



PAJARO RIVER WATERSHED
FLOOD PREVENTION AUTHORITY
Phase 4b: Implementation Plan for Soap Lake Floodplain
Preservation Project and Watershed Flood Protection Actions



Technical Memorandum No. 4.2.7

Task: **Recommended Actions**
To: **PRWFPA Staff Working Group**
Prepared by: **Karen Frye, AICP**
Reviewed by: **Lidia Gutierrez**
Date: **March 31, 2005**
Reference: **0053-004.2**

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Funding for this project has been provided in full or in part through a contract with the SWRCB pursuant to the Costa-Machado Water Act of 2000 (Proposition 13) and any amendments thereto for the implementation of California's Nonpoint Source Pollution Control and Watershed Program. The contents of this document do not necessarily reflect views and policies of the SWRCB, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

Introduction

This technical memorandum (TM) describes the results of work completed as part of Task 4.2.7: Recommended Actions as part of the Pajaro River Watershed Study. RMC was tasked with developing a list of recommendations for each member agency to take forward to their respective Board or Council. The recommendations were drafted to support the Soap Lake Floodplain Preservation Project and the objectives of the Pajaro River Watershed Flood Prevention Authority (Authority).

Background

Previous phases of the Pajaro River Watershed Study have identified the Soap Lake floodplain as an essential aspect of the Pajaro River Watershed for attenuating flows in the lower reaches of the Pajaro River. Figure 1 shows the location of the Soap Lake floodplain within the watershed as well as the location of the watershed in relation to local counties and cities. Should the floodplain, which acts as a natural detention basin, lose its attenuation characteristics, downstream flows could increase by up to 36% in a 100-year flood event. A preservation project to maintain the current floodplain without increasing damage costs due to flooding was defined in Phase 3 of the Study. The preservation could occur, either through fee title land acquisition or development restrictions, so long as the long-term land use was consistent with the necessary floodplain operations.



Figure 1: Soap Lake Floodplain and Pajaro River Watershed locations.

Recommended Actions

In support of the Soap Lake Floodplain Preservation Project, recommended actions have been identified for each member agency of the Authority. Each of these actions would serve to support the implementation of the project. It is recommended that these actions be implemented after the Board has approved the Final Implementation Plan. Each recommended action is discussed in more detail in the sections below including which member agencies could take each action. The recommended actions include:

- Adopt Agricultural Mitigation Policies/Programs
- Support Development of an Agricultural Mitigation Bank
- Incorporate the Soap Lake Floodplain Preservation Project in the Santa Clara County and San Benito County General Plan Updates
- Institute Development Impact Fees and Designate a Portion for a Stewardship Fund
- Adopt Resolutions Supporting the Soap Lake Floodplain Preservation Project
- Designate an Open Space District for San Benito County
- Notify Authority when Development is Proposed within the Floodplain

Adopt Agricultural Mitigation Policies/Programs

Effective mitigation policies will preserve the agricultural character of the Soap Lake floodplain in the face of potential regional development. To fully mitigate for the loss of agricultural land it is necessary to bring non-farmed land into agricultural production. This option is not economically feasible nor is it the most viable for a variety of reasons. However, practical mitigation policy will offset the loss of farmland due to development.

The fundamental principle of mitigation policy requires that an equal acreage of farmland is protected for every acre developed to ensure the preservation of farmland for the future. There is a net loss of farmland for a transaction such as the mitigation bank proposes. However this is true of other agricultural mitigation measures currently used throughout California, measures that are accepted as valid mitigation throughout the US. They do not establish new agricultural lands from previously unfarmed property. Mitigation measures are methods to *preserve* farmland for the future. An agricultural mitigation bank located in the Soap Lake floodplain would achieve that preservation objective.

Key components of the policy will include specific mitigation criteria, as outlined below:

- Identifying lands requiring mitigation- Lands impacted by development within the agencies jurisdiction.
- Determining acceptable mitigation lands- Lands must be of similar agricultural value, based on the California Department of Conservation farmland classifications.
- Defining acceptable mitigation measures- Four distinct measures incorporated into policy.

Identifying Lands Required for Mitigation

Lands that would require mitigation would include agricultural land within Santa Clara County and San Benito County that are converted to other uses through development. Criteria to determine these agricultural lands should be based on the designated “Prime” or lands of “Statewide Importance” by the State Department of Conservation as shown on their latest “Important Farmland Map.” This would include land that has been used for agriculture but has not been irrigated for six years or more as defined by the California State Farmland Mapping Program.

Determining Acceptable Mitigation Lands

The Division of Land Resource Protection (DLRP) in the California Department of Conservation has characterized and mapped farmland within California. As part of its Farmland Mapping and Monitoring Program (FMMP) the DLRP has several farmland categories based on specific agricultural characteristics. These designations will determine which lands are acceptable for offsetting mitigation. The City of Gilroy, which maintains an agricultural mitigation policy, uses the same designations as criteria for acceptable mitigation lands (See Appendix A for the Gilroy policy). For example, if 100 acres of land designated Prime Farmland are impacted in the two counties, 100 acres of Prime Farmland within the floodplain must be protected. The farmland categories within the Soap Lake project area are listed in Table 1. A map of the Farmland Categories within the 100-year floodplain is shown in Figure 2.

Table 1: Important Farmland Categories in 100 Year Floodplain

<p style="text-align: center;">Prime Farmland (P)</p> <p>Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.</p> <p style="text-align: center;">Farmland of Statewide Importance (S)</p> <p>Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.</p> <p style="text-align: center;">Farmland of Local Importance (L)</p> <p>Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.</p> <p style="text-align: center;">Grazing Land (G)</p> <p>Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.</p>

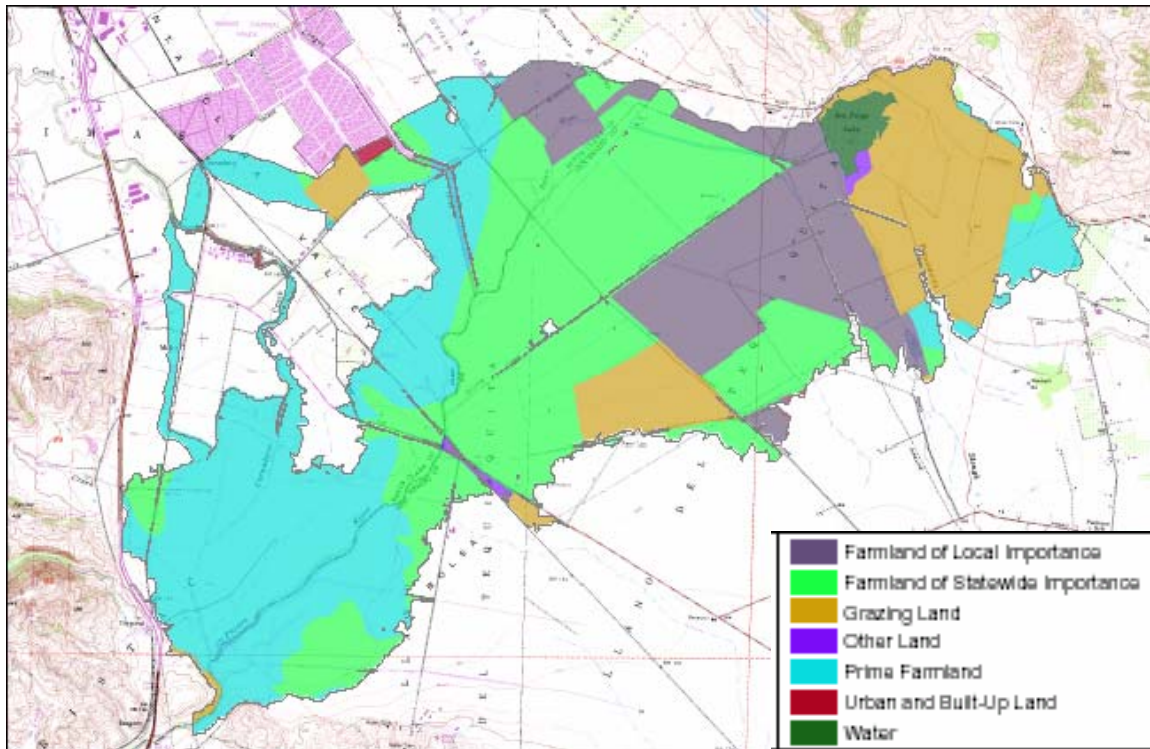


Figure 2: Land Classifications in the 100-year Soap Lake Floodplain.

Defining Acceptable Mitigation Measures

Four mitigation strategies are incorporated into the mitigation policy, each capable of achieving stated project goals at different costs. The strategies are presented in Table 2 below.

Table 2: Mitigation Strategies

Fee Simple Land Purchase- Requires purchase of equal farmland acreage (1:1 ratio) of similar farmland character/designation. Land ownership is then transferred to appropriate agency or non-profit organization.

Conservation Easement- Purchase of conservation easement at 1:1 ratio on agricultural land and transfer to appropriate agency or non-profit organization.

In-Lieu Fee Payment- Payment to agency of cash value equal to or greater than cost of easement for same size land. Money to be put in fund toward goal of purchasing land or easements, when available.

Agricultural Mitigation Bank- Purchase of credits at Agricultural Mitigation Bank.

In all cases, the land slated for mitigation purposes must be of similar agricultural character as the farmland being lost. The agricultural value of the land is of paramount importance.

The following member agencies should adopt an agricultural mitigation policy or program similar to the City of Gilroy:

- Santa Clara County
- San Benito County
- City of Hollister
- City of Morgan Hill
- City of San Juan Bautista

Support Development of an Agricultural Mitigation Bank

Agricultural mitigation banking is a concept similar to wetland mitigation banking, which is an established and accepted practice to offset the loss of natural lands due to development. The fundamental principle is that a party responsible for the change of farmland to non-agricultural use may mitigate the loss by purchasing credits from an agricultural mitigation bank. The credits represent acres of protected land, either in direct proportion to the number of acres lost or at a ratio dependent on the agricultural value of the land involved. The credit payment is then used to secure more lands for the bank or to maintain current ones. See TM 4.2.5 for a more in-depth discussion on agricultural mitigation banks.

Land within the Soap Lake Floodplain could be preserved in an agricultural mitigation bank to help mitigate for the loss of agricultural land from development elsewhere in San Benito County and Santa Clara County. It is recommended that the Authority support the development of an agricultural mitigation bank in conjunction with agricultural mitigation policies in place or proposed for the cities of Gilroy, Hollister, Morgan Hill and San Juan Bautista and the counties of Santa Clara and San Benito.

The following agencies should support development of an agricultural mitigation bank:

- Santa Clara County
- San Benito County
- City of Gilroy
- City of Hollister
- City of Morgan Hill
- City of San Juan Bautista

Incorporate the Soap Lake Floodplain Preservation Project in the Santa Clara County and San Benito County General Plan Updates

When Santa Clara and San Benito counties revise or amend their general plans, or revise an element of their general plan, the Soap Lake Floodplain Preservation Project should be incorporated into the new plan. The goals and objectives in the general plan should reflect the Pajaro River Watershed Flood Prevention Authority's goals of maintaining flood attenuation benefits in the floodplain. These could be discussed under objectives for agricultural, land use, and flooding elements of the general plan.

The following agencies should incorporate the Authority's goals into their general plans:

- Santa Clara County
- San Benito County

Institute Development Impact Fees and Designate a Portion for a Stewardship Fund

Development mitigation fees, or development impact fees, are part of a contractual agreement entered into between private property owners and a county or city. The fees are intended to pay for unfunded portions of public facilities and services incurred by new land developments. The fee is usually required before single-family residential dwelling building permits are issued. In some cases, a percentage of the fees can be used for other purposes such as environmental mitigation or open space preservation.

Development impact fees could be established in the four counties of the Pajaro River Watershed and a portion of the fee could be designated for a stewardship fund for the Soap Lake Floodplain Preservation Project. These funds could then be used to acquire land or conservation easements within the floodplain. The impact fees could be adopted by:

- Santa Clara County
- San Benito County

Adopt Resolutions Supporting the Soap Lake Floodplain Preservation Project

To show the multi-agency support for the Soap Lake Floodplain Preservation Project, it is recommended that each member agency adopt a resolution of support. Two member agencies (Santa Cruz County and San Benito County) have already adopted resolutions of support. (See Appendix B for a copy of the Santa Cruz and San Benito County resolutions) Resolutions of support can be included in grant funding applications to demonstrate the multi-agency support for the project and could help secure funding. The following agencies should adopt a resolution of support similar to the attached resolutions:

- Santa Clara County
- Monterey County
- Santa Clara Valley Water District
- San Benito County Water District
- Santa Cruz County Flood Control and Water Conservation District, Zone 7

- Monterey County Water Resources Agency
- City of Watsonville
- City of Hollister
- City of Gilroy
- City of Morgan Hill
- City of San Juan Bautista

Designate an Open Space District for San Benito County

The Santa Clara County Open Space Authority (OSA) was created by the State Legislature in response to efforts by citizens and local governments of Santa Clara County. A directly elected seven-member board of directors governs the OSA. The Authority is comprised of the cities of Campbell, Milpitas, Morgan Hill, Santa Clara and San Jose, as well as much of the unincorporated areas of Santa Clara County. The Board has defined OSA's purpose as:

Preservation of Open Space and creation of greenbelts between communities, lands on the valley floor, hillsides, viewsheds and watersheds, baylands and riparian corridors, are immediate high priorities. These are needed to counter the continuing and serious conversion of these lands to urban uses, to preserve the quality of life in the County and to encourage outdoor recreation and continuing agricultural activities.

Development and implementation of land management policies that provide proper care of open space lands, allow public access appropriate to the nature of the land for recreation, are consistent with ecological values and compatible with agricultural uses.

OSA owns over 9,000 acres of land and manages 1,000 acres as easements and mitigation lands. OSA has played an important role in preservation efforts in the Santa Clara County portion of the Soap Lake Floodplain and is a potential source of funding for future land/easement acquisitions. However, OSA is limited to preservation efforts in Santa Clara County.

It is recommended that San Benito County consider creating an Open Space District with a similar vision of preserving agricultural and open space lands. The creation of an Open Space District could assist in the preservation efforts in the San Benito County portion of the Soap Lake Floodplain. It is acknowledged that the creation of an Open Space District could be a difficult process and would require the approval of the Legislature and of county voters. A first step could be to create a committee to study what undeveloped land should be protected and how the district would be funded. While there have been many new open space districts created over recent years, other counties have had difficulty in gaining support to create an Open Space District. Start up costs could be difficult to fund especially if they are likely to come from the County's general fund. Ventura County recently (May 2004) formed a Regional Open Space District (see Appendix C for the resolution passed by their Board of Supervisors).

It is recommended that the following agency create an Open Space District:

- San Benito County



Notify Authority when Development is Proposed within the Floodplain

The Authority should request notification of new project applications from local jurisdictions that may be involved in approving land development projects within the 100 year floodplain. This would enable the Authority to provide comments on these applications with regard to their potential to affect the flood attenuation properties of the floodplain. (The Authority has no land use approval authority of its own.)

The following agencies should notify the Authority when development is proposed within the floodplain:

- Santa Clara County
- San Benito County
- California Department of Transportation (Caltrans)
- Santa Clara Valley Transportation Authority (VTA)

Recommendations

It is recommended that the member agencies of the Authority adopt and that the Authority request that other organizations adopt the following policies in an effort to preserve the flood attenuation benefits of the Soap Lake floodplain.

Santa Clara County

- Adopt Agricultural Mitigation Policy/Program;
- Support Development of an Agricultural Mitigation Bank;
- Institute Development Impact Fees and Designate a Portion for a Stewardship Fund;
- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project;
- Incorporate the Soap Lake Floodplain Preservation Project into the Santa Clara County General Plan Update; and
- Notify the Authority when Development is Proposed within the Floodplain.

San Benito County

- Adopt Agricultural Mitigation Policy/Program;
- Support Development of an Agricultural Mitigation Bank;
- Institute Development Impact Fees and Designate a Portion for a Stewardship Fund;
- Incorporate the Soap Lake Floodplain Preservation Project into the San Benito County General Plan Update;
- Designate an Open Space District for San Benito County; and
- Notify the Authority when Development is Proposed within the Floodplain.

Santa Cruz County

No recommendations.

Monterey County

- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

Santa Clara Valley Water District

- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

San Benito County Water District

- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

Santa Cruz County Flood Control and Water Conservation District, Zone 7

- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

Monterey County Water Resources Agency

- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

City of Gilroy

- Support Development of an Agricultural Mitigation Bank; and
- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

City of Hollister

- Adopt Agricultural Mitigation Policy/Program;
- Support Development of an Agricultural Mitigation Bank; and
- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

City of Morgan Hill

- Adopt Agricultural Mitigation Policy/Program;
- Support Development of an Agricultural Mitigation Bank; and
- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

City of Watsonville

- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

City of San Juan Bautista

- Adopt Agricultural Mitigation Policy/Program;
- Support Development of an Agricultural Mitigation Bank; and
- Adopt Resolution Supporting the Soap Lake Floodplain Preservation Project.

California Department of Transportation (Caltrans)

- Notify the Authority when Development is Proposed within the Floodplain.

Santa Clara Valley Transportation Authority (VTA)

- Notify the Authority when Development is Proposed within the Floodplain.

Appendices

Appendix A City of Gilroy Agricultural Mitigation Policy

AGRICULTURAL MITIGATION POLICY

City of Gilroy

Adopted May 3, 2004

Section 1.00 Statement of Intent

It is the intent of this policy to set forth the specific criteria and guidelines, consistent with the City's General Plan policies on agriculture, to enable the continued viability of agriculture and agri-tourism in the Gilroy area through:

- (a) Recognition of agriculture's significant contribution to the local economy;
- (b) Protection of agricultural lands from urban encroachment;
- (c) Preservation of agricultural lands as a natural buffer between Gilroy and surrounding communities; and
- (d) Appreciation for the role of agricultural lands in enhancing Gilroy's semi-rural, character.

Section 1.01 Definitions

Agricultural Land or Farmland:

Those lands within the City of Gilroy's General Plan 20-year boundary that are deemed to meet the Thresholds of Significance for CEQA purposes, or those that are designated "Prime" or lands of "Statewide Importance" by the State Department of Conservation as shown on their latest "Important Farmland Map." This also includes land that has been used for agriculture but has not been irrigated for six years or more as defined by the California State Farmland Mapping Program.

Agricultural Mitigation Land:

Agricultural land encumbered by a farmland deed restriction, a farmland conservation easement or such other farmland conservation mechanism acceptable to the City.

Agricultural Operations:

Any agricultural activity, operation, or facility including but not limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any commercial agricultural commodity, including viticulture, apiculture or horticulture, the raising of livestock, fur-bearing animals, fish or poultry, agricultural spoils areas, and any practices performed by a farmer or on a farm as incidental to or in conjunction with such operations, including the legal application of pesticides and fertilizers, use of farm equipment, storage or preparation for market, delivery to storage or to market, or to carriers for transportation to market.

Farmland Conservation Easement:

An easement over agricultural land for the purpose of restricting its use to agriculture. The interest granted pursuant to a farmland conservation easement is an interest in land, which is less than fee simple. However, the farmland conservation easement is permanent.

Farmland Deed Restriction:

The creation of a deed restriction, covenant or condition, which precludes the use of the agricultural land subject to the restriction for any non-agricultural purpose, use, operation or activity. The deed restriction shall provide that the land subject to the restriction will permanently remain agricultural land.

Natural Trail:

An unimproved trail.

Preferred Preservation Area:

The agricultural lands located in the Santa Clara County agricultural preserve, specifically the agricultural lands located outside of Gilroy's General Plan boundary and within Gilroy's Sphere of Influence (See Attachment 1 "Preferred Preservation Areas").

Wildlife Habitat:

A wildlife sanctuary that provides water, food shelter and places to raise young for native wildlife.

Wildlife Sanctuary:

An area where native wildlife are safe from people or non-native animals such as dogs and cats.

Section 1.02 Agricultural Mitigation Requirements

- (A) Those lands that require agricultural mitigation are identified in Figure 4.4-2 and Table 4.4-5 of the City of Gilroy's General Plan 2020 EIR (attached.) Mitigation requirements are not limited to these lands but would include the loss of agricultural lands due to the conversion to urban uses (including actions such as USA amendments, extension of services, or annexation) when the following criteria are met:
- (1) The City of Gilroy shall require agricultural mitigation for the loss of agricultural lands due to conversion to urban uses for land as defined as "prime farmland or farmland of "Statewide Importance" in *Section 1.01 Definitions*. Mitigation shall only be required for that portion of the land that no longer will be designated agricultural land. One time as many acres of agricultural land shall be protected as was changed to a non-agricultural zoning classification (1:1 ratio of land); and
 - (2) The project site is deemed a significant impact based upon the completion of a Land Evaluation and Site Assessment Model (General Plan EIR Appendix F-2) as administered through the standard CEQA process during project review.
 - (3) With the following exceptions:
 - a. A maximum of 100 feet of the land that will remain in a permanent agricultural buffer; or

- b. An area intended for city public facilities, as set forth in the City's General Plan or Parks Master Plan, that is adjacent to City roads and with nearby city infrastructure that can serve the project. Such public facilities would include public parks and/or public recreational facilities; permanent natural open space that is not disturbed by the development; trails and developed open space that is open to the public; and public school sites.
 - c. Lands dedicated for lanes, median islands, bike lanes, and pedestrian facilities which qualify for Traffic Impact Fund reimbursement or funding and are not required solely due to the proposed development project, shall not be included in the acre count for agricultural mitigation. Typically these lands include the median and all sections of the roadway except the first travel lane along the frontage and the parking/shoulder lanes for arterials. For expressways all lanes including parking, bike, and shoulder plus pedestrian facilities are included. The lands for these lanes, median islands, bike lanes, and pedestrian facilities are for the common good of the community and are not considered specific to the development.
- (4) Specific plan areas may provide agricultural mitigation on-site as established in the specific plan if approved by the City Council. All proposed mitigation in the specific plan must be consistent with the intent of the General Plan EIR Mitigation Measure 4.4-A and this policy as feasible mitigation for the loss of agricultural lands. Additional mitigation acreage may be required outside the specific plan area to meet the 1:1 ratio mitigation requirement.
- (B)** Mitigation may be accomplished with one of the following three options and the options shall include all costs to cover program administration and monitoring of established easements:
 - (1) Mitigation 1: Purchase an equal amount of land (1:1 ratio) of agricultural land within the "Preferred Areas" (see *Section 1.01 Definition*) and the transfer of the ownership of this land to the Open Space Authority or other City-approved agency.
 - (2) Mitigation 2: Purchase of development rights to a 1:1 ratio on agricultural land within the "Preferred Areas" and the transfer of ownership of these rights to the Open Space Authority or other City-approved agency. The purchase value of this agricultural conservation easement will be based upon the appraisal of purchasing development rights and not fee-title rights.
 - (3) Mitigation 3: Payment of an in-lieu fee will be based upon the lowest appraisal of purchasing development rights in the "Preferred Areas."
 - a. The in-lieu fees will include all normal and customary administrative and transactional fees charged on a cost recovery basis.
 - b. The in-lieu fees will be maintained by the City in an escrow account and adjusted no more than every two years based on appraisals from the "Preferred Areas" (Attachment 1).

- (C) At the time of any initial land use application approval, the applicant shall enter into a deferred payment or dedication agreement establishing the specific criteria and timing for implementing any required mitigation. This deferred agreement shall be recorded with the County Recorder's Office against the proposed project property. All required mitigation must be completed prior to final map approval, or if no map is required, no later than issuance of the first building permit.
- (D) Lands deemed acceptable for preservation are:
- (1) Those lands designated as "Prime" or of "Statewide Importance" by the State Department of Conservation_in the Preferred Areas as defined in Section 1.01 Definitions; and
 - (2) Has an adequate water supply to support the historic agricultural use on the land. The water supply for the land shall be protected in the farmland conservation easement, the farmland deed restriction or other document evidencing the agricultural mitigation.
- (E) Programs with those City-approved agencies handling conservation easements in the "Preferred Areas for Preservation (*Sec. 1.01 Definitions*)", shall include the financial responsibility by the developers for program administration, outreach to landowners and monitoring of established easements. An additional nominal fee to cover these items, the amount of which shall be established by City policy, shall be built into the in-lieu fee outlined in *Section 1.02 (B)*.

Section 1.03 Right to Farm Deed Restrictions

- (A) All lands located within one thousand (1,000) feet of any agricultural lands deemed for preservation, as shown on the Farmland Preservation Area map (Attachment 1), shall be subject to the placement of a "right to farm" deed restriction that conforms with both Santa Clara County restrictions as well as the State of California real estate transfer disclosure requirements as a condition of approval for any discretionary permit.
- (B) The deed restriction shall include the following wording:

"You are hereby notified that the property you are purchasing is located within 1,000 feet of agricultural land, agricultural operations or agricultural processing facilities. You may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. One or more of the inconveniences described may occur as a result of agricultural operations, which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact the Santa Clara County Agricultural Commission."

- (C) The Right to Farm Deed Restriction shall be included in all subsequent deeds and leases for this property and shall conform with both Santa Clara County restrictions as well as the State of California real estate transfer disclosure as defined by this policy.

Section 1.04 Agricultural Buffer

- (A) To minimize future potential conflicts between agricultural and non-agricultural land uses, all new developments adjacent to designated agricultural, agricultural preserve, agricultural open space, greenbelt/agricultural buffer areas shall be required to provide an agricultural buffer/agricultural transition area.
- (B) The agricultural buffer/agricultural transition area shall be a minimum of one hundred fifty (150) feet measured from the edge of the agricultural, agricultural preserve, greenbelt area. No public access shall be allowed in this transition area due to the potential for complaints about and exposure to the dust and spraying associated with agricultural activities.
- (C) This agricultural buffer/agricultural transition area shall be comprised of two components:
- (1) A one hundred (100) foot minimum wide agricultural buffer zone located adjacent to the agricultural lands or greenbelt area. The following uses in the one hundred (100) foot or greater agricultural buffer area shall be limited to:
 - i. Native plants, trees or hedge rows
 - ii. Drainage channels, storm retention ponds, natural areas such as creeks or drainage swales
 - iii. Railroad tracks or other utility corridors
 - (2) A fifty (50) foot agricultural transition area located between the one hundred (100) foot minimum agricultural buffer area and any new development. The following uses are allowed in the fifty (50) foot agricultural transition area:
 - i. Native plants, trees or hedge rows
 - ii. Drainage channels, storm retention ponds natural areas such as creeks or drainage swales
 - iii. Bike paths, benches, lighting, trash enclosures and fencing
 - iv. Other non-residential uses determined by the Planning Commission to be consistent with the use of the property as an agricultural buffer; such as natural trails, bike paths, wildlife habitats, wildlife sanctuaries, or community service facilities like detention basins.
- (D) The agricultural buffer/transition area shall be constructed by the developer of any land adjacent to agricultural uses, subject to approved plans by the Community Development Department. This area shall be maintained by the developer according to standards approved by the City until the area is dedicated to and accepted by the City or other City approved agency at which time they shall be responsible for maintenance.

**Appendix B Santa Cruz County Resolution Supporting Soap Lake
Floodplain**

**SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET**

Creation Date: 12/9/04

Source Code: BDSUP

Agenda Date: 12/14/04

INVENUM: 55571

Resolution(s): 400-2004

Ordinance(s):

Contract(s):

Continue Date(s):

Index: --Letter of Supervisor Campos of December 9 , 2004
--Resolution

Item: 56.1 ADOPTED RESOLUTION NO. 400-2004 supporting the Soap Lake Floodplain Preservation Project, **as** recommended **by** Supervisor Campos



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ
FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

MARK W. STONE
FIFTH DISTRICT

APPROVED AND FILED

BOARD OF SUPERVISORS

DATE:

COUNTY OF SANTA CRUZ

SUSAN A. MAURELLO

DEPUTY CLERK OF THE BOARD

BY  **DEPUTY**

AGENDA: 12/14/04

December 9, 2004

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Dear Members of the Board:

In 2000, our State representatives assisted our community by enacting legislation establishing the Pajaro River Watershed Flood Prevention Authority (the Authority). As you may recall, the Authority includes eight representatives from San Benito, Santa Clara, Monterey, and Santa Cruz Counties and their respective water resource agencies. The mandated purpose of the Authority is to provide a forum for our local governments to work cooperatively in implementing flood prevention and control strategies throughout the Pajaro River Watershed.

To this end, the Authority has recently completed Phase 2 of the Pajaro River Watershed Study. This document is the latest of numerous studies aimed at identifying potential flood control strategies throughout the watershed. Phase 2 of the Pajaro River Watershed Study has determined that preservation of Soap Lake, a natural reservoir located in San Benito and Santa Clara Counties, offers a crucial flood prevention feature to the watershed.

This project has received the unanimous support of the Authority as an essential component to managing flooding in the watershed. Additionally, this project would provide multiple benefits to the area, including ground water recharge and environmental restoration and protection. This project would also help to maximize the benefits of the future Army Corps of Engineers project in the Pajaro Valley.

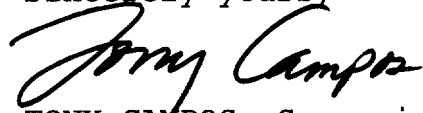
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BOARD OF SUPERVISORS
December 9, 2004
Page 2

Flooding throughout the Pajaro River watershed poses a hazard to public and private property, including residences, agriculture, roadways, watercourses, and environmental resources, and is a threat to our residents. The Authority recognizes that while efforts by individual agency members have been made in the past in order to prevent flooding, the ultimate solution may require a regional approach by all the counties that make up the watershed.

I believe that our County will benefit from the completion of this project. Therefore, I recommend that the Board of Supervisors join the Authority in adopting the attached resolution in support of the Soap Lake Flood Control Preservation Project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tony Campos".

TONY CAMPOS, Supervisor
Fourth District

TC:lg
Attachment

cc: San Benito County Board of Supervisors
Santa Clara County Board of Supervisors
Monterey County Board of Supervisors
Pajaro River Watershed Flood Prevention Authority

154884

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

RESOLUTION NO. 400-2004

On the motion of Supervisor Campos
duly seconded by Supervisor Beautz
the following resolution is adopted

RESOLUTION SUPPORTING THE SOAP LAKE
FLOODPLAIN PRESERVATION PROJECT

WHEREAS, the Santa Cruz County Board of Supervisors has been delegated membership in the Pajaro River Watershed Flood Prevention Authority (AB 807); and

WHEREAS, the Authority has been granted responsibility by the State of California to identify solutions to prevent flooding in the lower Pajaro River watershed; and

WHEREAS, the Santa Cruz County Board of Supervisors is represented on the Authority, consisting of a total of eight members, four counties and their water resource agencies; and

WHEREAS, all members of the Authority have worked cooperatively to address issues of flood protection throughout the Pajaro River Watershed; and

WHEREAS, the Authority has been the beneficiary of a State grant to determine effective flood prevention projects in the Pajaro River Watershed; and

WHEREAS, studies conducted under the supervision of the Authority have determined that preservation of the Soap Lake Floodplain is critical to maximizing the flood capacity of the future Pajaro River levee project; and

WHEREAS, environmental review of the Soap Lake Floodplain Preservation Project under the California Environmental Quality Act has been completed by the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors, as a member of the Authority, hereby supports the Soap Lake Floodplain Preservation Project as an essential component for mitigating flooding in the Pajaro River lower watershed.

RESOLUTION SUPPORTING THE SOAP LAKE FLOODPLAIN PRESERVATION
PROJECT
Page 2

PASSED **AND** ADOPTED by the Board of Supervisors of the County
of Santa Cruz, State of California, this 14th day of
December, 2004, by the following vote:

AYES : SUPERVISORS Beautz, Pirie, Campos, Stone and Wormhoudt
NOES : SUPERVISORS None
ABSENT: SUPERVISORS None

MARDI WORMHOUDT

MARDI WORMHOUDT, Chair
Board of Supervisors

ATTEST: **GAIL T. BORKOWSKI**

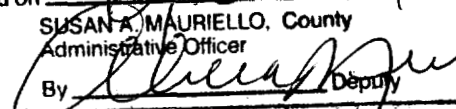
Clerk of said Board

Approved as to form:


County Counsel

DISTRIBUTION: San Benito County Board of Supervisors
Santa Clara County Board of Supervisors
Monterey County Board of Supervisors
Pajaro River Watershed Flood Prevention Authority
Public Works Department
County Counsel

154884

STATE OF CALIFORNIA)	SS
COUNTY OF SANTA CRUZ)	
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on <u>14th</u> day of <u>December</u> , 20 <u>04</u> .		
SUSAN A. MAURIELLO, County Administrative Officer		
By		Deputy

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

**A RESOLUTION OF THE BOARD OF SUPERVISORS)
COUNTY OF SAN BENITO, TO SUPPORT THE SOAP)
LAKE FLOODPLAIN PRESERVATION PROJECT)**

**RESOLUTION NO.
2004- 12**

WHEREAS, the San Benito County Board of Supervisors has been legislatively mandated to participate in the Pajaro River Watershed flood Prevention Authority (Authority); and

WHEREAS, the Authority has been granted responsibility by the State of California to find solutions to repeated flooding in the Pajaro River Watershed; and

WHEREAS, the San Benito County Board of Supervisors has one representative on the eight member Authority, which consists of four counties and their respective water resources planning agencies; and

WHEREAS, all members of the Authority have worked cooperatively to further flood protection throughout the Pajaro River Watershed; and

WHEREAS, the Authority has been the beneficiary of a State grant to investigate flood prevention projects and propose flood mitigation measures; and

WHEREAS, studies conducted under the supervision of the Authority have determined that preservation of the Soap Lake Floodplain is critical to the minimization of flooding in the Pajaro River Watershed; and

WHEREAS, environmental review for the Soap Lake Floodplain Preservation Project under the California Environmental Quality Act has been completed by the Authority;

NOW, THEREFORE BE IT RESOLVED, that the San Benito County Board of Supervisors, as a member agency of the Authority, hereby supports the Soap Lake Floodplain Preservation Project as an essential component for the mitigation of flooding in the Pajaro River Watershed.

PASSED AND ADOPTED, by the San Benito County Board of Supervisors, on this 1st day of December 2004 by the following vote:

AYES: *Lee, Scapellato, Monaco, Keshu, Cruz*

NOES: *none*

ABSTAIN: *none*

Approved as to Legal Form:

Bob Cruz

Bob Cruz, Chair
San Benito County Board of Supervisors

Karen R. Forcum

11-22-04

Karen R. Forcum, County Counsel

ATTEST: *John R. Hedges, Clerk of the Board*

By: *Linda Churchill*
Linda Churchill, Senior Board Clerk

Appendix C Ventura County Open Space District Resolution

**VENTURA COUNTY BOARD OF SUPERVISORS
REGIONAL OPEN SPACE DISTRICT FORMATION RESOLUTION**

Resolution No. 222

Dated: May 25, 2004

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, CONCLUDING THE PUBLIC HEARING CALLING FOR AN ELECTION ON THE FORMATION OF THE VENTURA COUNTY REGIONAL OPEN SPACE DISTRICT AND THE ESTABLISHMENT OF AN ANNUAL APPROPRIATIONS LIMIT, ORDERING NOTICE OF ELECTION, ORDERING CONSOLIDATION OF THE ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2004, AND REFERRING THE MATTER TO THE LOCAL AGENCY FORMATION COMMISSION EXECUTIVE OFFICER PURSUANT TO PUBLIC RESOURCES CODE SECTION 5517.1.

WHEREAS, this Board did on April 27, 2004, direct the publication of a notice of a public hearing on May 25, 2004 regarding the adoption of a resolution for the formation of the Ventura County Regional Open Space District, and

WHEREAS, that public hearing has been correctly noticed and all persons present were allowed to hear and be heard, and

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors hereby finds, declares, determines and orders as follows:

1. That the foregoing recitations are true and correct.
2. That the public hearing is concluded.
3. The name of the District shall be the Ventura County Regional Open Space District.
4. The reason for forming the District is to further the State policy on the preservation of open space expressed in Government Code Section 65562 and to implement the Resource and Land Use Sections of the Ventura County General Plan.
5. That a 5-member board of directors appointed by the Board of Supervisors shall govern the District. The City Selection Committee shall nominate three of the five directors from a list of ten nominees, one each from the ten cities. Each of the three selected nominees shall represent one of three geographic distribution areas as set forth in Attachment A. The Board of Supervisors shall nominate two of the five directors who will represent a countywide perspective.

Should the City Selection Committee fail to timely provide a list of nominees within 30 days after the date the regional district is formed, or within 30 days after a request by the Board of Supervisors, the Board of Supervisors shall appoint the three members, one from each of the geographic distribution areas set forth in Attachment A.

6. In accordance with PRC Section 5533.7(b), within 30 days after the date the regional district is formed, the Board of Supervisors shall appoint five persons to the board of directors of the District. Each appointed board member shall be a registered voter in the District and the terms of office of each member of the board of directors is four years, commencing at noon on the first Monday in January, except as provided below.

The persons appointed to the initial board of directors shall hold their first meeting not later than the first Monday that falls after 45 days after the date of formation of the District. At the first meeting of the board, the directors shall classify themselves by lot into two classes of members. The term of office of the first class with three members shall expire at noon on the first Monday in January that is closest to the fourth year after the appointments are made. The term of office of the class with two members shall expire at noon on the first Monday in January that is closest to the second year after the appointments are made.

7. In accordance with PRC Section 5533.7(c), the Board of Supervisors shall fill any vacancy in the office of the board of directors of the District. Any person appointed to fill a vacant office shall fill the balance of the unexpired term.
8. The Board of Supervisors may remove from office any director for cause.
9. That the District shall not have, and shall not exercise, the power of eminent domain pursuant to Section 5542 of the Public Resources Code (PRC) or any other provision of law and will only purchase interests in real property from willing sellers.
10. That being included within the District will benefit all lands within the boundaries of the District.
11. It is proposed that the District will be financed primarily by a voter-approved one-quarter cent sales tax for a period not to exceed ten years. If received, the District will also be funded by gifts, donations and grants. The District may also be funded by other sources of revenue authorized by law.
12. The boundaries of the District shall be coterminous with the boundaries of the County of Ventura.
13. The annual appropriations limit for the proceeds of the tax levied by or for the District shall be established at \$75 million and the election for the establishment of this limit shall be combined on the ballot with the formation and funding measures, and said election is hereby called for November 2, 2004.
14. The District shall be authorized to issue bonds in accordance with Section 5568 of the Public Resources Code.
15. The Board of Supervisors shall appoint a 3-member Fiscal Oversight Committee within 120 days after the first meeting of the District's Board of Directors. The Committee shall include a representative from a civic organization and the remaining two members shall have expertise in accounting, financial or legal matters. Reasonable efforts will be made to have one appointee from each of the three geographic distribution areas, as set forth

in Attachment A. The Board of Supervisors shall fill any vacancy on the Committee within 60 days of the date the vacancy becomes effective.

16. The District's Board of Directors shall appoint a geographically balanced nine-member Technical Advisory Committee within 120 days after the first meeting of the District Board. The duties of the Committee shall be to advise and make recommendations to the District Board on real property transactions and other matters that the District Board or the General Manager may, from time to time, refer to the Committee for consideration.

The Committee shall consist of nine members with knowledge and experience in areas supportive of the mission of the Open Space District. Representation on the committee shall be as follows:

- a. Three members representing the District's agricultural community.
 - b. Three representatives with expertise in wildlife corridor, habitat or wetlands conservation or watershed management.
 - c. One representative with expertise in natural parklands and/or passive recreation.
 - d. One member representing the District's real estate or real estate appraisal industry.
 - e. One member representing the District's business community.
17. An election on the measure for formation of the District is hereby called to be held on November 2, 2004. The formation measure shall be combined on the ballot with the proposed sales tax funding measure set forth in paragraph 11. No District formation shall occur unless the combined formation and sales tax ballot measure receives at least two-thirds voter approval.
 18. The election is hereby ordered consolidated with the November 2, 2004 general election and the County Clerk is hereby authorized and directed to do all things required by law to conduct the election.
 19. The Board of Supervisors requests, in accordance with PRC Section 5506.12(a), that upon approval of this Resolution by the Ventura Local Agency Formation Commission (LAFCO), that the open space district formation measure be sent directly to the voters of Ventura County rather than conducting any separate protest proceedings.
 20. In accordance with PRC Section 5517, the Clerk shall cause a certified copy of this Resolution to be published once a week for three successive weeks prior to the date of the election in the Ventura County Star.
 21. In accordance with PRC 5517.1, the Clerk shall deliver a copy of this Resolution within five days of its adoption, by registered mail to the Executive Officer of the Ventura LAFCO for the preparation of an impartial analysis to be included with the sample ballot.
 22. That the formation of the District is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15313, 15316, 15317, 15325 and 15378(b)(4) of the CEQA Guidelines.

BE IT FURTHER RESOLVED, this Board waives the County Surveyor's mapping and legal description fees related to District formation and hereby requests that the Ventura LAFCO waives its \$7,000 application fee and the Ventura County Assessor's Office waives its \$2,400 map change fee.

Attachment A Map

Upon motion of Supervisor Flynn, seconded by Supervisor Bennett
duly carried, the forgoing resolution is approved on this 25th day of May, 2004.

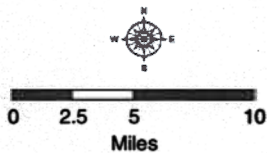
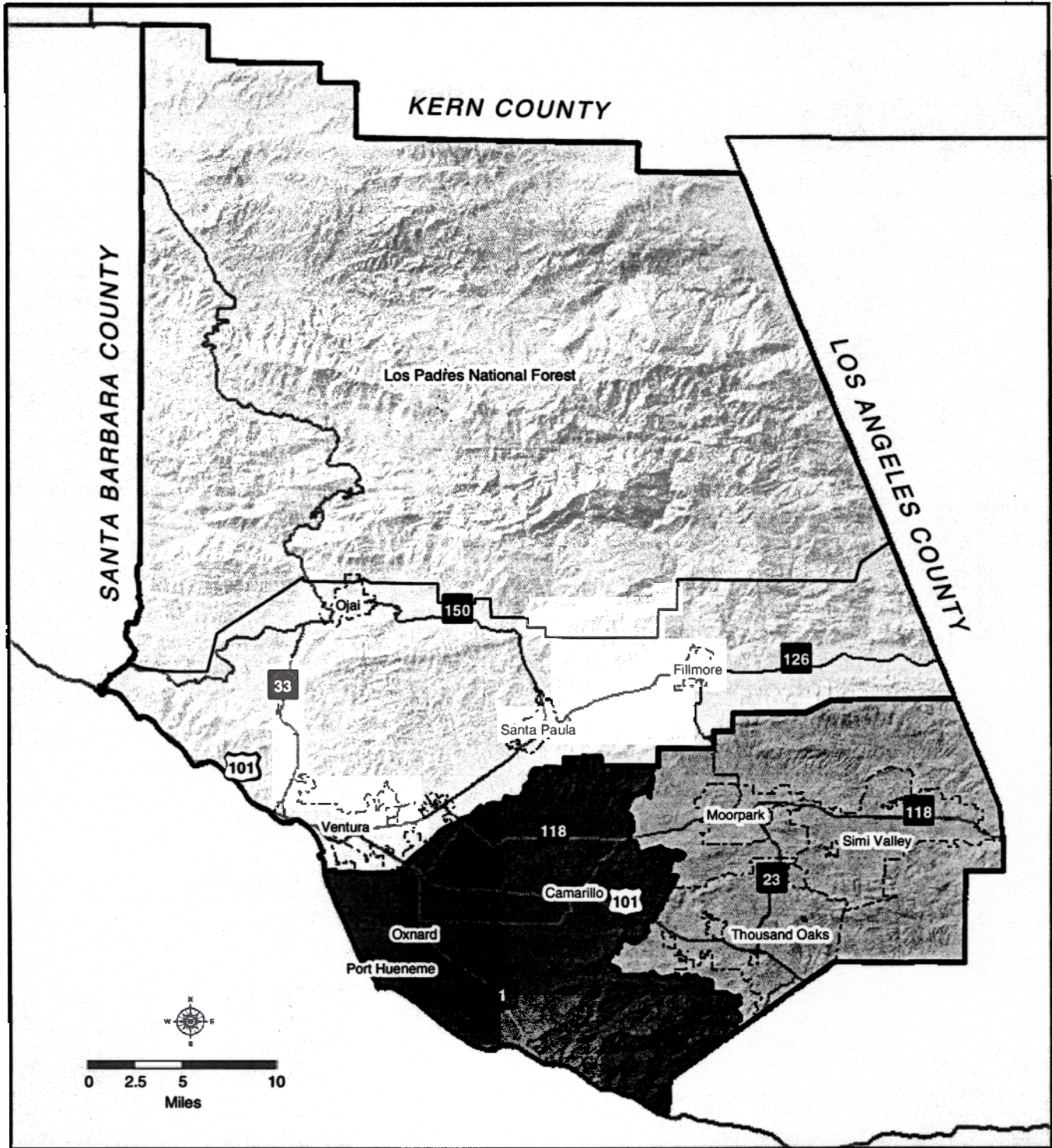


S. Beatty
Chair, Board of Supervisors

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors,
County of Ventura, State of California

By: *C. Christina Valenzuela*
Deputy Clerk of the Board

ATTACHMENT A OPEN SPACE DISTRICT - GEOGRAPHIC DISTRIBUTION AREAS



Geographic Distribution Areas

- North (Fillmore, Ojai, Santa Paula, Ventura)
- East (Moorpark, Simi Valley, Thousand Oaks)
- West (Camarillo, Oxnard, Port Hueneme)

- Cities
- National Forest Boundaries

Disclaimer: This map was created by the Ventura County Resource Management Agency, Planning Division, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be based on this map.

Ventura County Resource Management Agency
Planning Division
March 2003

