



CHAPTER 16.50 AGRICULTURAL LAND PRESERVATION AND PROTECTION

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

- 16.50.010 Purposes.
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The provision regarding equitable compensation has been removed from SCCC 16.50.010 because this is a project-specific legal issue.

16.50.010 Purposes.

- (A) The Board of Supervisors of Santa Cruz County finds that commercially viable agricultural land exists within the County, that it is in the public interest to preserve and protect this land for exclusive agricultural use and to enhance and encourage agricultural operations within the County, and that certain agricultural land in the County, not presently of commercial value, also merits protection. The Board of Supervisors of Santa Cruz County also finds that nonagricultural development adjacent to certain of these lands often leads to restrictions on the County's agricultural industry as a whole. It is the determination of the Board of Supervisors that residents living near agricultural land should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a County with a strong rural character and healthy agricultural sector so long as the agricultural operations are conducted in accordance with Federal, State, and local laws and regulations.
- (B) The purposes of this chapter, therefore, are to promote the public health, safety and welfare; to support and encourage continued agricultural operations in the County, to implement the policies of the Santa Cruz County General Plan, the Local Coastal Program Land Use Plan, and the 1978 Growth Management Referendum (Measure J) by designating those commercial agricultural lands the County intends to preserve and protect for exclusive agricultural use, and by protecting noncommercial agricultural land; to support and encourage continued agricultural operations in the County; to maintain in exclusive agricultural use commercial agricultural land which is located within utility assessment districts, ~~while recognizing that equitable compensation may be due because of the assessment district caused encumbrances;~~ and to forewarn prospective purchasers and residents of property adjacent to agricultural operations of the necessary sounds, odors, dust and hazardous chemicals that accompany agricultural operations. It is an additional purpose of this chapter to ensure the maximum protection of commercially viable agricultural land by weighting decisions, in cases where there is not clear evidence of the unsuitability of the agricultural land, in favor of the preservation of the land for agricultural use.
- (C) Accordingly, no agricultural activity, operation, or facility or appurtenances thereof shall be or become a nuisance, public or private, if it has been conducted and maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations, and in a manner consistent with all applicable ~~Federal~~federal, State and local laws, regulations, permits and approvals, and the conditions thereof, after it has been in operation for more than three years if it was not a nuisance when it began. This is not to be construed as in any way modifying or abridging ~~Federal~~federal or State law, or any other applicable provision of State law relative to nuisances;



rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.

Annual notification to landowners has been removed from the scope because this is not necessary and does not reflect County practice. Notification occurs as needed.

16.50.015 Scope.

This chapter establishes a system for classifying various types of commercial agricultural land in Santa Cruz County, including specific criteria for applying each different agricultural resource land type designation and a procedure and findings for amending such designations. This chapter also contains the development regulations which apply to commercial agricultural land, including reference to the specific criteria in the ~~zoning~~ Zoning Ordinance Ordinance (Chapter 13.10 SCCC 13.10) which govern the division of commercial agricultural parcels. Policy regulating divisions of noncommercial agricultural land, requirements pertaining to “buyer beware” notification, ~~annual notification to landowners~~ regarding nuisance, and regulations for agricultural buffer setbacks are also established in this chapter.

SCCC 16.50.020 is repealed because per draft SCCC 18.60.050(B), Chapter 16.50 SCCC is part of the Santa Cruz County Local Coastal Program and any amendment to this chapter or any of the chapters listed in 18.60.050(B) constitutes an LCP amendment.

16.50.020 ~~Amendment.~~

~~Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.10 SCCC, and shall be subject to approval by the California Coastal Commission.~~

Existing definitions have been updated to provide clarity and the definition of “agricultural use” has been added to provide more exact direction on when and how agricultural land should be preserved.

16.50.025 Definitions.

(A) “Acquiring party,” for purposes of this chapter, in a sale, exchange, installment land sale contract, option to purchase, or residential stock cooperative improved with residential units, refers to the individual or entity that will or may acquire ownership of the property through the



transfer. In a ground lease coupled with improvements, the “acquiring party” refers to the tenant.

(B) “Agricultural resource land”, for purposes of this chapter, means all that real property within the boundaries of Santa Cruz County that is defined as designated as agricultural resource land commercial agricultural land in the General Plan—Local Coastal Program Land Use Plan. Agricultural resource land is also referred to as commercial agricultural land.

(C) “Agricultural operations” includes, but is not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including yet not limited to viticulture, horticulture, mushroom farming, insectaries, apiculture, raising of livestock, fur bearing animals, fish or poultry; growing, raising, breeding, harvesting, or processing of any living organism and any agricultural practices, including composting, aerial or terrestrial application of fertilizers and pesticides, performed as incidental to or in conjunction with such operation, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

(D) “Agricultural use” means agricultural activities including but not limited to the cultivation and tilling of soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodity such as viticulture, horticulture, apiculture, the raising of livestock and poultry, agricultural processing, and other practices ancillary to a farming operation such as delivery to storage or market, and delivery to carriers for transport to market, all subject to the policies and regulations, standards and criteria in the General Plan and SCCC.

(E) “Nuisance” has the same meaning as defined in California Civil Code Section 3479 that reads, in part, “[a]nything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the use of property, so as to interfere with the comfortable enjoyment of life or property . . . is a nuisance.”

(F) “Pest” means any of the following that is, or is liable to become, dangerous or detrimental to the agricultural or nonagricultural environment of the County:

(A)(1) Any insect, predatory animal, rodent, nematode, or weed.

(B)(2) Any form of terrestrial, aquatic, or aerial plant or animal, virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living humans or other living animals).

(C)(3) Anything that the State Secretary of Food and Agriculture or the Director of Pesticide Regulation, by regulation, declares to be a pest.

(G) “Pesticide” includes any of the following:

(A)(1) Any spray adjuvant.



~~(B)~~(2) Any substance or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined above, which may infest or be detrimental to vegetation, humans, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.

(H) “Transfer,” for the purposes of this chapter, includes the following: sale, exchange, installment land sale contract, lease with option to purchase, any other option to purchase, or ground lease coupled with improvements or residential stock cooperative improved with residential units.

(I) “Transferor,” for purposes of this chapter, in a sale, exchange, installment land sale contract, option to purchase, or residential stock cooperative improved with residential units, refers to the individual or entity that owns the property immediately before the transfer. In a ground lease coupled with improvements, the “transferor” refers to the owner of the leased premises ~~and any property manager employed by the owner to manage the leased premises.~~

SCCC 16.50.030 and 16.50.040 have been updated to clarify that not all agricultural resource land is zoned Commercial Agriculture (CA).

16.50.030 Designation of agricultural resource land types.

The agricultural resource lands designated by the County General Plan shall be further classified into the following agricultural land types identified in the County GIS System as “Agricultural Resources,” as shown on the map on file in the Planning Department entitled “Agricultural Resources,” and as amended from time to time. These types of agricultural land shall be defined individually and in the aggregate as “agricultural resource land” ~~or and are typically zoned “commercial agriculture agricultural land.” (CA).~~ Commercial agricultural resource land also includes all land which is enforceably restricted with a Land Conversation Act contract for agricultural ~~preserve~~ preservation.

Table 16.50.030-01: Agricultural Resource Land Types	
Type 1A	Viable Agricultural Land
Type 1B	Viable Agricultural Land in Utility Assessment Districts
Type 2A	Limited Agricultural Lands in Large Blocks
Type 2B	Geographically Isolated/Limited Agricultural Lands
Type 2C	Limited Agricultural Lands in Utility Assessment Districts
Type 2D	Limited Agricultural Lands Experiencing Use Conflicts
Type 2E	Vineyard Lands
Type 3	Coastal Zone Prime Agricultural Land



16.50.040 Criteria for designation.

The following criteria shall be used to determine into which agricultural land type the ~~commercial~~ agricultural resource lands (commercial agricultural land) of the County will be classified:

- (A) Type 1 “Commercial Agricultural Land.” This type is for viable agricultural lands outside the Coastal Zone which have been in, or have a history of, commercial agriculture over a long period of time, and are likely to continue to be capable of commercial agricultural use in the foreseeable future.
- (1) Type 1A “Viable Agricultural Land.” Type 1A agricultural lands comprise areas of known high productivity which are not located in any utility assessment district for which bonded indebtedness has been incurred. These lands essentially meet the U.S. Department of Agriculture Soil Conservation Service and the California Department of Food and Agriculture criteria for “prime” and “unique” farmland and “prime” rangeland.
 - (2) Type 1B “Viable Agricultural Land in Utility Assessment Districts.” This type includes viable agricultural lands, as defined above, which are within a utility assessment district for which bonded indebtedness has been incurred, except agricultural preserves.
- (B) Type 2 “Commercial Agricultural Land.” This category is for agricultural lands outside the Coastal Zone which would be considered as Type 1A, except for one or more limiting factors, such as parcel size, topographic conditions, soil characteristics or water availability or quality, which may adversely affect continued productivity or which restrict productivity to a narrow range of crops. Despite such limitations, these lands are considered suitable for commercial agricultural use. Type 2 agricultural lands are currently in agricultural use (on a full-time or part-time basis); or have a history of commercial agricultural use in the last 10 years (the Agricultural Resources map generally reflects conditions as of 1982 when agricultural designations were established) and are likely to continue to be capable of agricultural use for a relatively long period. In evaluating amendments to Type 2 designations the preceding factors, along with adjacent parcel sizes, degree of nonagricultural development in the area and proximity to other agricultural uses, shall be considered in addition to the criteria listed under each individual type below.
- (1) Type 2A “Limited Agricultural Lands in Large Blocks.” These lands are in fairly large blocks, are not in any utility assessment district which has incurred bonded indebtedness, and are not subject to agricultural-residential use conflicts.
 - (2) Type 2B “Geographically Isolated Agricultural Land with Limiting Factors.” This category includes agricultural lands with limiting factors which are geographically isolated from other agricultural areas. These lands are not in a utility assessment district which has incurred bonded indebtedness and are not subject to agricultural-residential use conflicts.



- (3) Type 2C “Limited Agricultural Lands in Utility Assessment Districts.” This type includes agricultural lands with limiting factors which are in a utility assessment district which has incurred bonded indebtedness.
- (4) Type 2D “Limited Agricultural Lands Experiencing Use Conflicts.” These are agricultural lands with limiting factors which are experiencing extreme pressure from agricultural-residential land use conflicts such as pesticide application, noise, odor or dust complaints, trespass or vandalism.
- (5) Type 2E “Vineyard Lands.” These are agricultural lands that may or may not be located on lands zoned “Commercial Agriculture” (“CA”), and often occur in the Rural Residential (RR), Special Use (SU) Agricultural (A), and Rural Residential (RA).rural residential (RR), special use (SU) and non-commercial agricultural (A, RA) zone districts.

(C) Type 3 Coastal Zone Prime Agricultural Land. This category includes all of the following lands outside the urban services line and the rural services line within the Coastal Zone in Santa Cruz County:

- (1) Land which meets the U.S. Department of Agriculture Soil Conservation Service criteria of prime farmland soils and which are physically available (i.e., open lands not forested or built on) for agricultural use.
- (2) Land which meets the California Department of Food and Agriculture criteria for prime rangeland soils and which are physically available (i.e., open lands not forested or built on) for agricultural use.
- (3) Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years, and which normally return during the commercial bearing period on an annual basis from the production of unprocessed plant production not less than \$200.00 per acre; the \$200.00 per acre value shall be utilized to establish a base value per acre as of 1965. This base value per acre figure shall be adjusted annually in accordance with any change in the San Francisco Bay Area Consumer Price Index to reflect current values.
- (4) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200.00 per acre for three of the five previous years, as provided in subsection (C)(3) of this section.
- (5) Land which meets the California Department of Food and Agriculture criteria for unique farmland of Statewide importance and which is physically available (i.e., open lands not forested or built on) for agricultural use. The criteria for “prime farmland soils,” “prime

SCCC 16.50.050 has been updated to clarify the process, roles and responsibilities involved in amendments to agricultural resource land designations.



rangeland soils,” and “unique farmland of Statewide importance” are further defined in the General Plan and Local Coastal Program ~~Land Use Plan~~ glossary.

16.50.050 Amendment of designations.

- (A) Amendments to the designations of agricultural resource land types may be initiated by an applicant, the Board of Supervisors, the Planning Commission, the Agricultural Policy Advisory Commission or the Planning Director Department. Consideration of such proposals for the addition, removal or change of agricultural resource land type designations shall be limited to instances where new information has become available regarding the appropriateness of specific designations based on the criteria set forth under SCCC 16.50.040.
- (B) Applications for amendments to the designation of agricultural resource land types shall be considered in accordance with the requirements of SCCC 18.50 (General Plan Administration) and/or 18.60 (Local Coastal Program Administration), and with the procedures established in approvals granted pursuant to this chapter shall be made in accordance with the requirements of Chapter SCCC 18.10 SCCC for consideration of legislative matters, for which the Board of Supervisors is the approving body, Level VII.
- (C) Applications to amend the designations of agricultural resource land types shall be reviewed periodically and are preferred to be on an annual basis timed to coincide with the Land Conservation Act/Agricultural Preserve application review process. All proposed amendments shall be subject to a report and environmental review by the Planning Director or designee Environmental Coordinator, a public hearing and recommendation by the Agricultural Policy Advisory Commission, and pursuant to ~~Chapter 18.10 SCCC, Level VII~~, a public hearing and recommendation by the Planning Commission, and a public hearing and final decision by the Board of Supervisors.
- (D) The Board of Supervisors, after a public hearing, may approve a proposed amendment, consisting of either the removal or change of a Type 1 or Type 2 designation if it makes the following findings:
- (1) That there has been new information presented, which was not available or otherwise considered in the original decision to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses;
 - (2) That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in SCCC 16.50.040, for the existing agricultural land type designation for said parcel(s); and



- (3) That the proposed amendment will meet the intent and purposes of the agricultural land preservation and protection ordinance and the commercial agriculture zone district ordinance.
- (E) The Board of Supervisors may, after a public hearing, approve amendments to remove a Type 3 designation and the subsequent conversion (changing the land use designation from agriculture to nonagriculture uses) of agricultural lands, only if it makes the following findings:
- (1) That there has been new information presented, which was not available or otherwise considered in the original decisions to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses; ~~and~~
 - (2) That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in SCCC 16.50.040, for the existing agricultural land type designation for said parcel(s); ~~and~~
 - (3) That the proposed amendment will meet the intent and purposes of the agricultural land preservation and protection ordinance and the commercial agriculture zone district ordinance; ~~and~~
 - (4) That the viability of existing or potential agricultural use on the periphery of urban areas (as defined by the urban services line or rural services line) is already severely limited by conflicts with the urban uses; the evaluation of agricultural viability shall 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; and
 - (b) 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 application.
 - (5) That the conversion of such land on around the periphery of the urban areas (as defined by the urban services line or rural services line) would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development; and
 - (6) That the conversion of such land would not impair the viability of other agricultural lands in the area.
- (F) Any amendment to eliminate or add a Type 1, Type 2 or Type 3 agricultural land designation constitutes a change in the County General Plan and must be processed concurrent with a General Plan amendment. Any amendment of a Type 3 designation also constitutes a change in



the Local Coastal Program Land Use Plan which must be processed concurrently with a land use plan amendment subject to approval by the State Coastal Commission.

16.50.060 Fees.

Fees for applications to amend designations of agricultural land types shall be set by resolution of the Board of Supervisors.

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

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

16.50.070 Preservation of Type 1 agricultural lands.

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

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



16.50.075 Preservation of Type 2 agricultural lands.

- (A) Lands designated as Type 2 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District, or if within an area designated as a timber resource, be maintained in the Timber Production (“TP”) Zone District, or if within a public park owned either by a public agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation (“PR”) Zone District. Type 2 land shall not be rezoned to any other zone district unless the Type 2 designation is first removed pursuant to SCCC 16.50.050.
- (B) ~~Santa Cruz County shall not approve~~ land division applications for parcels with a Type 2 designation shall not be approved, except where it is shown, pursuant to SCCC 13.10.315, that the viability of the land for commercial agricultural use will not be reduced by such land division.

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

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

16.50.080 Preservation of Type 3 agricultural lands.

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



- (B) ~~Santa Cruz County shall not approve~~ Land divisions for parcels within the Type 3 designation shall not be approved, except where such land divisions meet the requirements set forth in SCCC 13.10.315.
- (C) Santa Cruz County shall prohibit the placement of sewer or water lines on Type 3 agricultural land, other than for agricultural use; to serve existing development that has failing wells and/or sewage disposal systems; or to prevent saltwater intrusion, recharge groundwater basins, or provide tertiary treated wastewater for agricultural purposes in areas served by the Pajaro Valley Water Management Agency, ~~on Type 3 agricultural land.~~ Sewer transmission lines to and from the City of Watsonville sewage treatment plant and raw water transmission lines from North Coast sources to the City of Santa Cruz shall be exempt from this policy only if with safeguards to ensure ~~are adopted which assure~~ that such facilities will not result in the conversion of Type 3 agricultural lands to nonagricultural uses. Such safeguards shall include, but not be limited to:
- (1) Deed restrictions to prohibit hookups to trunk lines through agricultural lands, except where hookup to trunk lines is necessary to provide access to water and sewer service pursuant to this section; and
 - (2) Prohibit the levying of assessment fees against prime agricultural lands for the construction of sewage transmission lines running through them, unless at an appropriate rate for service to any allowed farmworker housing or other agricultural uses that may be approved by the County.
 - (3) Locating water and sewer lines on commercial agricultural land below the tillable soil depth, with buffers as may be advised by agricultural professionals.
- (D) ~~Santa Cruz County shall oppose~~ The expansion of municipal boundaries which to would include Type 3 agricultural land within municipal boundaries or the expansion of sewer district boundaries to include Type 3 agricultural land, shall be consistent with General Plan Policy ARC-1.1.13, Utility District Expansion and , except for the expansion of sewer district boundaries to serve existing development which has failing wells and/or sewage disposal systems, and where consistent with the General Plan policies BE-5.5.1 through BE-5.5.5 regarding development west of Watsonville. ~~Santa Cruz County shall oppose the expansion of municipal boundaries which would include Type 3 agricultural land within municipal boundaries, except for the expansion of sewer district boundaries to serve existing development which has~~



~~failing wells and/or sewage disposal systems, and where consistent with the General Plan policies BE-5.5.1 through BE-5.5.5 regarding development west of Watsonville.~~

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

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

16.50.085 Protection of noncommercial agricultural land.

- (A) The division of land which is designated in the General Plan as Agriculture ("AG"), agriculture land use but which is not designated as Type 1; ~~or~~ Type 2 ~~or~~ Type 3 agricultural resource (commercial agricultural) land shall be permitted only to minimum parcel sizes in the range of 10 to 40 acres per parcel based on ~~Chapter SCCC~~ 13.14 ~~SCCC~~ pertaining to rural residential density requirements. Where the Agricultural Policy Advisory Commission confirms that such land is not viable for commercial agricultural use, land divisions may be permitted to minimum parcel sizes in the range of two and one-half to 20 acres per parcel based on ~~Chapter SCCC~~ 13.14 ~~SCCC~~ unless the parcel is surrounded to the extent of 50 percent or more by of parcels lands within one-quarter mile of the subject property are designated in the General Plan as agricultural resource (commercial agricultural land) and/or mountain residential, and all proposed building sites are not within one-half mile of a through County maintained road and adequate buffering cannot be provided between any proposed nonagricultural use and adjacent commercial agricultural uses, in which case the minimum density shall ~~stay at~~ be 10 to 40 acres per parcel.
- (B) Land without a Type 1 or Type 2 designation may be divided from parcels with such a designation (including parcels subject to Land Conservation Act contracts) only when:
- (1) ~~The division is for a public purpose, and the potential~~ Potential use of the "removed" parcel will not adversely impact the agricultural activities of the larger area; and
 - (2) There is little likelihood for subsequent intrusion of nonagricultural development into larger, exclusively agricultural areas; and
 - (3) The "removed" property is at the edge of an agricultural area and is physically separated from the adjacent agriculture by topographic features, extensive vegetation, or physical structures; or the nonagricultural land is part of an agricultural parcel which exists separately from other agricultural areas; and
 - (4) A cancellation petition is filed, prior to filing of the final map, for the "removed" parcel when the property is subject to a Land Conservation Act contract.



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

SCCC 16.50.090 has been updated to clarify the notification and disclosure statement requirements regarding agricultural land in Santa Cruz County.

16.50.090 Notification and disclosure statement requirements.

- (A) A person who is acting as an agent for a transferor of real property which is located in the unincorporated portion of the County, or the transferor if ~~he or she is~~they are acting without an agent, shall disclose to the acquiring party that:



Santa Cruz County has a strong rural character and an active historical agricultural sector. As a property owner or lessee you should be prepared to accept properly conducted agricultural practices that are allowed for in Federal, State and County laws and regulations, are consistent with accepted customs and standards, and are operated in a non-negligent manner. Accepted agricultural practices that may cause inconveniences to property owners during any 24-hour period may include but are not limited to: Noise, odors, fumes, dust, smoke, pests, operation of farm equipment, storage and application and disposal of manure and the application of pesticides and fertilizers by ground or air. The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with Federal, State, and local law. Nothing herein is intended to limit rights under Federal, State, and local regulations governing pesticide use.

(B) The County Planning Director or designee ~~Building Official~~ shall require, prior to issuance of building permits for parcels within 200 feet of agricultural lands, as designated on the Agricultural Resources Map, either:

(1) Recordation of the following statement of acknowledgement by the owners of the property on a form approved by the Planning Director ~~Building Official~~:

The undersigned [Names] do hereby certify that they are the owner(s) of the real property commonly known as [Property Description]. The undersigned _____ do hereby certify to be the owner(s) of the hereinafter legally described real property located in the County of Santa Cruz, State of California: _____ and do hereby acknowledge that the property described herein is within 200 feet of land utilized for agricultural purposes and that residents or users of this property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including pesticides and fertilizers; and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting which occasionally generate dust, smoke, noise and odor. It is understood that the County has established a 200 foot agricultural setback (unless a lesser distance is formally approved through issuance of an Agricultural Buffer Reduction Permit) on the herein described property to separate agricultural parcels and nonagricultural uses involving habitable spaces to help mitigate these conflicts. Any development on this property must provide a buffer and setback as specified in County Code.

~~And~~ The undersigned further acknowledge that Santa Cruz County has established agriculture as a priority use on productive agricultural lands, and that residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations. The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with ~~Federal~~ federal, State, and local law. Nothing herein is intended to limit rights under ~~Federal~~ federal, State, and local regulations governing pesticide use.

This statement of acknowledgement shall be recorded and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs or assignees. The statements contained in this statement of acknowledgement are required to be disclosed to prospective purchasers of the property described herein, and are required to be included in any deposit receipt for the purchase of the described property, and in any deed conveying the described property.

Or, in the alternative:

(2) Evidence that the above statement has been made part of the parcel deed.

(C) ~~The County of Santa Cruz shall mail with the annual tax bill to all owners of real property in Santa Cruz County a copy of the following notification statement:~~





Santa Cruz County has a strong rural character and an active historical agricultural sector. As a property owner you should be prepared to accept properly conducted agricultural practices that are allowed for in Federal, State and County laws and regulations, are consistent with accepted customs and standards, and are operated in a nonnegligent manner. Accepted agricultural practices that may cause inconveniences to property owners during any 24-hour period may include but are not limited to: Noise, odors, fumes, dust, smoke, pests, operation of farm equipment, storage and application and disposal of manure and the application of pesticides and fertilizers by ground or air. The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with Federal, State, and local law. Nothing herein is intended to limit the rights of property owners under Federal, State, and local regulations governing pesticide use.

SCCC 16.50.095 has been updated and reorganized to clarify the purpose of agricultural buffers, the types of uses subject to these buffers, and exemptions and reductions to agricultural buffer requirements. New buffer requirements are added for farmworker housing, and new processing requirements are added for Agricultural Buffer Reduction Permits.

16.50.095 Agricultural buffer setbacks.

(A) The purpose of the agricultural buffer setback requirements is to prevent or minimize potential conflicts between either existing or future commercial agricultural and ~~habitable~~other land uses (i.e.g., residential, recreational, institutional, commercial or industrial) that involve habitable structures or other areas of intensive human activity. This buffer is designed to provide a physical barrier to noise, dust, odor, and other effects which may be a result of normal commercial agricultural operations such as: plowing, ~~discing~~ disking, harvesting, spraying or the application of agricultural chemicals and animal rearing.

(B) Buffer Requirements.

(1) Recording of deed notice. All development for which an agricultural buffer is required shall comply with ~~(3) Comply with~~ SCCC 16.50.090~~(6B)~~ and/or 14.01.407.5 pertaining to recording deed notices of adjacent agricultural use. Such deed notice shall contain a statement acknowledging the required permanent provision and maintenance of the agricultural buffer setbacks and any required barriers (e.g., fencing or vegetative screening).

(2B) Requirements for ~~Development~~ development projects. All development for habitable uses including residential habitable accessory structures and primary and accessory dwellings; for commercial, industrial, recreational, or institutional uses where the public will gather or be stationed for work; for agricultural uses involving intensive human activity (such as facilities for public assembly, sleeping quarters or workplace facilities where employees are stationed); and for outdoor areas designed for intensive human use; that are within 200 feet of the property line of any parcel containing Type 1, Type 2, or Type 3 commercial agricultural land shall: shall provide and maintain a 200-foot buffer setback from the Type 1, Type 2 or Type 3 commercial agricultural land. The 200-foot agricultural buffer setback shall



incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts. Where required to comply with agricultural buffer setback requirements, an accessory dwelling unit (ADU) may be located more than 100 feet from the main dwelling, with the additional distance from the main dwelling limited to the distance required to meet the buffer setback requirements. Agricultural buffers shall not be required between nonagricultural and commercial agricultural uses on the same parcel unless otherwise specified by the SCCC. For buffer requirements for Farmworker Housing, see SCCC 13.10.631.

~~(1) Provide and maintain a 200-foot buffer setback between Type 1, Type 2 or Type 3 commercial agricultural land and nonagricultural uses involving habitable spaces, including dwellings, habitable accessory structures and additions thereto; and commercial, industrial, recreational, or institutional structures, and their outdoor areas designed for public parking and intensive human use, except that if an existing legal dwelling already encroaches within the 200-foot buffer setback, proposed additions thereto, habitable accessory structures or private recreational facilities, none exceeding 1,000 square feet in size, shall be exempt from this subsection so long as they encroach no further than the existing dwelling into the buffer setback and an appropriate vegetative and/or other physical barrier for all existing and proposed development, as determined necessary, either exists or is provided and maintained. For the purposes of this section, outdoor areas designed for intensive human use shall be defined as surfaced ground areas or uncovered structures designed for a level of human use similar to that of a habitable structure. Examples are dining patios adjacent to restaurant buildings and private swimming pools. The 200-foot agricultural buffer setback shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts.~~

~~(23) Requirements for Subdivisions. Provide and maintain a buffer setback distance of at least 200 feet where the A subdivision of land that results in residential development at net densities density of one or more dwelling units per acre adjacent to Type 1, Type 2, Type 3 commercial agricultural land, with vegetative screening or other physical barriers as appropriate. shall provide and maintain a buffer setback distance of at least 200 feet between habitable structures or areas of intensive human activity and the property line of any parcel containing Type 1, Type 2, or Type 3 land. Vegetative screening or other physical barriers shall be required as appropriate.~~

(C) Exemptions. The following exemptions from the 200-foot buffer requirement shall meet the requirements of subsection (E) of this section.

(1) Where an existing legal structure is already located within the 200-foot setback, accessory structures, structural additions thereto or private recreational facilities shall not be required to maintain a 200-foot buffer setback so long as the proposed development:

(a) does not exceed 1,000 square feet in size;



(b) does not encroach further than the existing structure into the buffer setback and;

(c) includes an appropriate vegetative and/or other physical barrier for all existing and proposed development.

(2) Where an existing legal structure is already located within the 200-foot setback, an ADU proposed to be located within 100 feet of the main dwelling shall not be required to maintain a 200-foot buffer setback so long as the proposed ADU:

(a) does not encroach further than the existing structure into the buffer setback and;

(b) provides an appropriate vegetative and/or other physical barrier for all existing and proposed development.

(3) Structures of less than 1,000 square feet in size that are used exclusively for the administration of an on-site agricultural operation shall not be required to maintain a 200-foot buffer setback; provided, however, that structures that contain conference rooms or meeting facilities for public use, or that are open to the public for visitation, shall not be exempt from the provisions of this section.

~~(4)~~(4) An agricultural buffer setback shall not be required for repair or reconstruction of a structure damaged or destroyed as the result of forces beyond the control of the owner, such as a fire or earthquake, or a natural disaster for which a local emergency has been declared by the Board of Supervisors, or by state and/or federal authorities, when:

~~(1)~~(a) The structure, after repair or reconstruction, will not exceed the floor area, height or bulk of the damaged or destroyed structure by more than 10 percent; and

~~(2)~~(b) The new structure will be located in substantially the same location, but no closer to the agricultural land than was the original structure.

(D) Reductions to agricultural buffers.

~~(1)~~(D) Development Projects. Notwithstanding the buffer setback provisions of subsection SCCC 16.50.095(B) and (C) of this section, an agricultural setback distance of less than 200 feet may be established for developments involving habitable uses on existing parcels of record when the Agricultural Policy Advisory Commission (APAC) makes one of the following findings is made in addition to the required findings requirements in SCCC 16.50.095(D)(3) subsection (E) of this section:

~~(1)~~(a) Significant topographic differences exist between the agricultural and nonagricultural uses which that eliminates or minimizes the need for a 200-foot agricultural buffer setback; or

~~(2)~~(b) Permanent substantial vegetation (such as a riparian corridor or woodland protected by the eCounty's riparian corridor or sensitive habitat ordinances) or other physical



barriers exist between the agricultural and nonagricultural uses which that eliminate or minimize the need for a 200-foot agricultural buffer setback; ~~or~~

~~(3)~~(c) A lesser setback distance is found to be adequate to prevent conflicts between the nonagricultural development and the adjacent agricultural development and the adjacent agricultural land, based on the establishment of a physical barrier (unless it is determined that the installation of a barrier will hinder the affected agricultural use more than it would help it, or would create a serious traffic hazard on a public or private right-of-way) or the existence of some other factor which that effectively supplants the need for a 200-foot agricultural buffer setback. ~~;~~ or

~~(4)~~(d) The imposition of a 200-foot agricultural buffer setback would preclude building on a parcel of record ~~as of the effective date of the ordinance codified in this chapter~~, in which case a lesser buffer setback distance may be permitted; provided, that the maximum possible setback distance is required, coupled with a requirement for a physical barrier (e.g., solid fencing and/or vegetative screening) to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

~~(G)~~(2) Subdivisions Outside of the Coastal Zone. ~~Notwithstanding the provisions of subsection SCCC 16.50.095(B) and (C) of this section~~, an agricultural buffer setback distance of less than 200 feet may be established for subdivision developments involving habitable uses on proposed parcels adjacent to lands designated as an agricultural resource by the County's General Plan maps, provided that all of the following conditions are met; ~~provided, that:~~

~~(1)~~(a) The proposed land division site is:

~~(a)~~(i) Located within the urban services line; ~~;~~ and

~~(b)~~(ii) Suitable for development at buildout level within the carrying capacity of the area; and

~~(1)~~(b) ~~The Agricultural Policy Advisory Commission (APAC)~~ finds that one or more of the following special circumstances exist:

~~(a)~~(i) Significant topographic differences exist between the agricultural and nonagricultural uses which minimize or eliminate the need for a 200-foot setback; ~~or~~

~~(b)~~(ii) Permanent substantial vegetation (such as a riparian corridor or woodland permanently protected by the County's riparian corridor or sensitive habitat ordinances) or other physical barriers exist between the agricultural and nonagricultural uses which minimize or eliminate the need for a 200-foot setback; ~~or~~



- ~~(e)~~(iii) The imposition of the 200-foot agricultural buffer setback would, in a definable manner, hinder: infill development or the development of a cohesive neighborhood, or otherwise create a project incompatible with the character and setting of the existing surrounding residential development; ~~and~~
- ~~(3)~~(c) APAC determines the need for agricultural buffering barriers based upon an analysis of the adequacy of the existing buffering barriers, the density of the proposed land division and the proposed setback reduction, in the event that APAC finds that one or more of the above special circumstances exist; and
- ~~(4)~~(d) The approving body finds that the proposed reduction of the agricultural buffer setback(s) will not hinder or adversely affect the agricultural use of the commercial agricultural lands located within 200 feet of the proposed development.
- (E)(3) Minimize land use conflicts. In the event that an agricultural buffer setback reduction is proposed and the proposed nonagricultural development is located on Type 1, Type 2 or Type 3 commercial agricultural land, the nonagricultural development shall be sited so as to minimize possible conflicts between the agricultural land use located on the subject parcel; and the nonagricultural development shall be located so as to remove as little land as possible from production or potential production.
- (F) Farmworker housing.

 - (1) Farmworker Farmworker housing, as an agricultural use, is not subject to this section, but is subject to the buffering provisions in SCCC 13.10.631. The presence of farmworker housing, which is an agricultural use, on an agricultural parcel does not exempt any proposed habitable development on any adjacent parcels from the requirement to provide an agricultural buffer along the edge of the development nearest the farmworker housing, pursuant to this section.
 - (2) Notwithstanding SCCC 16.50.095(F)(1), farmworker housing developments located on Type 1, Type 2, or Type 3 commercial agricultural land shall provide a buffer between habitable structures and outdoor areas designed for human use and areas engaged in agricultural production located on the same parcel. Said buffer shall be 200 feet if feasible; and if a 200-foot buffer is not feasible, then the maximum buffering possible shall be provided, utilizing physical barriers, vegetative screening and other techniques as appropriate.
- (G) Agricultural Buffer Reduction Permits. Except as noted in subsection (H) below for relating to administrative agricultural buffer reduction permits for residential uses, proposals to reduce the required 200-foot agricultural buffer setback shall require a regular agricultural buffer reduction permit. Decisions on regular agricultural buffer reduction permits shall be made by APAC at a scheduled public hearing pursuant to procedures specified in SCCC 18.10, with the exception that the required findings shall be only those of SCCC 16.10.095(D), and Appeals of



agricultural buffer reduction permit decisions by APAC shall be heard at public hearings held by the Board of Supervisors, as provided by SCCC 16.50.100.

(H) Administrative Agricultural Buffer Reduction Permits for Residential Uses.

(1) The following agricultural buffer reductions shall require an administrative agricultural buffer reduction permit:

~~(a)(G)~~ Proposals to reduce the required 200-foot agricultural buffer setback for additions to existing residential construction (dwellings, habitable accessory structures, and private residential recreational facilities not otherwise exempted by subsection 16.50.095(C); and ~~(B)(1)~~ or (F) of this section) on agricultural parcels shall be processed as a Level 4 application by Planning Department staff as specified in Chapter ~~18.10~~ SCCC with the exceptions that:

(b) Proposals to reduce the required 200-foot agricultural buffer setback for new single-family dwellings, habitable accessory structures or ADUs, where the resulting agricultural buffer is a minimum of 100 feet from the property line of any parcel in the CA zone district.

(2) Processing requirements for Administrative Agricultural Buffer Reduction Permits.

Administrative Agricultural Buffer Reduction Permits shall be processed in accordance with the requirements provided in Chapter SCCC 18.10 SCCC for administrative permits with public notice, with the exception that the required findings shall be only those of SCCC 16.50.095(D). In addition to the processing requirements provided in SCCC 18.10, the following requirements shall apply:

~~(1)~~ A notice that an application to reduce the buffer setback has been made shall be given to all members of the Agricultural Policy Advisory Commission at least 10 calendar days prior to the issuance of a pending action on an agricultural buffer determination; and

~~(a) (2)~~ Where a reduction in the buffer setback is proposed, the The required notice of pending action on the administrative permit shall be provided to the applicant, to all members of APAC, to the Agricultural Commissioner, to owners of commercial agricultural land within 300 feet of the project location, and to members of the Board of Supervisors, ~~not less than 10 days prior to the issuance of the permit. There shall not be a minimum number of property owners required to be noticed; and~~

~~(b) (3)~~ Buffer determinations Administrative agricultural buffer reduction permit decisions made by the Planning Director or designee Planning Department staff pursuant to this chapter are appealable by any party whose interests are adversely affected directly to APAC the Agricultural Policy Advisory Commission pursuant to the appeal procedures of Chapter SCCC 18.10 SCCC. Such appeals shall include a letter from the appellant



explaining the reason for the appeal and the current administrative appeal processing fee.

~~(e)-(c) The Planning Director or designee may refer any administrative agricultural buffer reduction permit application proposed pursuant to this subsection for a decision by APAC at a public hearing, if, in the opinion of the Planning Director, the application merits more extensive review; or is warranted due to input from APAC, concerns from neighbors or other members of the public, or concerns regarding potential impacts to agricultural land. The Planning Director may refer any agricultural buffer reduction permit application proposed pursuant to this subsection for a decision by APAC at a public hearing pursuant to 16.50.095(G).~~

(H) All other proposals to reduce the agricultural buffer setback shall be processed as a Level 5 application as specified in Chapter 18.10 SCCC with the exception that:

- (1) The required notice that an application has been made to reduce the agricultural buffer setback shall be provided only to owners of commercial agricultural land within 300 feet of the proposed project, not less than 10 days prior to the public hearing scheduled to consider the project. There shall not be a minimum number of property owners required to be noticed; and
- (2) All determinations shall be made by the Agricultural Policy Advisory Commission at a scheduled public hearing.

SCCC 16.50.100 has been updated with minor clarifying language regarding appeals of APAC decisions on agricultural buffers.

16.50.100 Appeals.

- (A) Any property owner or other person aggrieved, or any other person whose interests are adversely affected by any action on an agricultural buffer reduction application that is taken by or determination of the Agricultural Policy Advisory Commission (APAC) acting as the approving body under the provisions of this chapter, may appeal the action or determination directly to the Board of Supervisors in accordance with Chapter SCCC 18.10 SCCC. For this purpose the procedure therein set forth is incorporated herein and made a part of this chapter.
- (B) If any act recommendation or determination of APAC the Agricultural Policy Advisory Commission in question regarding an application for which the APAC is not the approving body, but which is incorporated as part of the terms or conditions of action taken on an application for a discretionary permit or other discretionary approval for which another appeal is provided, then such act or determination of APAC the Agricultural Policy Advisory Commission shall be considered as part of the appeal on the discretionary permit or other discretionary approval in accordance with SCCC 18.10. Within the Coastal Zone, such appeals shall also be subject to



the provisions of ~~Chapter~~ SCCC 13.20 SCCC pertaining to coastal development permit procedures.

SCCC 16.50.110 has been updated with minor clarifying language regarding APAC hearing practices.

16.50.110 Agricultural Policy Advisory Commission hearing notices.

Notice of pending action on administrative permits, or of public hearings for regular permits, that will be considered or held by the Agricultural Policy Advisory Commission pursuant to SCCC 16.50.050 shall be given in accordance with ~~Chapter~~ SCCC 18.10 SCCC, Level IV.

16.50.115 Violations.

It shall be unlawful for any person whether as owner, principal, agent or employee or otherwise to perform an action or allow a situation to continue that violates the provisions of this chapter or violates any conditions of agricultural buffer setback determinations required pursuant to this chapter.