. 1283, 1/2/68; 1703, 5/18/72; 1806, 12/12/72; 2769, 9/11/79; 2622, 1/23/79; 2771, 9/11/79; 3015, 12/2/80; 4471, 9/9/97)

2. Principal permitted uses are all denoted as uses requiring a Level IV or lower approval or as otherwise denoted with the letter “P” in the Agricultural Use Chart contained in paragraph (b) below. In the Coastal Zone, actions to approve uses other than principal permitted uses are appealable to the Coastal Commission in accordance with the provisions of Chapter 13.20 of the County Code relating to Coastal Zone approvals, and in some cases, as specified in Chapter 13.20, any development is appealable. (Ord. 1283, 1/2/68; 1703, 5/18/72; 2769, 9/11/79)

- (b) Allowed Uses. The uses allowed in the agricultural districts shall be as provided in the Agricultural Uses Chart below. A discretionary approval for an allowed use is known as a “Use Approval” and is given as part of a “Development Permit” for a particular use. The type of permit processing review, or “Approval Level,” required for each use in each of the agricultural zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for

structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. All Level V or higher Approvals in the "CA" and "AP" zone districts are subject to the special findings required by Section 13.10.314(a) in addition to those required in Section 18.10.230. (Ord. 3632, 3/26/85; 4346, 12/13/94; 4406, 2/27/96; 4416, 6/11/96)

AGRICULTURAL USES CHART

KEY:

A = Use must be ancillary and incidental to a principal permitted use on the site

P = Principal permitted use (see Section 13.10.312(a)); no use approval necessary if "P" appears alone

1 = Approval Level I (administrative, no plans required)

2 = Approval Level II (administrative, plans required)

3 = Approval Level III (administrative, field visit required)

4 = Approval Level IV (administrative, public notice required)

5 = Approval Level V (public hearing by Zoning Administrator required)

6 = Approval Level VI (public hearing by Planning Commission required)

7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)

-- = Use not allowed in this zone district

* = Level IV for projects of less than 2,000 square feet

Level V for projects of 2,000 to 20,000 square feet

Level VI for projects of 20,000 square feet and larger

** = For purposes of this section, "on-site" shall mean on the parcel on which the use is located, plus any other

parcel(s) owned, leased and/or rented by the farm operator in this County or adjoining counties.

*** = Processed as a level 5 Coastal Zone Permit project when within the geographic area defined by Section

13.20.073.

**** = Soils dependent agricultural uses are those uses which use the in situ soils as the growing medium for all crops

BP = Building permit only

AGRICULTURAL USES CHART

USE

Agricultural activities: crops and livestock

Agricultural custom work occupations subject to the provisions of Section 13.10.638

CA	A	AP
P/4	P/4	P/4

Agricultural support facilities for processing, packing, drying, storage and refrigeration of produce above a total aggregate size of 2,000 square feet or 100 square feet per acre on-site** (whichever is greater) subject to the provisions of Section 13.10.632. Maximum aggregate size of such facilities shall be 50,000 square feet. Inside the coastal zone agricultural support facilities greater than 2,000 square feet shall be processed at Level 5 and shall not be considered a principal permitted use.

Up to and including a maximum aggregate of 2,000 sq. ft. or 100 sq. ft. per acre on-site** (whichever is greater)	3	3	3
---	---	---	---

Greater than an aggregate of 2,000 sq. ft. or 100 sq. ft. per acre on-site** (whichever is greater)	4	4	4
---	---	---	---

Agricultural Service Establishments subject to the provisions of Section 13.10.633 (see Section 13.10.700-A definition)	--	5	--
---	----	---	----

Apiculture (beekeeping)	P	P	P
-------------------------	---	---	---

Biomedical Livestock Operations (subject to Section 13.10.647)	5	5	--
--	---	---	----

Berry and other vine crops	P	P	P
----------------------------	---	---	---

Commercial dairying, subject to the provisions of Section 16.22.060	3	5	3
---	---	---	---

Field crops, including hay, grain, seed, and turf crops	P	P	P
---	---	---	---

Livestock raising for food, fiber or animal production, including rabbits and other small animals under 100 per acre	P	P	P
--	---	---	---

Livestock raising involving hog farming or small animals over 100 per acre, subject to the provisions of Section 16.22.060	3	5	3
--	---	---	---

Nursery crops limited to open field grown ornamental plants, flowers and Christmas trees	P	P	P
--	---	---	---

Nursery crops, outdoor container grown, covering an area larger than 1 Acre	5	5	5
---	---	---	---

Orchards, including fruit tree and nut crops	P	P	P
--	---	---	---

USE	Exhibit 1-A		
	CA	A	AP
Poultry and other fowl raising, including egg production, under 100 birds per acre (see also "Barn" below)	P	P	P
Poultry and other fowl raising involving more than 100 birds per acre	P	5	P
Row crops, including fruit and vegetable raising	P	P	P
Agricultural Support and Related Facilities			
Aquaculture and Aquacultural Facilities	5	5	5
Barns, corrals, or pens used for animal husbandry, subject to the provisions of Section 16.22.060	3	3	3
Caretaker's quarters, permanent, subject to the provisions of Section 13.10.631	5	5	5
Commercial boarding of animals, subject to the provisions of Section 13.10.641(b)	P/5	P/5	P/5
Consumer harvesting, on site**	P	P	P
Dwelling unit, one detached single-family per parcel, subject to the provisions of Section 13.10.314			
Inside the Coastal Zone	5	3	5
Outside the Coastal Zone	3	3	3
Dwelling unit, one detached single-family for the owner, lessee or an employee of the owner or lessee of the land, not to exceed one dwelling unit for each forty acres of total site area, subject to the provisions of Section 13.10.314	--	--	5
Inside the Coastal Zone	--	--	3
Outside the Coastal Zone			
Dwelling unit, one detached single-family per parcel, 7,000 square feet or larger, inclusive of accessory structure(s) associated with the residential use, but specifically excluding barn or similar accessory structures subject to the provisions of Sections 13.10.314 and 13.10.325	5	5	5
Dwelling units, accessory to the main dwelling used as agricultural caretakers' quarters subject to Section 13.10.631			
1--4 Units	5	5	5
5--19 Units	6	6	6
20+ Units	7	7	7

USE

Exhibit 1-A

0737

CA A AP

Dwelling units, dwelling groups subject to the provisions of Sections 13.10.313(f) and 13.10.314

2--4 Units	5	5	5
5--19 Units	6	6	6
20+ Units	7	7	7

Energy facilities, community, subject to the provisions of Section 13.10.661 and .700-E (definition)

5	5	5
---	---	---

Facilities for fish and wildlife enhancement and preservation

P	P	P
---	---	---

Farm worker housing subject to Section 13.10.631 (see Caretakers housing, mobile homes and travel trailers, farm worker quarters and camps)

3-7	3-7	3-7
-----	-----	-----

Farm outbuildings and other agricultural accessory structures for storage or equipment with or without a single room containing lavatory facilities

3	3	3
---	---	---

Fences, subject to the provisions of Section 13.10.525

P/3/5	P/3/5	P/3/5
-------	-------	-------

Fire protection facilities

--	5	--
----	---	----

Flood control works, including channel rectification and alteration; dams, canals and aqueducts of any public water project

5	5	5
---	---	---

Foster homes for 6 or fewer children, not including those of the proprietary family (see Section 13.10.700-F definition)

P	P	P
---	---	---

Foster homes for seven or more children, not including those of the proprietary family (see Section 13.10.700-F definition)

5	5	5
---	---	---

Fuel storage tanks and pumps

2	2	2
---	---	---

Greenhouse structures, as accessory structures, under 500 square feet in area

2	2	2
---	---	---

Greenhouse structures, outside the coastal zone, subject to the provisions of Section 13.10.636(a).

500--20,000 square feet

3	4	3
---	---	---

over 20,000 square feet

4	4	4
---	---	---

Greenhouse structures soil dependent****, include the zone, subject to the provisions of Section 13.10.636(a) and 13.20.073.

USE

500--20,000 square feet
over 20,000 square feet

CA	A	AP
3	3	3
P/4	P/4	P/4

Greenhouses, improvements and expansions up to 10,000 square feet in area, inside the coastal zone, subject to the provisions of Sections 13.10.636(a) and 13.20.073

3	4	3
---	---	---

Greenhouses, all others in the coastal zone.
up to 20,000 sq. ft.
greater than 20,000 sq. ft.

P/5	P/5	P/5
5	5	5

Greenhouse replacement, reconstruction or structural alteration, pursuant to Section 13.10.636(b) and (c)

3	3	3
---	---	---

Habitable accessory structure, 640 square feet or less subject to the provisions of Section 13.10.611

3	3	3
---	---	---

Habitable accessory structures greater than 640 feet, subject to the provisions of Section 13.10.611 (see farm outbuildings)

5	5	5
---	---	---

Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.313(a)).

Total area of 1,000 square feet or less
Total area of more than 1,000 square feet

BP Only	BP Only	BP Only
3	3	3

Home occupations subject to the provisions of Section 13.10.613

P	P	P
---	---	---

Kennels, commercial or private, for five or more dogs or cats over the age of four months subject to the provision of 13.10.323

5	5	5
---	---	---

Farm Worker camps subject to the provisions of Section 13.10.631

1--4 Units
5--19 Units
20+ Units

5	5	5
6	6	6
7	7	7

Lumber Mills

--	5	--
----	---	----

Manufactured homes, as farm labor housing, subject to the provisions of Section 13.10.631

1--4 Units
5--19 Units
20+ Units

5	5	5
6	6	6
7	7	7

Manufactured home, as a single-family dwelling unit, subject to the

USE

provisions of Section 13.10.682

Inside the Coastal Zone

Outside the Coastal Zone

CA A AP

5	5	5
3	3	3

Manufactured homes, for temporary occupancy as a caretaker's or watchman's quarters subject to the provisions of Section 13.10.631

3	3	3
---	---	---

Mushroom farms and other agriculture within structures, subject to the provisions of Section 13.10.634

Additions, 500--20,000 square feet

New development and additions over 20,000 square feet

3	5	3
5	5	5

Offices within existing structures operated in conjunction with an allowed use

2	2	2
---	---	---

Public utility facilities; energy facilities (see Section 13.10.700-E definition)

--	5	--
----	---	----

Publicly owned and operated sanitary landfill either by contract or by public forces, subject to the provisions of Section 13.10.639.

7	7	7
---	---	---

Recreational activities: playfields not involving permanent structures or paving. Within the coastal zone allow this use only in the A (Non-commercial Agriculture) zone district

5	5	5
---	---	---

Reservoirs or ponds

3	3	3
---	---	---

Second Units, subject to the provisions of Section 13.10.681

4	4	--
---	---	----

Septic tank sludge disposal sites that are approved by the Health Officer pursuant to Chapter 7.42 and that are located outside the Coastal Zone

--	4	--
----	---	----

Signs in conjunction with principal permitted uses as described in Section 13.10.580(a) and (b)

P	P	P
---	---	---

Signs in conjunction with non-principal permitted uses as described in Section 13.10.580(c) and (d)

2	2	2
---	---	---

Stands for the display and sale of agricultural commodities produced on site**

2	2	2
---	---	---

Veterinary offices and animal hospitals subject to the provisions of Section 13.10.642

5	5	5
---	---	---

Visitor Accommodations, such as: Bed and breakfast inns (subject to

--	5	--
----	---	----

Exhibit 1-A

USE

Section 13.10.691)

CA A AP

0740

Water pollution control facilities for agricultural purposes constructed to comply with waste discharge requirements or other orders of the Regional Water Quality Control Board, or erosion control facilities constructed to comply with County ordinances

3 3 3

Water wells, storage tanks and distribution lines, well covers and small pump houses utilized strictly for on-site agriculturally related activities

1*** 1*** 1***

Wineries under 1,000 gallons annual production as a home occupation, subject to the provisions of Section 13.10.637

P P P

Wineries, subject to the provisions of Section 13.10.637

Under 1,000 gallons and not a home occupation

3 3 3

Over 1,000 gallons and under 20,000 gallons annual production:

On parcels under 2.5 acres in size

3 5 3

On parcels 2.5 acres or larger

3 3 3

Over 20,000 gallons and under 50,000 gallons annual production:

On parcels under 10 acres in size

5 5 5

On parcels 10 acres or larger

3 3 3

Over 50,000 gallons and under 100,000 gallons annual production and on any size parcel

5 5 5

Over 100,000 gallons annual production on any size parcel

6 6 6

Zoos and natural science museums

-- 5 --

(Ord. 4406, 2/27/96; 4416, 6/11/96; 4471, 9/9/97)

SECTION II

Section 13.10.681 of the Santa Cruz County Code is hereby amended to read as follows:

13.10.681 Second Units.

- (a) Purpose. The purpose of this section is to provide for and regulate second units in order to provided needed housing for County residents and to further the housing goals of the Housing Element of the County General Plan.
- (b) Application Requirements. Approval of all second units shall be processed in accordance with the provisions in Chapter 18.10 and shall require public notice (Level IV), except that second units located within the Coastal Zone and not excludable under Section 13.20.071 shall require a Coastal Zone Permit which is processed at Level 5. Applications for second units which receive any negative public comment following the notice of application submittal, which cannot be resolved administratively, shall require a public hearing and

action by the Zoning Administrator (Level V). *All applications for second units in the Commercial Agricultural zone district shall be subject to review by the Agricultural Policy Advisory Commission.*

- (c) Required Findings. Before a development permit for a second unit can be granted, the general findings for development permits set forth in Section 18.10.230(a) and Coastal Permit findings of Section 13.20.110, when applicable, must be made. The following additional findings must also be made:
- (1) Location: The second unit shall be located on residentially-zoned parcel or on a parcel designated for residential use in the General Plan which contains no more than one existing detached, single-family dwelling, or where one detached single-family dwelling shall be constructed concurrently with the proposed second unit; *or the second unit shall be located on agriculturally-zoned land or on a parcel designated for agricultural use in the General Plan;*
 - (2) Parcel Size: The size of the parcel, if located within the Urban Services Line, is no smaller than that required by the minimum lot size standards of the respective zoning district. The size of the parcel, if located outside the Urban Services Line, is at least one acre in area, unless the parcel is served by public sewer. Parcels outside of the Urban Services Line (USL), with public sewer service shall meet the requirements of Section 13.10.681(d)(2);
 - (3) Development Standards: All development standards for the applicable *agricultural or* residential zone district shall be satisfied, with allowance for a setback exception as provided for in Subsection 13.10.323(e)(6)(ii); and the development shall be consistent with all County policies and ordinances;
 - (4) Design: The design of the second unit is consistent with the design and development standards and guidelines set forth in Subsection 13.10.681(d); and
 - (5) Utility Requirements: All requirements of utility services providers shall be met, and the sewage disposal system and water supply for the parcel shall comply with all applicable requirements of County Code Chapter 7.38, 7.71 and 7.73.
- (d) Design and Development Standards. The following design and development standards shall be applied to every second unit and shall be conditions for any approval under this section:
- (1) Location of Second Unit: The second unit may be either attached to the main dwelling or may be detached from it. No second unit shall be constructed on any slope greater than 30% unless a Level V Use Approval is obtained. Inside the Urban Services Line *or on agriculture land*, no second unit shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right-of-way. *On land designated Agriculture by the General Plan, the second unit shall be located within 100 feet of the main dwelling on the property unless another location is approved by the Agricultural Policy Advisory Commission*

that will meet the on-site and off-site buffering requirements and will meet the goal of preserving agricultural land.

- (2) **Size of Second Unit:** The total, gross floor area as defined in Section 13.10.700(f) of the habitable portion of a second unit shall not exceed the following standards, based on parcel size:

Maximum Gross Floor Area Within the Urban Services Line (USL)

Type of Sewer Services	Parcel Size	
	<10,000 sq. ft.(1)	10,000 sq. ft. or larger(1)
With Public Sewer	640 sq. ft.	640 sq. ft.
Without Public Sewer	Not allowed	640 sq. ft. max. (must meet requirements of County Code Chapter 7.38)
(1) The size of the parcel must be no smaller than that required by the minimum lot size standards of the zoning district.		

Maximum Gross Floor Area Outside of the Urban Services Line (USL)

Type of Sewer Service	Parcel Size			
	< 10,000 sq. ft.	10,000 sq. ft. to < 1 acre	1 acre or larger to < 2.5 acres	2.5 acres or larger
With Public Sewer	640 sq. ft.	800 sq. ft.	800 sq. ft.	1,200 sq. ft.
Without Public Sewer	not allowed	not allowed	800 sq. ft.	1,200 sq. ft.

- (3) **Lot Coverage:** No second unit shall be allowed which would exceed the allowable lot coverage or the allowable Floor Area Ratio for the parcel. Any exception shall require a Variance Approval as provided for in Section 13.10.230.
- (4) **Setbacks:** Setback requirements of the zoning district in which the second unit is proposed may be adjusted in accordance with Subsection 13.10.323 (e)(6)(ii) based on site plan review and approval by the Zoning Administrator. However, a minimum 5-foot setback is required from any side property line and may be increased at the discretion of the decision making body, to insure neighboring privacy and architectural compatibility within the proposed building site and within the surrounding neighborhood. If setback requirements are reduced, pursuant to a Variance Approval, a one-story height limit may be imposed on the proposed second unit. *On land zoned or designated agricultural, all setbacks of the*

agricultural zone districts shall be met and all second units must meet the buffering requirements of County Code Section 16.50.095(f), as determined by the Agricultural Policy Advisory Commission, if applicable, may not encroach closer into any required yard than the existing or proposed primary dwelling.

- (5) Parking: Offstreet parking shall be provided to meet the requirements of Section 13.10.550 for the main dwelling and one additional non-tandem space for each bedroom in the second unit.
 - (6) Design: The design, materials and color of the second unit shall be compatible with that of the main dwelling and the existing scale and character of the neighborhood; and shall be clearly subordinate to the primary dwelling. The placement of any decks, balconies, stairs, doors, windows, and other features which may affect the privacy of adjacent properties shall be situated and designed to minimize potential privacy disturbance. Second units proposed on smaller lots (e.g., 10,000 square feet or less) should be one-story unless adequate setbacks between adjacent parcels are provided for privacy purposes.
 - (7) Other Accessory Uses: Not more than one second unit shall be constructed on any one parcel. A second unit and any other accessory residential structure (including but not limited to caretakers quarters and guest houses *on residential parcels, but excepting farmworker housing on agricultural parcels greater than 10 acres*) shall not be permitted on the same parcel. Habitable accessory structures such as artist's studios, garages, or workshops may be allowed.
 - (8) Service Requirements: Written acknowledgments shall be provided from the applicable sanitation, water, and fire districts and/or Environmental Health Services indicating that there will be adequate water, sanitation and fire protection services to the project site with the inclusion of a second unit. All requirements of the respective service agencies shall be satisfied.
 - (9) Fees: Prior to the issuance of a building permit for the second unit, the applicant shall pay to the County of Santa Cruz capital improvement fees in accordance with the Planning Department's fee schedule as may be amended from time-to-time, and any other applicable fees.
 - (10) Other Conditions: Other conditions deemed appropriate by the decision-making body may be applied to the development permit of a second unit to further the purpose of this Section and to implement the design standards of Subsection 13.10.681(c)(6).
- (e) Occupancy Standards. The following occupancy standards shall be applied to every second unit and shall be conditions for any approval under this section:
- (1) Occupancy Restrictions: The maximum occupancy of a second unit may not exceed that allowed by the State Uniform Housing Code, or other applicable state law, based on the unit size and number of bedrooms in the unit. Rental or

permanent occupancy of the second unit shall be restricted for the life of the unit to either:

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- (i) Households that meet the Income and Asset Guidelines established by the Board of Supervisors resolution for lower income households; or
 - (ii) Senior households, where one household member is sixty-two years of age or older, that meet the Income and Asset Guidelines requirements established by Board resolution for moderate or lower income households; or
 - (iii) Persons sharing residency with the property owner and who are related by blood, marriage, or operation of law, or have evidence of a stable family relationship with the property owner.
- (2) Owner Residency: The property owner shall permanently reside, as evidenced by a Homeowner's Property Tax Exemption on the parcel, in either the main dwelling or the second unit. If the property owner resides in the second unit, either the property owner or the residents of the primary single family dwelling must meet the income or familial requirements of Subsection 13.10.681(e)(1).
- (3) Occupancy Status: Prior to final inspection approval of the unit, the property owner shall submit a statement to the administering agency, as defined in Subsection 17.10.020(a), indicating whether the second unit will be rented, occupied by family members, or left vacant. Whenever a change in occupancy occurs, the owner shall notify the administering agency, by registered or certified mail, that the occupancy has changed, and indicating the new status of the unit.
- (4) Rent Levels: If rent is charged, the rent level for the second unit, or the for the main unit, if the property owner resides in the second unit, shall not exceed that established by the Section 8 Program of the Department of Housing and Urban Development (HUD) or its successor, or the rent level allowed for affordable rental units pursuant to Chapter 17.10 of the County Code, whichever is higher.
- (5) Certification Requirements: No person, including family members of the owner, shall rent or permanently occupy a second unit unless he/ she has first obtained certification of his/her eligibility from the administering agency. The property owner must refer persons who wish to rent or permanently occupy the unit to the administering agency for certification, prior to occupancy. The administering agency may also charge a fee to the applicant for the certification process.
- (6) Status Report. The owner shall report the occupancy status of the second unit, when requested by the administering agency, at least once every three years. This report shall include the status of the unit, the name of the current occupant(s) and the monthly rent charged, if applicable.

- (7) Deed Restriction. Prior to the issuance of a building permit, the property owner shall provide to the Planning Department proof of recordation of a Declaration of Restrictions containing reference to the deed under which the property was acquired by the present owner and stating the following:
- a. The unit may be occupied or rented only under the conditions of the development permit and in accordance with Section 13.10.681 and any amendments thereto.
 - b. The declaration is binding upon all successors in interest; and
 - c. The Declaration shall include a provision for the recovery by the County of reasonable attorney fees and costs in bringing legal action to enforce the Declaration together with recovery of any rents collected during any occupancy not authorized by the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.
- (f) Permit Allocations. Each second unit shall be exempt from the Residential Permit Allocation System of Chapter 12.02 of this Code. However, due to public service deficiencies of roadway design and drainage within the Live Oak planning area, no more than five (5) second units shall be approved within the Live Oak planning area in any calendar year.
- (g) Annual Review of Impacts. As part of the County's annual review of the General Plan and County growth management system, the County shall include a section analyzing the impacts of the second unit ordinance. The annual analysis shall include the number of second units constructed and the impacts such construction has created in each planning area, with particular attention to the cumulative impacts within the Coastal Zone. The cumulative impact issue areas to be covered include, but are not limited to traffic, water supply (including the City of Santa Cruz water supply from Laguna, Majors, and Reggiardo Creeks, and the Davenport water supply from Mill and San Vicente Creeks), public views, and environmentally sensitive habitat areas. The preliminary report shall be sent to the Executive Director of the Coastal Commission for review and comment 14 days prior to submittal to the Board of Supervisors, on an annual basis.

If the Executive Director determines that specific enumerated cumulative impacts are quantifiably threatening to specific coastal resources that are under the authority of the Coastal Commission, the Executive Director shall inform the County in writing. Within 60 days of receipt of the Executive Director's written notice of a threat to coastal resources the County shall cease accepting applications for coastal development permits under this section in the planning area(s) in which the threat of coastal resources has been identified, pending review and approval by the Coastal Commission of the County's proposed method(s) of protecting the threatened resource. (Ord. 3500, 3/6/84; Ord. 4324A, 8/9/94; 4457-A, 11/4/97; 4495, 3/24/98)

SECTION III

This ordinance shall take effect upon certification by the California Coastal Commission.

PASSED AND ADOPTED this ____ day of _____, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors

ATTESTED: _____
Clerk of the Board

APPROVED AS TO FORM: 
County Counsel

DISTRIBUTION: County Counsel, Planning, CAO

USE	CA	A	AP
Over 100,000 gallons annual production on any size parcel	6	6	6
Zoos and natural science museums	--	5	--

13.10.313 DEVELOPMENT STANDARDS

(a) Site and Structural Dimensions.

1. General. The following site area per dwelling unit, site width, frontage, yard dimensions, and building height limits shall apply to all agricultural zone districts except that maximum height limits and exceptions therefrom for residential structures in all agricultural districts shall be determined in accordance with the provisions of Section 13.10.323 applicable to parcels in the Residential Zone Districts. On legal lots of record less than 2.5 acres in size, all site and structural dimensions of the residential districts as indicated in Section 13.10.323, shall apply, based on the pre-existing parcel size. (Ord. 3755, 4/22/86; 4097, 12/11/90)

AGRICULTURAL SITE AND STRUCTURAL DIMENSIONS CHART

Designation	Parcel Size	Width	Frontage	Front Yard
A	Less than 5 acres	100'	60'	20'
A	5 acres or more	300'	100'	20'
CA	(A11)	300'	100'	20'
AP	(A11)	300'	100'	20'

Designation	Setbacks:		Max. Hgt. for Ag. Structures	Max. Ht. for Res. Structures
	Side	Rear		
A	20'	20'	40'	28'
A	20'	20'	40'	28'
CA	20'	20'	40'	28'
AP	20'	20'	40'	28'

2. Size and Design of Structures - Exceptions. No residential structure shall be constructed or enlarged which will result in 7000 square feet of floor area or larger, inclusive of accessory structures associated with the residential use, unless a Level V approval is obtained pursuant to the provisions of Section 13.10.325.

- (b) Distance Between Structures. Incidental and accessory structures may be attached to and have a common wall with a main structure on a site or may be connected with a main structure by a breezeway, provided that a structure housing livestock shall not be attached to a structure used for human habitation. Where there is more than one structure on a site, the minimum distance between a structure used for human habitation and another structure shall be ten feet. The minimum distance between dwelling units shall be 20 feet. In either case, the minimum distance between structures shall be increased one foot for every two feet of height above the lowest 16 feet of height of either structure. The minimum distance between a structure used for human habitation and a structure housing livestock, shall be 50 feet.

- (c) Minimum Parcel Size.

1. "A" District. The minimum average parcel size in net developable acres for new parcels created in the "A" Zone District outside the Urban Services Line (USL) shall be within the range of 2 1/2 - 20 or 10 - 40 acres per dwelling unit and shall be consistent with the requirements of the General Plan, the Local Coastal Program Land Use Plan and Chapter 13.14 of the County Code pertaining to Rural Residential Density Determinations. Land divisions shall not be allowed within the "A" Zone District on properties within the USL.
2. "CA" District. Parcels within the "CA" Zone District shall not be divided except for exclusive agricultural purposes pursuant to Section 13.10.315.

3. "AP" District. Parcels within the "AP" Zone District shall not be divided except for exclusive agricultural purposes pursuant to Section 13.10.315.
- (d) Buffer Requirements. Non-agricultural uses involving habitable spaces including residential development, farm labor housing, commercial or industrial establishments, etc., adjacent to parcels zoned Commercial Agriculture "CA", or Agricultural Preserve "AP" or farm labor housing located on "CA" or "AP" zoned land shall provide a buffer setback in accordance with the provisions of Section 16.50.095, and shall otherwise comply with the requirement of that Section. (Ord. 4037, 12/5/90)
- (e) Dwelling Group Densities.
1. "A" District. Dwelling groups within the "A" Agriculture Zone District may be allowed at a density per dwelling unit pursuant to Chapter 13.14 of the County Code pertaining to Rural Residential Density Determinations.
 2. "CA" District. Dwelling groups within the "CA" Commercial Agriculture Zone District may be allowed at a density of 40 acres per dwelling unit.
 3. "AP" District. Dwelling groups within the "AP" Agriculture Preserve Zone District may be allowed at a density of 40 acres per dwelling, with a maximum of five dwelling units.
- (f) Residential Uses on Coastal Zone Non Commercial Agricultural Land. Building permits for residential uses on parcels designated in the General Plan and Local Coastal Program Land Use Plan as agricultural land use and not as commercial agricultural land shall be issued only upon documentation that:
- (1) Residential use of the parcel will not conflict with on-site or adjacent agricultural activities; and
 - (2) The building site has approved agricultural buffer setbacks; and
 - (3) The residents and owners of the subject parcel have executed a binding hold-harmless covenant with adjacent agricultural operators and owners which shall run with the land and be recorded prior to occupancy.

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

- (g) Applicability of Other Regulations. Other development standards applicable to agricultural zone districts are contained in the following sections of Chapter 13.10:

SECTIONS

CCC Exhibit D
(page 3 of 5 pages)

General site standards	13.10.510, <u>et seq.</u>
Signs	13.10.580, <u>et seq.</u>
Parking	13.10.550, <u>et seq.</u>
Fences	13.10.525
Minimum parcel sizes	13.10.510(g)
Use of non-developable land	13.10.671
Trip reduction requirements (development projects for 50 or more employees)	13.10.591
Design review	13.11.010, <u>et seq.</u>
Agricultural buffers/setbacks	16.50.095

(Ord. 4314, 5/24/94; 4346, 12/13/94; 4406, 2/27/96)

13.10.314 REQUIRED SPECIAL FINDINGS FOR "CA" AND "AP" USES.

(a) All Uses. For parcels within the "CA" Commercial Agri-

culture and "AP" Agricultural Preserve Zone Districts, the following special findings must be made in addition to the findings required by Chapter 18.10 in order to approve any discretionary use listed under Section 13.10.312 which requires a Level V or higher Approval except Agricultural Buffer Determinations:

1. That the establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area.
2. That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or that no other agricultural use is feasible for the parcel.
3. That single-family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in the area.
4. That the use will be sited to remove no land from production (or potential production) if any nonfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production. (Ord. 4094, 12/11/90)

(b) Residential Uses in the Coastal Zone. For parcels within

the "CA" Commercial Agricultural and "AP" Agricultural Preserve Zone Districts in the Coastal Zone, the following special findings shall be made in addition to those required by Chapter 18.10 and paragraph (a) above in order to approve any discretionary residential use including a single family residence, a permanent caretaker's residence, or habit-

able accessory structure. These findings shall be based upon a review and determination by the Agricultural Policy Advisory Commission.

1. That the parcel is less than one acre in size; or that the parcel has physical constraints (such as adverse topographic, geologic, hydrologic or vegetative conditions) other than size which preclude commercial agricultural use; or that the residential use will be ancillary to commercial agricultural use of the parcel based upon the fact that either:

(i) The farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography and climate of the area; or

(ii) The owners of the subject parcel have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

2. That the residential use will meet all the requirements of Section 16.50.095 pertaining to agricultural buffer setbacks. (Ord. 3646, 5/7/85)

3. That the owners of the parcel have executed binding hold-harmless covenants with the owners and agricultural operators of adjacent agricultural parcels. Such covenants shall run with the land and shall be recorded prior to issuance of the Development permit. (Ord. 2622, 1/23/79; 2771, 9/11/79; 3015, 12/2/80; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

13.10.315 "CA" AND "AP" LAND DIVISION CRITERIA

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

1. All parcel divisions in the "CA" or "AP" Zone Districts shall be subject to a public hearing and approval at approval Level VII pursuant to Chapter 18.10.

2. All proposed parcel divisions within the "CA" or "AP" Zone Districts shall be reviewed by the Agricultural Policy Advisory Commission for a recommendation for approval or denial of the proposed division, and for a determination of the ability to make the special findings required by this section, the potential for conflicts from the proposed division, and where appropriate, the minimum parcel size necessary to allow for economic farming of the parcels.

3. No parcel division shall be permitted in the "CA" or "AP"

AGRICULTURE

Objective 5.13 Commercial Agricultural Land

(LCP) To maintain for exclusive agricultural use those lands identified on the County Agricultural Resources Map as best suited to the commercial production of food, fiber and ornamental crops and livestock and to prevent conversion of commercial agricultural land to non-agricultural uses. To recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands.

Policies

5.13.1 Designation of Commercial Agriculture Land

(LCP) Designate on the General Plan and LCP Resources and Constraints Maps as Agricultural Resource all land which meets the criteria (as defined in the General Plan Glossary) for commercial agricultural land.

5.13.2 Types of Agriculture Lands

(LCP) Maintain by County ordinance specific agricultural land type designations for parcels identified as commercial agricultural land based on the criteria set forth in the General Plan and LCP Land Use Plan* and maintain Agricultural Resources Maps, by County ordinance to identify the distribution of the following types of Commercial Agricultural Land in the County:

Type 1A — Viable Agricultural Land

Type 1B — Viable Agricultural Land in Utility Assessment Districts

Type 2A — Limited Agricultural Land

Type 2B — Limited Agricultural Land — Geographically Isolated

Type 2C — Limited Agricultural Land in Utility Assessment Districts

Type 2D — Limited Agricultural Land Experiencing Use Conflicts

Type 3 — Viable Agricultural Land Within the Coastal Zone

*See Glossary for detailed definition of Agricultural Land, Commercial .

5.13.3 Land Use Designations for Agricultural Resource Lands

(LCP) All lands designated as Agricultural Resource shall be maintained in an Agricultural Land Use designation, unless the property is included in a public park or biotic reserve and assigned as Parks, Recreation and Open Space (O-R), Resource Conservation (O-C), or Public Facility (P) land use designations.

5.13.4 Zoning of Agricultural Resource Land

(LCP) Maintain all lands designated as Agricultural Resource in the "CA", Commercial Agricultural Zone District, except for land in agricultural preserves zoned to the "AP", Agricultural Preserve Zone District or the "A-P", Agriculture Zone District and Agriculture Preserve Combining Zone District; timber resource land zoned to the "TP", Timber Production Zone District; or public parks and biotic conservation areas zoned to the "PR", Parks, Recreation and Open Space Zone District.

5.13.5 Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land

(LCP) Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural use. Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops and raising of animals including grazing and livestock production.

5.13.6 Conditional Uses on Commercial Agricultural (CA) Zoned Lands

- (LCP) All conditional uses shall be subject to standards which specify siting and development criteria; including size, location and density. Allow conditional uses on CA zoned lands based upon the following conditions:
- (a) The use constitutes the principal agricultural use of the parcel; or
 - (b) The use is ancillary incidental, or accessory to the principal agricultural use of the parcel; or
 - (c) The use consists of an interim public use which does not impair long term agricultural viability; and
 - (d) The use is sited to avoid conflicts with principal agricultural activities in the area; and
 - (e) The use is sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production.

5.13.7 Agriculturally Oriented Structures

Allow only agriculturally oriented structures or dwellings on Commercial Agricultural Land; prohibit non-agricultural residential land use when in conflict with the fundamental objective of preserving agriculture.

5.13.8 Location of Agricultural Support Facilities

Require agricultural support facilities, where permitted on designated Agricultural lands, to locate either off good agricultural soils, or when this is not feasible, on the perimeter of good agricultural soils.

5.13.9 Utility District Expansion

- (LCP) Prohibit the expansion of County-controlled sewer district boundaries, and oppose the expansion (through annexation) of special district, or municipal, sewer or water boundaries, onto Types 1 and 3 Commercial Agricultural Land.

5.13.10 Water and Sewer Lines in the Coastal Zone

- (LCP) Prohibit the placement of water or sewer lines on commercial agricultural lands in the Coastal Zone. Allow exceptions to this policy only under the following circumstances and require safeguards (See 5.13.11) to be adopted which ensure that such facilities will not result in the conversion of commercial agricultural lands to non-agricultural uses:
- (a) Allow water transmission lines from the North Coast to the City of Santa Cruz and allow service lines to be placed on commercial agricultural lands for the purpose of irrigation and related agricultural uses.
 - (b) Allow sewer transmission lines to and from the City of Watsonville sewage treatment plant to cross commercial agricultural lands without service to the affected parcels.
 - (c) Allow water and sewer lines to be placed on commercial agricultural lands to serve existing development which has failing wells and/or sewage disposal systems.

5.13.11 Protection for Water and Sewer Lines

- (LCP) For the purposes of policy 5.13.10, safeguards shall include, but not be limited to:
- (a) Prohibiting hookups to trunk lines through commercial agricultural lands, and
 - (b) Prohibiting the levying of assessment fees against commercial agricultural land for the construction of sewage transmission lines running through them.
- (See Wastewater policies, section 7.21)

5.13.12 Energy Efficiency and Resource Protection

Encourage energy-efficient and resource protection agricultural practices such as organic farming, integrated pest management, biodynamic cultivation and utilization of agricultural wastes for on-site energy production. (See program e.)

5.13.13 Composting Agricultural Wastes

- (LCP) Encourage the composting of agricultural wastes and the use of composts in agriculture production, as a means of reducing irrigation water demand and reducing solid waste disposal requirements. Allow the commercial composting of source separated organic material such as yard waste on agricultural land with an approved development permit, including coastal development permits, subject to health and water quality requirements.

CCC Exhibit E

(page 2 of 10 pages)

LAND DIVISIONS ON COMMERCIAL AGRICULTURAL LAND

5.13.14 Type 1A and Type 3 (Viable Agriculture) Land Division Criteria

(LCP) Maintain existing parcel sizes of Type 1A and Type 3 Agricultural Lands and allow land divisions only for exclusive agricultural purposes under the following conditions:

- (a) When documented to be necessary for continued commercial agricultural use of the parcels,
- (b) When determined not to be detrimental to the economic viability of said parcels, adjoining or nearby parcels,
- (c) Where all parcels involved will be of sufficient size to allow for economic farming of the parcels. In no case shall the minimum parcel size in new land divisions be smaller than 10 arable acres for Type 1 lands, nor smaller than 20 arable acres for Type 3 lands, and
- (d) Where no conflicts with adjacent agricultural operations result from the land division.

5.13.15 Agricultural Preserve Contracts

(LCP) Agricultural Preserve (Williamson Act) contracts and a covenant enforceable by the County to prohibit the use of the subject parcel for non-agricultural purposes shall be recorded on the property title prior to filing Final Maps, for all parcels created by land divisions.

5.13.16 Dividing Off Non-Farmable Land

(LCP) Land divisions for the purpose of using the new parcel(s) for non-agricultural uses or for the purpose of dividing off land not usable for agriculture shall not be permitted, except as provided in policy 5.13.18.

5.13.17 Division Must Not Hamper Long Term Agriculture

(LCP) No proposed division shall be approved except where it is shown that such division will not hamper or discourage long-term commercial agricultural operations.

5.13.18 Dividing Off Non-Designated Land For Public Purposes

(LCP) Property with a minimum parcel size of 40 gross acres may have that portion of the land without a commercial agricultural zone district designation divided from that portion with such a designation only under the following circumstances:

- (a) The division is for a public purpose on land in public ownership;
- (b) Potential use of the divided-off parcel will not adversely impact the agricultural activities of the commercial agricultural area;
- (c) There is little likelihood for subsequent intrusion of non-agricultural development into larger, exclusively agricultural area; and
- (d) The divided-off property is at the edge of an agricultural area and is physically separated from the adjacent agriculture by topographic features, extensive vegetation, or physical structures; or the non-agricultural land is part of an agricultural parcel which exists separately from other agricultural areas.

5.13.19 Type 2 (Limited Agriculture) Land Division Criteria

Allow division of Type 2 Agricultural Land only for agricultural purposes, but in no case to smaller than a 20 arable acre minimum parcel size for new land divisions.

CONVERSION OF COMMERCIAL AGRICULTURAL LANDS

5.13.20 Conversion of Commercial Agricultural Lands

(LCP) Consider development of commercial agricultural lands to non-agricultural uses only under the following circumstances:

- (a) It is determined that the land is not viable for agriculture and that it is not likely to become viable in the near future (See policy 5.13.21);
- (b) Findings are made that new information has been presented to demonstrate that the conditions on the land in question do not meet the criteria for commercial agricultural land; and
- (c) The conversion of such land will not impair the viability of, or create potential conflicts with, other commercial agricultural lands in the area.

5.13.21 Determining Agricultural Viability

(LCP) Require a viability study conducted in response to an application which proposes to convert agricultural land to non-agricultural land to include, but not be limited to, an economic feasibility evaluation which contains at least:

- (a) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of filing the application.
- (b) 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 filing the application.
- (c) An identification of the geographic area used in the analyses. The area shall be of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for the land stated in the application.

Recommendations regarding viability shall be made by the Agricultural Policy Advisory Commission based on evaluation of the viability study and the following criteria: parcel size, sizes of adjacent parcels, degree of non-agricultural development in the area, inclusion of the parcel in utility assessment districts, soil capabilities and topography, water availability and quality, and proximity to other agricultural use.

5.13.22 Conversion to Non-Agricultural Uses Near Urban Areas

(LCP) Prohibit the conversion of agricultural lands (changing the land use designation from Agriculture to non-agriculture uses) around the periphery of urban areas except where it can be demonstrated that the viability of existing agricultural use is already severely limited by conflicts with the urban uses, where the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development and where the conversion of such land would not impair the viability of other agricultural lands in the area. Within the Sphere of Influence of the City of Watsonville, no conversion of agricultural land is allowed which would adversely affect the city's General Plan affordable housing goals, unless determined to be of an overriding public benefit. (See policy 2.1.5.)

RESOLVING OPERATIONAL AND LAND USE CONFLICTS

5.13.23 Agricultural Buffers Required

(LCP) Require a 200 foot buffer area between commercial agricultural and non-agricultural land uses to prevent or minimize potential land use conflicts, between either existing or future commercial agricultural and non-agricultural land uses.

5.13.24 Agricultural Buffer Findings Required for Reduced Setbacks

(LCP) A 200 foot buffer setback is required between habitable development and commercial agricultural land (including residential development, farm labor housing, commercial or industrial establishments on commercial agricultural land), unless a lesser distance is established as set forth in the Agricultural Land Preservation and Protection ordinance. Any amendments to the language of the agricultural buffer ordinance shall require a finding demonstrating that agricultural lands shall be afforded equal or greater protection with the amended language.

5.13.25 Agricultural Policy Advisory Commission Review

(LCP) Require the following projects to be reviewed by the Agricultural Policy Advisory Commission for the purpose of recommending an appropriate setback and/or buffer area of non-developable land adjacent to commercial agriculture lands, consistent with the Agriculture Preservation and Protection ordinance:

- (a) Habitable structures within 200 feet of commercial agricultural lands, and
- (b) Land divisions within 200 feet of commercial agricultural lands.

Density Credit shall be given for the buffer area.

5.13.26 Windbreaks

(LCP) Buffers shall include windbreaks designed to reduce or eliminate the hazard of pesticide drift or other use conflicts based on the prevailing wind direction.

5.13.27 Siting to Minimize Conflicts

(LCP) Structures shall be sited to minimize possible conflicts with agriculture in the area. Where structures are located on agricultural land, the structures shall be sited in such a manner to remove as little land as possible from production.

5.13.28 Residential Uses on Commercial Agricultural Land

(LCP) Issue residential building permits pursuant to policy 5.13.32 in areas designated as commercial agricultural land, only upon documentation that:

- (a) The residential use will be ancillary to commercial agricultural use of the parcel (See criteria in policy 5.13.29); or
- (b) The parcel is less than one net acre in size or has physical constraints other than size which preclude commercial agricultural use.

In either case, residential development shall be allowed only if the residential use does not conflict with on-site or adjacent agricultural activities and the building site has approved agricultural buffer setbacks.

5.13.29 Residential Use Ancillary to Commercial Agriculture

(LCP) Utilize the following criteria for determining when a residential use would be ancillary to commercial agriculture:

- (a) Documentation that the farmable portion of the subject parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops other than greenhouses suited to the soils, topography, and climate of the area; or
- (b) Documentation that the owners have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel by another party; and
- (c) Documentation that, concurrent with each of the above, the structure is sited in such a manner so as to minimize possible conflicts with commercial agriculture in the area, and to remove no land from production (or potential production) if any unfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

5.13.30 Farm Labor Housing

Allow farm operations to locate farm labor housing within commercial agricultural areas on unfarmable portions of the property, if available, sited so as to not create health problems from pesticides, herbicides and other adjacent agricultural activities, and with adequate buffering based on recommendations of the Agricultural Policy Advisory Commission.

5.13.31 Agricultural Notification Recordation for Land Divisions

(LCP) Continue to require an Agriculture Notification statement to be included on the Final Map or Parcel Map and in each parcel deed for land divisions within 200 feet of commercial agriculture land in accordance with the Subdivision Regulations ordinance. The purpose of the statement is to inform property owners about adjacent agricultural practices, and advise them to be prepared to accept such inconvenience or discomfort from normal operations.

5.13.32 Agricultural Statement of Acknowledgement

(LCP) In accordance with the Agricultural Land Preservation and Protection ordinance and the Subdivision Regulations ordinance, continue to require, prior to issuance of building permits, the recordation of a Statement of Acknowledgement or evidence that the statement has already been made part of the parcel deed, for parcels within 200 feet of commercial agricultural land as identified on the Agricultural Resources Maps and General Plan and LCP Land Use Maps. The purpose of the statement is to inform property owners about adjacent agricultural practices, and advise them to be prepared to accept such inconvenience or discomfort from normal operations. Where a reduction of the 200 foot buffer is approved, such deed notice shall also contain a statement that the permanent provisions and maintenance of the specified buffer setback shall be required, and shall include a notice of any requirement for fencing, vegetative screening and/or other barrier that has been incorporated as part of the required buffer.

5.13.33 Density on Parcels Adjacent to Commercial Agricultural Lands

Require, in rural areas (i.e., areas outside the Urban Services Line and Rural Services Line), minimum densities of 2.5 net developable acres for newly created residential parcels which adjoin Commercial Agricultural Land except where the General Plan and LCP Land Use Map provides for suburban densities and

- (a) The new parcels constitute infill development within the mapped Suburban designation,
- (b) The resulting parcel sizes will be no smaller than the smallest existing conforming parcel within that designation which adjoins said agricultural land, and
- (c) The Agricultural Policy Advisory Commission has recommended that parcel sizes smaller than 2.5 net developable acres will not conflict with or otherwise hamper or discourage long-term commercial agricultural uses of said agricultural lands.

5.13.34 Mountain View Industrial Park (APN: 051-201-70)

Allow the continued operation of an Agricultural Service Establishment under a Master Occupancy Program Permit on the proposed 1.8 acre parcel (Parcel C) and a Minor Land Division to subdivide Assessor's Parcel Number (APN) 051-201-70 into two parcels of 1.8 and 45.8 acres, including an amendment of the Agricultural Resource General Plan maps to remove the Agricultural Resource designation from the proposed 1.8 acre parcel, based on the findings and conditions of Permit 95-0392.

Programs

- a. Continue efforts to identify, designate and update commercially important agricultural lands on the adopted Agricultural Resources Map. (Responsibility: Agricultural Policy Advisory Commission, Planning Department, Board of Supervisors)
- b. For Type 1B and 2C commercial agricultural land, formulate a procedure to provide equitable compensation to the affected parcels because of their inclusion within the Salsipuedes and Freedom County Sanitation Districts. (Responsibility: Planning Department, Sanitation Districts, Board of Supervisors)
- (LCP) c. Oppose expansion of municipal boundaries which would include commercial agricultural land in the Coastal Zone within municipal boundaries. (Responsibilities: Board of Supervisors)
- (LCP) d. Request LAFCO to adopt policies to prohibit such urbanization of commercial agricultural land in the Coastal Zone. (Responsibility: Board of Supervisors)
- (LCP) e. Require the development and application of integrated pest management programs for Coastal Zone crops as one means of minimizing pesticide related land use conflicts. (Responsibility: Agricultural Commissioner, Agricultural Policy Advisory Commission, University Cooperative Extension)
- (LCP) f. Develop a program for existing housing in agricultural areas to encourage and/or provide wind shelter from pesticide drift or dust. (Responsibility: Planning Department)

Objective 5.14 Non-Commercial Agricultural Land

- (LCP) To encourage and provide for limited agricultural uses, such as small-scale agriculture and community gardens, on the limited amount of agricultural land remaining in the County which is not designated as commercially viable, in order to maintain a diversity of farm operations and to maintain productive open space and rural character.

Policies

5.14.1 Uses Allowed on Non-Commercial Agricultural (A) Zoned Lands (Agricultural Land Use Designation with Agricultural Zone District)

- (LCP) On land designated Agricultural on the General Plan and LCP Land Use Maps, but not Agricultural Resource on the Agricultural Resources Maps, allow the following range of uses based on parcel size.
- (a) On parcels 2.5 acres or smaller in size, allow one residence and accessory uses; agricultural uses; open space uses; recreational uses and community facilities where these uses can be shown to not conflict with any adjacent agricultural activity.
 - (b) On parcels over 2.5 acres in size, allow a range of agricultural uses, including both commercial and non-commercial agricultural activities; one residence; publicly owned and operated landfill as an interim use; or other uses where these uses are consistent with the Coastal Act, and where these uses can be shown to not conflict with any adjacent agricultural activity.
 - (c) Agricultural service establishments according to siting criteria for the location of such businesses. Siting criteria shall include the following: the business shall be compatible with the agricultural area and support farming operations in the area; potential business sites will not conflict with agricultural practices or residential uses; and potential business sites will afford maximum protection of agricultural production and resource values.

5.14.2 Non-Commercial Agriculture Lands in Urban Areas Without Services

- (LCP) Designate non-commercial agricultural lands within the Urban Services Line, where urban services are not present, as Agriculture. Maintain agricultural uses and associated parcel sizes in these areas until such time as a commitment to extend services has been made and lands are determined to be no longer viable for agricultural production, per policies 5.13.19, 5.13.20 and 5.13.21. If these lands are determined not to be viable for agriculture, they can be changed from Agriculture to another appropriate land use category without raising the issue of loss of essential agricultural resources.

5.14.3 Non-Commercial Agricultural Lands In Urban Areas with Services

- (LCP) Within the Urban Services Line, allow continuing organic agricultural farming on agriculturally productive land, where the activity does not adversely impact the adjacent residential neighborhood development.

5.14.4 Orchard Near Deer Park Center

- (LCP) Maintain the agricultural designation for parcel 044-011-27: the orchard adjacent to Deer Park, and Highway 1.

5.14.5 Encourage Farming

Encourage the use of rural lands for farming use to the extent that topography, soil, climate and water supply will allow.

5.14.6 Encourage Tree Crops and Green Fields

Encourage the pursuit of agriculture, particularly tree crops and open field horticulture, to provide visually pleasing open space.

5.14.7 Encourage Water Conservation

(LCP) Encourage all agricultural users to implement water conservation measures in areas subject to overdraft. Support water conservation in the following ways:

- (a) Provide accurate, comprehensive information relating to optimal timing and amount of irrigation.
- (b) Consider economic assistance to farmers or water management agencies as an incentive to install water conserving irrigation and well systems.
- (c) Develop and distribute information on changing cropping patterns to revise water requirements.
- (d) Promote efficient irrigation techniques such as spray, drip, tailwater reuse, or conversion to crops using less water.
- (e) Discourage practices which involve an intensification of water use.

5.14.8 Encourage Biomass Cultivation

Encourage the cultivation of crops for biomass fuels without displacing existing agricultural production, especially when such biomass production makes use of marginal land or of crop residues and when the fuel or energy produced is consumed within Santa Cruz County.

5.14.9 Live Oak Agricultural Parcels

Support the continued agricultural use of APNs 29-061-06 and 29-201-04 limited to the organic farming of crops in a manner which does not adversely impact the adjacent residential neighborhood and development.

GENERAL AGRICULTURAL POLICIES

5.14.10 Development on Non-Commercial Agricultural Land

Apply policies 5.13.9, 5.13.11 and 5.13.12 to discretionary development on non-commercial agricultural land.

5.14.11 Visual Mitigations For Large Agricultural Structures

(LCP) Require large scale agricultural structures, such as greenhouses, packing sheds, and closed storage structures to minimize their visual impact on designated scenic roads, beaches, or recreation facilities. Visual impacts shall be minimized by locating structures within or near existing groups of structures; using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except greenhouses); and/or using landscaping to screen or soften the appearance of structures. Prohibit location of such structures where they would block public ocean views. Shoreline facility structures shall be well screened. (See policies in section 5.10 and chapter 8: Community Design.)

Programs

- a. Maintain an Agricultural Policy Advisory Commission (APAC) for the purpose of providing the Board of Supervisors information on the County's agricultural industry, and evaluating matters referred to the Commission by the Board. Such duties shall include those specified in section 2.82 of the County Code. (Responsibility: Board of Supervisors, Planning Department)

- (LCP) b. Encourage the use of Agricultural Preserve contracts and agricultural conservation easements to maintain land in agricultural use. Investigate options for making such contracts and easements more attractive, such as changes in allowable uses or tax benefits. (Responsibility: Planning Department, Planning Commission, Agricultural Policy Advisory Commission, Board of Supervisors)
- (LCP) c. Where funding is available, use selective acquisition as a means for preserving small agricultural parcels in exclusive agricultural use. (Responsibility: Board of Supervisors)
- d. Investigate tax policies and other incentives for the conservation of agricultural lands, such as land banks. (Responsibility: County Counsel, County Assessor, Planning Department)
- e. Support tax assessments for agricultural land on the basis of land use. (Responsibility: Board of Supervisors, County Assessor)
- f. Ensure a continued sustainable supply of water for agricultural use through conservation, protection and development of surface and groundwater, utilization of excess domestic water, utilization of reclaimed wastewater, or importation of water from outside the County. (Responsibility: Board of Supervisors, Water Purveyors, Water Advisory Commission, Planning Department, Flood Control, Pajaro Valley Water Management Agency)
- g. Establish a program to manage irrigation runoff so that fertilizers and pesticides do not infiltrate watersheds, streams and groundwater basins, and to encourage the recycling of irrigation water for irrigation purposes. (Responsibility: Agricultural Commissioner, Agricultural Policy Advisory Commission, Planning Department, Pajaro Valley Water Management Agency, University of California Cooperative Extension)

LAND DIVISIONS ON NON-COMMERCIAL AGRICULTURAL LAND

5.14.12 Non-Commercial Agricultural Land Division and Density Requirements

- (LCP) Encourage the conservation of productive and potentially productive agricultural lands through retention of large parcels and a minimum parcel size of 10-40 net developable acres, based on the Rural Density Matrix, for lands designated for Agriculture but which are not identified as commercial agricultural land. Utilize the following criteria for land divisions and residential development proposals on land designated Agriculture but not designated as commercial agricultural lands on the General Plan and LCP Resources and Constraints Maps:
- (a) Based on the Rural Density Matrix, the minimum parcel size shall be 10-40 net developable acres and the maximum residential density on an existing parcel of record shall not exceed one unit per 10-40 net developable acres.
- (b) Division or development of parcels may be allowed at densities of 2 1/2-20 net developable acres under the following conditions:
- (1) The land has been determined to be non-viable for commercial agriculture, as determined by policies 5.13.20 and 5.13.21, and that continued or renewed agricultural use is not feasible;
 - (2) Adequate buffering can be provided between any proposed non-agricultural use and adjacent commercial agricultural uses, as specified in the County Code;
 - (3) All proposed building sites are within 1/2 mile of a through County-maintained road; and
 - (4) Less than 50 percent of the land area within 1/4 mile of the subject property is designated as agricultural resource and/or Mountain Residential.