



County of Santa Cruz

PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

May 6, 1999

Agenda: May 18, 1999

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

SUBJECT: PUBLIC HEARING TO CONSIDER A PROPOSAL FOR AN AMENDMENT TO AGRICULTURAL BUFFER DETERMINATION 96-0025 AND A MAP CORRECTION TO MINOR LAND DIVISION 96-0501 TO EXPAND THE BUILDING ENVELOPES AND REDUCE AGRICULTURAL BUFFER SETBACKS. PROPERTY LOCATED ON THE SOUTH SIDE OF MELLO VIEW LANE, PAJARO VALLEY PLANNING AREA. APPLICATION NO. 98-0836; ASSESSOR'S PARCEL NOS. 050-391-01, 02, 03, AND 04; APPLICANT: HAMILTON SWIFT LAND USE AND DEVELOPMENT CONSULTANTS; OWNER: HENRY J. AND HELEN A. MELLO

Members of the Board:

Background

On May 7, 1999, your Board took jurisdiction of an appeal of a decision by the County's Agricultural Policy Advisory Commission (APAC) regarding application 96-0025, a request to reduce the agricultural buffer setbacks for a future land division. At that hearing, on June 4, 1996, your Board approved the requested reduction in the agricultural buffer setback. The appropriate setbacks were determined to be 39 feet for Parcel 1, 40 feet for Parcel 2, and 49 feet for both Parcel 3 and Parcel 4. The findings for approval of the recommended agricultural buffer setbacks included the finding that *"(t)he proposed agricultural buffer setback reduction would allow the subject parcel to be developed (filled in) at a density consistent with the level of public services available (public sewer and water), the R-I-IO Zone District and the Urban Very Low Residential land use designation (Attachment 6)."* On December 11, 1996, the Planning Commission granted approval to Minor Land Division 96-0501 for a proposal to create four single-family residential lots and a remainder lot, consistent with your Board's established agricultural buffer setbacks.

The applicant has now submitted an application to further reduce the agricultural buffer setbacks in order to allow the construction of non-habitable structures on APN's 050-391-01 and 050-391-02 and to allow the construction of habitable and non-habitable structures on APN's 050-391-03 and 050-391-04. This amendment is requested to minimize grading and fill placement for construction of homes in the approved development. County Code Section 18.10.134(c)(2) requires that the processing level for amendments and modifications initiated by the permit holder must be the

processing level applicable to the planning approval sought. Since the building envelopes for the subject parcels were established as a condition of approval for the agricultural buffer reduction, approved by your Board at a noticed public hearing on June 4, 1996, it is appropriate that this request be reviewed by your Board, to consider this change to your original approval. Since your Board accepted jurisdiction after denial by the Agricultural Policy Advisory Commission (APAC), it is the opinion of County Counsel that neither APAC nor Planning Commission review would be required for the requested amendment.

Discussion

The purpose of the agricultural buffer setback, as defined in County Code Section 16.50.095, is to prevent or reduce potential conflicts between either existing or future commercial agricultural and **habitable** (emphasis added) land uses. The applicant has requested a reduction of the agricultural buffer for Parcels 1 and 2 to allow for the construction of a non-habitable garage, either attached or detached, within the previously designated agricultural buffer setback. The setback, for non-habitable structures, from the commercial agricultural parcel to the north would be a minimum of 20 feet for Parcel 1 and 30 feet for Parcel 2. A map showing the existing setbacks is included as Attachment 4 and a map of the requested setbacks is included as Attachment 5. It appears that this request, for Parcels 1 and 2, would meet the intent of County Code Section 16.50.095, as a garage, if constructed to meet the definition found in County Code Section 13.10.700-N, would be considered a non-habitable accessory structure.

The applicant has also requested a reduction of the agricultural buffer for Parcels 3 and 4, to allow the construction of both habitable and non-habitable structures. The setback from the commercial agricultural parcel to the north would be 40 feet for both Parcels 3 and 4. When the agricultural buffer reduction was originally considered by your Board, the location of the adjacent historical residence and its associated landscaping was discussed. It appears that this location creates an additional buffer for Parcels 3 and 4, from the agricultural activities on the adjacent parcel. Because of the location of agricultural activities on the adjacent parcel, it appears that Parcel 1 is the most likely to be affected by the commercial agricultural use, and Parcels 3 and 4 would be the least affected. No decrease in the setback to habitable structures has been requested for Parcels 1 and 2.

Conclusion

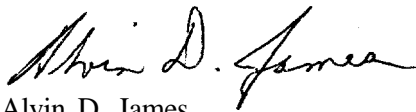
The agricultural buffer setback was not a matter of substantial controversy at the public hearing before the Planning Commission, when the Minor Land Division was approved. The proposed reduction in the agricultural buffer setback would not result in a higher density or intensity of use and would not change the configuration of the approved Minor Land Division. Grading and fill placement would be minimized for new construction on the approved parcels. The proposed setbacks would conform to the required setbacks for the R-1 -10 zone district, and would not affect the amended improvement plan approved by the Planning Commission.

It appears that the requested agricultural buffer reduction would be in keeping with the original approval by your Board and would not change the configuration, density or intensity of the approved Minor Land Division.

It is, therefore, RECOMMENDED that your Board take the following action:

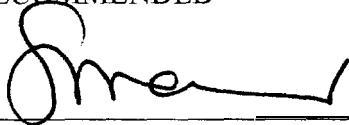
1. Approve the determination that the project is Categorically Exempt from the California Environmental Quality Act, and
2. Approve Application 98-0836 based on the findings and subject to the attached conditions, to include an amendment to Agricultural Buffer Determination 96-0025 and a Map Correction to Minor Land Division 96-0501.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED



SUSAN A. MAURIELLO,
County Administrative Officer

Attachments:

1. Findings
2. Conditions of Approval
3. Notice of Esemption from the California Environmental Quality Act
4. Map of existing setbacks
5. Map of proposed setbacks
6. Board letter, dated May 20, 1996
7. Letter from John Swift, Hamilton Swift Land Use and Development Consultants

cc: John Swift, Hamilton Swift Land Use and Development
Henry J. and Helen A. Mello