

AGRICULTURAL BUFFER SETBACK REDUCTION FINDINGS

1. THE LAND DIVISION SITE IS LOCATED WITHIN THE URBAN SERVICES LINE AND IS SUITABLE FOR DEVELOPMENT AT BUILDOUT LEVEL WITHIN THE CARRYING CAPACITY OF THE AREA.

The project site is located within the urban services line, as defined on the County's General Plan Maps. The approved Minor Land Division is consistent with the existing zoning of "R-l- 10" and the Urban Very Low Residential General Plan land use designation. Basic urban services such as water and sewer are available for the project. There are no physical impediments to development of the site.

2. PERMANENT SUBSTANTIAL VEGETATION (SUCH AS A RIPARIAN CORRIDOR OR WOODLAND PROTECTED BY THE COUNTY'S RIPARIAN CORRIDOR OR SENSITIVE HABITAT ORDINANCES) OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE OR MINIMIZE THE NEED FOR A 200-FOOT AGRICULTURAL BUFFER SETBACK

The adjacent agricultural land contains a well maintained historical "landmark" home and a landscaped yard adjacent to Parcels 3 and 4. The landscaping surrounding the historical home is not as substantial as a riparian corridor, nor is the landscaping permanently protected by County Ordinance. Therefore, no permanent substantial vegetation, permanently protected by County Ordinance, exists. However, the historical home serves as a permanent physical barrier which minimizes the need for 200-foot agricultural buffer setbacks for Parcels 3 and 4, as the "landmark" home is well maintained, protected by the County Historic Preservation Ordinance, is in excellent condition and is not likely to be removed to increase agricultural production.

3. A LESSER SETBACK DISTANCE IS FOUND TO BE ADEQUATE TO PREVENT CONFLICTS BETWEEN THE NON-AGRICULTURAL DEVELOPMENT AND THE ADJACENT AGRICULTURAL LAND BASED ON THE ESTABLISHMENT OF A PHYSICAL BARRIER OR THE EXISTENCE OF SOME OTHER FACTOR WHICH EFFECTIVELY SUPPLANTS THE NEED FOR A 200-FOOT AGRICULTURAL BUFFER SETBACK.

The proposed agricultural buffer setbacks will be adequate to minimize potential land use conflicts in combination with a physical agricultural buffering setback, as approved as part of Minor Land Division 96-0501 and Agricultural Buffer Determination 96-0025. This buffering area will be composed of an evergreen hedge planting, based on the requirements in the Conditions of Approval for Agricultural Buffer Determination 96-0025. The proposed agricultural buffer setbacks will not hinder or adversely affect the agricultural use of the adjacent "CA" zoned land, when developed with the required additional physical buffering barriers. The proposed setbacks will not significantly increase the potential for land use conflicts, as the surrounding area is residentially developed with setbacks similar to those proposed.

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4. THE IMPOSITION OF A 200-FOOT AGRICULTURAL BUFFER SETBACK WOULD PRECLUDE BUILDING ON A PARCEL OF RECORD, 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 TO PROVIDE THE MAXIMUM BUFFERING POSSIBLE, CONSISTENT WITH THE OBJECTIVE OF BUILDING ON A PARCEL OF RECORD.

The imposition of 200-foot buffer setbacks would preclude development on the subject parcels, as the parcels are not 200 feet wide. The agricultural buffer setbacks of the existing homes located on the north side of the "CA-L" zoned parcel range from seven to thirty-eight feet. The existing homes located on the east side of Green Valley Road are setback an average of approximately 82 feet (including Green Valley Road, which is approximately 50 feet wide). The proposed agricultural buffer setbacks would be 39 and 40 feet to habitable structures, and are consistent with the setbacks of the existing residential neighborhood. The proposed setbacks would allow the subject parcels to be developed at a density consistent with the level of public services available and would minimize the amount of grading and fill required to construct homes on the parcels.

SUBDIVISION FINDINGS

1. THAT THE PROPOSED SUBDIVISION MEETS ALL REQUIREMENTS OR CONDITIONS OF THE SUBDIVISION ORDINANCE AND THE STATE SUBDIVISION MAP ACT.

The proposed amendment to the approved division of land meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan, the Zoning Ordinance, and other applicable regulations as set forth in the findings below.

2. THAT THE PROPOSED SUBDIVISION, ITS DESIGN, AND ITS IMPROVEMENTS, ARE CONSISTENT WITH THE GENERAL PLAN, AND THE AREA GENERAL PLAN OR SPECIFIC PLAN, IF ANY.

The proposed amendment to the approved division of land, its design, and its improvements, are consistent with the General Plan. The project site is located within the urban services line and is consistent with the existing zoning of R-1-10 and the Urban Very Low Residential General Plan land use designation. Basic urban services such as water and sewer are available to the site.

The adjacent agricultural land contains a well maintained historical "landmark" home and a large landscaped yard adjacent to Parcels 3 and 4. The landscaping surrounding the historical home is not permanently protected by the County. However, the "landmark" home serves as a permanent physical barrier which minimizes the need for a 200-foot agricultural buffer, as it is well maintained, is in excellent condition, and is not likely to be removed to increase agricultural production or to expand the commercial agricultural activities.

3. THAT THE PROPOSED SUBDIVISION COMPLIES WITH ZONING ORDINANCE PROVISIONS AS TO USES OF LAND, LOT SIZES AND DIMENSIONS AND ANY OTHER APPLICABLE REGULATIONS.

The proposed amendment to the approved division of land complies with applicable zoning ordinance provisions in that the findings for a reduction of the agricultural buffer setback, as required by County Code Section 16.50.095, can be made.

The adjacent agricultural land contains a well maintained historical "landmark" home and a large landscaped yard adjacent to Parcels 3 and 4. The landscaping surrounding the historical home is not permanently protected by the County. However, the "landmark" home serves as a permanent physical barrier which minimizes the need for a 200-foot agricultural buffer, as it is well maintained, is in excellent condition, and is not likely to be removed to increase agricultural production or to expand the commercial agricultural activities.

The imposition of 200-foot agricultural buffer setbacks on the subject parcels would preclude residential development as none of the parcels are 200-feet in the dimension adjacent to the "CA-L" zoned parcel. The proposed agricultural buffer setbacks reflect those of nearby development on the north side of the "CA-L" zoned parcel, and on the east side of Green Valley Road. The proposed agricultural buffer setbacks will be adequate to minimize potential land use conflicts in combination with a physical landscape buffering barrier as approved with Application 96-0501. The residential development on the subject parcels will be sited to minimize potential conflicts between the agricultural use and non-agricultural use, and will not cause any agricultural land to be removed from production or potential production.

4. THAT THE SITE OF THE PROPOSED SUBDIVISION IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF DEVELOPMENT.

The site of the approved land division is physically suitable for the type and density of development in that no challenging topography affects the site, the existing property is commonly shaped to ensure efficiency in further development of the property, and the proposed parcels offer a traditional arrangement and shape to insure development without the need for variances or site standard exceptions. No environmental constraints exist which would necessitate the area remain undeveloped.

5. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE NOR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The design of the proposed amendment to the approved division of land will not cause environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. No mapped or observed sensitive habitats or threatened species impede development of the site as proposed.

6. THAT THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed amendment to the approved division of land will not cause serious public health problems in that municipal water and sewer are available to serve all approved parcels, and these services will be extended as part of the improvement plan for the land division.

7. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH, OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The design of the proposed amendment to the approved division of land will not conflict with public easements for access in that no easements are known to encumber the property.

8. THE DESIGN OF THE PROPOSED SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES.

The design of the proposed amendment to the approved division of land provides to the fullest extent possible, the ability to use passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. All proposed parcels are conventionally configured and all proposed building envelopes meet the minimum setbacks as required by the zone district for the property and County code.