

November 30, 1998

Martin Jacobson  
Santa Cruz County Planning  
701 Ocean Street  
Santa Cruz, CA 95060  
VIA FAX: 454-2131

Re: Mello Land Division; 499 Green Valley Rd.; MLD 96-0501

Dear Mr. Jacobson;

Herewith is an application for a Minor Variation to MLD 96-0501. The Minor Variation request is to change the building envelopes for Parcel 1 & 2 such that nonhabitable structures can be setback from the property lines as required by the Zone District. Currently the building envelopes reflect the agricultural buffer setback and include nonhabitable structures. However Section 5.13.24 of the General Plan states that a 200 foot buffer setback is required between only habitable development and commercial agricultural land. The agricultural buffer setback does not apply to nonhabitable structures.

Mr. Mello would like to amend the building envelopes on these two parcels such that the construction of a nonhabitable garage, either attached or detached, within the agricultural setbacks as established by the Board of Supervisors would be allowed. (An attached nonhabitable garage must not have an internal connection to the house. Neither an attached or detached nonhabitable structure can have plumbing other than a hose bib. A nonhabitable structure can either be sheet rocked or insulated, but not both).

For parcels 3 & 4 Mr. Mello is requesting that the setback for both habitable and nonhabitable structures be amended to 20' to the edge of the Mello View Lane R/W.

Procedurally if a Minor Variation to the Tentative Map is approved to allow the revised setbacks as requested a subsequent Parcel Map correction would be implemented to modify the building envelopes.

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The following discusses the setback requirements from right-of-ways and property lines.

On Parcel 1 the Minor Variation request is to approve two alternative building envelopes; one assuming the R/W remains and the other assuming the R/W is removed. A setback of 20' from the existing 15' R/W that runs along the northern property line to a nonhabitable garage is requested. If the R/W is removed, the setback would be 20' from the northern property line and 10' from the eastern property line. Mr. Mello is currently in the process of eliminating this R/W.

On Parcel 2 a nonhabitable garage could be located 10' from the north property line subject to approval of a Minor Variation and Parcel Map Correction. This would be considered a side setback. The 20' front yard setback and 10' eastern side yard setback would remain as shown on the Parcel Map.

On Parcels 3 & 4 the front setback is requested to be reduced to 20' from the Mello View Lane R/W for either habitable or nonhabitable space. When the Board of Supervisors approved the Agricultural Setbacks, the Mello Lane R/W was shown on the Tentative Map as being 10' wider to incorporate a sidewalk. The Planning Commission removed the requirement for the sidewalk and reduced the road width, thus reducing the width of the R/W. During the Board of Supervisor's deliberation on the appropriate width of the Ag Buffer Setback it was acknowledged that the existence of the adjacent historical house and associated landscaping created a substantial agricultural buffer for Parcels 3 & 4. The buffer that was placed on these properties reflects a 20' setback from the edge of the R/W as it was shown at that time on the Tentative Map. The setback for the Remainder Parcel was established as 39' as was the setback for Parcel 1. A 40' setback was established for Parcel 2. It was very clear at the Board hearings for the Agricultural Buffer that Parcel 1 was the most effected by the adjacent commercial agricultural use. Likewise it was acknowledged that Parcels 3 & 4 were the least effected.

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The only explanation for the establishment of a greater setback for these least effected parcels was the incorporation of the 20' front yard setback into the Agricultural Buffer Setback. Since the R/W has been reduced in width, it is appropriate and consistent with the other setbacks that the Ag Buffer for Parcels 3 & 4 be brought into conformity with the Ag Buffer setback on the other Parcels.

Enclosed is a copy of the Parcel Map with the requested setbacks shown and a copy of the findings and staff report for the Agricultural Buffer Setback determination..

Please give me a call if you have any questions. Thanks for your help on this matter.

Sincerely,



John            Swift

Required Findings for Reduction of Agricultural  
Buffer Setback  
County Code Section 16.50.095(c)

(C) OUTSIDE OF THE COASTAL ZONE, NOTWITHSTANDING THE PROVISIONS OF SECTION 16.50.095(B), 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,

1. THE PROPOSED LAND DIVISION SITE IS:

(a) LOCATED WITHIN THE URBAN SERVICES LINE,

The proposed project site is located within the urban services line based on the County's General Plan Map.

(b) SUITABLE FOR DEVELOPMENT AT BUILDOUT LEVEL WITHIN THE CARRYING CAPACITY OF THE AREA; AN@

The future 5 lot subdivision 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 for the project. There are no apparent physical impediments to development of the site. Additional analyses concerning the "carrying capacity" of the area will be evaluated during Environmental Review with the submittal of a complete Subdivision application.

2. THE AGRICULTURAL POLICY ADVISORY COMMISSION (APAC) FINDS THAT ONE OR MORE OF THE FOLLOWING SPECIAL CIRCUMSTANCES EXISTS:

(a) SIGNIFICANT TOPOGRAPHIC DIFFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH MINIMIZE OR ELIMINATE THE NEED FOR A 200 FOOT AGRICULTURAL BUFFER SETBACK; OR

There are no significant topographic differences between the agricultural land and the proposed non-agricultural uses which will serve to minimize **or** eliminate the need for a 200 foot agricultural buffer setback, as the **subject property** and the agricultural land exist at **approximately the same** elevation.

- (b) 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 NON-AGRICULTURAL USES WHICH MINIMIZE OR ELIMINATE THE NEED FOR A 200 FOOT AGRICULTURAL BUFFER SETBACK; OR

The adjacent agricultural land contains a well maintained historical "Landmark" home and a landscaped yard adjacent to proposed 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 the County's Ordinances. Therefore, no permanent substantial vegetation (such as a Riparian Corridor or Woodland permanently protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) exist. However, the historical "Landmark" home serves as a permanent physical barrier which minimizes the need for 200-foot agricultural buffer setbacks for parcels 3 and-4, as the historical "Landmark" home is well maintained and is in excellent condition and is not likely to be removed to increase agricultural production.

- (c) 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

The imposition of 200 foot buffer setbacks would preclude further residential development on the subject parcel, as the parcel is not 200 feet wide in the dimension adjacent to the "CA-L" zoned parcel. The imposition of the 200 foot buffer setback would hinder **infill** development and create a development pattern **inconsistent with** the surrounding neighborhood in that the proposed setbacks are consistent with those of **the** adjacent development. 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) from the "CA-L" parcel. The proposed agricultural buffer setbacks range from 39 to 49 feet, as shown on the site plan, consistent with the setbacks of the existing residential neighborhood. The 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-1-10 Zone District and the Urban Very Low Residential General Plan land use designations.

3. 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 LANG DIVISION AND THE PROPOSED SETBACK REDUCTION, IN THE EVENT THAT APAC FINDS THAT ONE OR MORE OF THE ABOVE SPECIAL CIRCUMSTANCES EXIST; AND

The proposed agricultural buffer setbacks will be adequate to minimize potential land use conflicts in combination with a physical agricultural buffering barrier, as shown on the site plan. This buffering area should be dedicated or maintained through an easement or a Homeowners' agreement. The buffering barrier should be composed of an evergreen hedge planting (drought tolerant species that will reach a height of 12 to 25 feet at maturity) and a solid wall or fence of a minimum height of 6 feet (except where necessary to provide adequate site distance), based on approved agricultural buffer setbacks and buffering barriers, as shown on the site plan.

4. 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.

The proposed agricultural buffer setbacks will not hinder or adversely affect the agricultural use of the adjacent "CA" zoned land, provided that additional physical buffering barriers are incorporated into the project design, as described in the above finding. The proposed setback will not significantly increase the potential for land use conflicts, as the surrounding area is residentially developed with setbacks similar to the proposed subdivision.

RECOMMENDED CONDITIONS OF APPROVAL

Type of Permit: Agricultural Buffer Determination  
Application No.: 96-0025  
AFN: 050-151-14  
Owner: Henry & Helen Mello  
Applicant: Hamilton-Swift

PLANNING AREA: Pajaro Valley

LOCATION: (West side of Green Valley Road about 300 feet south of Minto Road).

Exhibit

- A. Site Plan/Preliminary Subdivision Map, prepared by **MidCoast** Engineers, dated March 27, 1996.

Conditions

- I. Prior to exercising any rights granted by this approval the owner shall sign, date and return one copy of the Approval to the Planning Department (Attention: Sheryl Mitchell) to indicate the owner's acceptance and agreement with the conditions thereof.
- A. The **approval** of this application is contingent on the understanding that this review has been completed absent the other required reviews and pertinent applications, including, Geologic and Geotechnical Reports, Riparian Review, an Archaeologic Report and a Subdivision application. These additional reviews and/or applications may alter the location of the proposed building envelopes. Any modification of the proposed future subdivision which significantly alters or reduces the agricultural buffer setbacks or barriers and is inconsistent with the intent of this approval will require further review and approval by **the Board** of Supervisors.
- II. Prior to public hearing for the subdivision application, the following shall be complied with:
- A. The applicant shall submit revised preliminary site and agricultural buffer planting/landscape plans for the review and approval of the Development Review Section of the Planning Department (Att: Sheryl Mitchell). These plans shall incorporate the County's standard requirements and the required buffering setbacks and barriers, as shown on the site plan and as follows:

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1. The buffering barrier/landscape plan shall depict the installation of a buffering barrier between the proposed building envelopes and the adjacent "CA-L" zoned parcel (APN 050-151-16) located to the north (except where determined to be necessary to provide adequate site distance by the Planning Department). The barrier at a minimum shall be composed of a solid wall or fence that is a minimum of six feet in height and a single row of an evergreen hedge (the hedge may be incorporated within a landscape plan to provide a more aesthetically pleasing development). The evergreen hedge shall be composed of 15 gallon sized shrubs that are: drought tolerant, non-invasive, disease resistant, native (or native compatible) and a shrub species which will retain a height of 12 to 25 high at maturity. The planting plan shall be based on pre-approved plant species and shall include provisions for the installation and a minimum two year maintenance of an automatic irrigation system.
  
2. The building envelopes shall be located so as to conform to the minimum agricultural buffer setbacks measured from the northern edge of each of the proposed building envelopes to the southern property line of the adjacent "CA-L" zoned parcel (APN 050-151-16) as follows:
  - a. Parcel One- 39 feet; and
  - b. Parcel Two- 40 feet; and
  - c. Parcel Three- 49 feet; and
  - d. Parcel Four- 49 feet; and
  - e. Parcel Five- 39 feet.
  
- B. The following statement shall be included on the Tentative Map and any subsequent maps and shall be in any deed conveying the subject lots: "The property described herein is adjacent to land used for agricultural purposes. Residents of this property may be subject to inconveniences or discomforts arising from the use of pesticides and fertilizers, and from the pursuit of agricultural operations including plowing, spraying, pruning and harvesting which occasionally generates dust, noise, smoke, and odor. Santa Cruz County has established agriculture as a priority use on productive agricultural lands. Residents of adjacent property should be prepared to accept such inconveniences or discomforts resulting from normal, necessary farm operations."



III. Prior to recordation of the Final Map, the following shall be complied with:

- A. The owner(s) shall **record Statements** of Acknowledgement on the final Map and on each parcel deed, as described above and in County Code Sections 14.01.407.5 and **16.50.090** and submit evidence of the **recor-**dation of such to the project planner and the Development Review Section of the Planning Department. These Statements of Acknowledgement shall acknowledge the adjacent agricultural land use and the required agricultural buffer setbacks and barriers.
- B. The Final Map shall incorporate the required Agricultural Statements of **Acknowledgements**, setbacks and barriers, as previously approved.

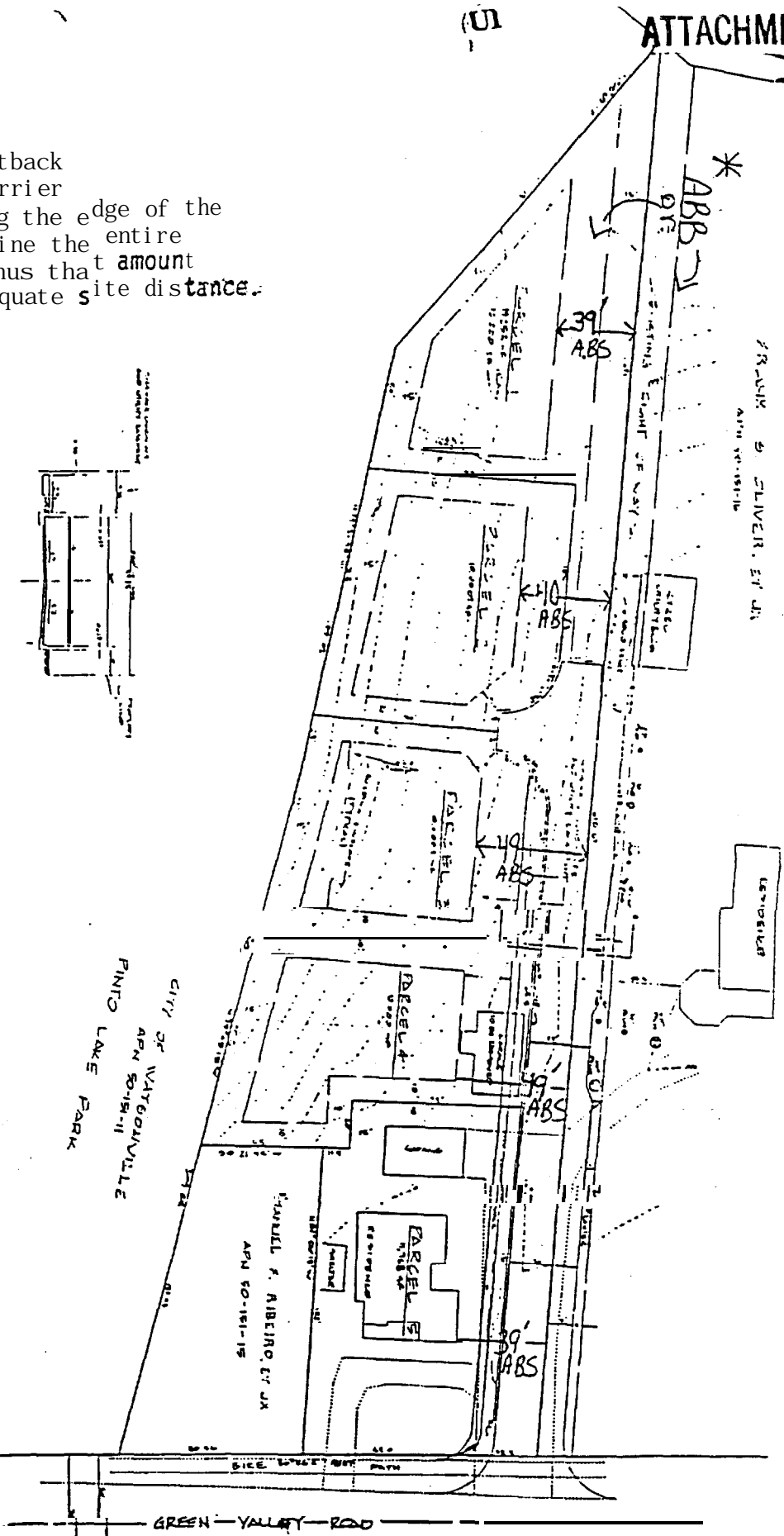
IV. Operational conditions:

- B. The owners and/or Home Owner's Association shall permanently maintain the agricultural buffer setbacks and barrier(s) within approximately the location shown on the site plan and per the approved Final Map.

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Cultural Buffer Setback  
 Cultural Buffer Barrier  
 to be located along the edge of the  
 &/or the property line the entire  
 length of the property minus that amount  
 necessary to maintain adequate site distance.



1. PLANNING DEPARTMENT  
 PLANNING DEPARTMENT LOCAL STREET  
 NUMBER OF METERS, METERS IN THIS SITE

APN 50-151-15  
 APN 50-151-14

PRELIMINARY SUBDIVISION  
 HENRY DEBILLOIS, JR.  
 APN 50-151-14