

STAFF REPORT TO THE AGRICULTURAL POLICY ADVISORY COMMISSION

APPLICATION NO.: 03-0464

APN: 109-061-15

APPLICANTS: Angelo & Marie Pimentel

OWNERS: Angelo and Marie Pimentel

PROJECT DESCRIPTION: Proposal to construct a Second Unit. Requires an Agricultural Buffer Determination.

LOCATION: Property located on the east side of Green Valley Road, one mile north of Varni Road at 1520 Green Valley Road in Watsonville.

PERMITS REQUIRED: Agricultural Buffer Setback Reduction

ENVIRONMENTAL DETERMINATION: Exempt - Category 1

COASTAL ZONE: —Yes X No

PARCEL INFORMATION

PARCEL SIZE: 5.263 acres

EXISTING LAND USE:

PARCEL: Single-family residential

SURROUNDING: Commercial agriculture, single-family residential

PROJECT ACCESS: Green Valley Road

PLANNING AREA: Eureka Canyon

LAND USE DESIGNATION: RM (Mountain Residential)

ZONING DISTRICT: RA (Residential Agriculture)

SUPERVISORIAL DISTRICT: Fourth (Campos)

ENVIRONMENTAL INFORMATION

- | | |
|-----------------------|--|
| a. Geologic Hazards | a. Not mapped/no physical evidence on site |
| b. Soils | b. Tierra-Watsonville complex |
| c. Fire Hazard | C Not a mapped constraint |
| d. Slopes | d. 15-30percent slopes |
| e. Env. Sen. Habitat | f. Mapped biotic/no physical evidence on site |
| f. Grading | No grading proposed |
| g. Tree Removal | g. No trees to be removed |
| h. Scenic | h. Not a mapped resource |
| i. Drainage | i. Existing drainage adequate |
| j. Traffic | j. No significant impact |
| k. Roads | k. Existing roads adequate |
| l. Parks | l. Existing park facilities adequate |
| m. Sewer Availability | m. No |
| n. Water Availability | n. No |
| o. Archeology | o. Mapped/no physical evidence on site |

p. Agricultural Resource

p. Not a mapped resource

SERVICES INFORMATION

Inside Urban/Rural Services Line: ___ Yes ___ **X** No

Water Supply: Pajaro Valley Water Management Agency

Sewage Disposal: CSA#12, private septic system

Fire District: Pajaro Valley Fire Protection District

Drainage District: Non-Zone

ANALYSIS AND DISCUSSION

The proposed project is to construct a one story second unit of 1,200 square feet with an attached garage of 528 square feet on site with an existing single-family dwelling of approximately 3,491 square feet and a detached storage building on a 5.263-acre parcel. The project is located at 1520 Green Valley Road in Watsonville. The building site is within 200 feet of Commercial Agricultural land to the south and across Green Valley Road to the west. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 188 feet and 86 feet from APN 109-101-14,-34 (Rose single-family dwelling and orchard) and 109-061-08, -37 (Davis and Whalen lands across Green Valley Road).

The subject property is characterized by sloping topography of 15–30 percent slopes. The parcel is not located within the Urban Services Line and may be characterized as a low density, rural agriculture neighborhood. The parcel carries a Mountain Residential (MR) General Plan designation and the implementing zoning is (RA) Residential Agriculture. Commercial Agriculture zoned land is situated within 200 feet at the south and west sides of the parcel at Assessor's Parcel Numbers 109-101-14,-34 and 109-061-08, -37.

A reduced agricultural buffer is recommended due to the fact that the lot is an irregular shape and it is not sufficiently wide to allow sufficient building area if the required 200-foot setbacks were maintained from the adjacent Commercial Agriculture zoned properties. The applicant is proposing an evergreen hedge to reduce the impact of agricultural activities on the proposed residential use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcels. The applicant shall further be required to record a Statement of Acknowledgement regarding the issuance of a county building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts. A Declaration of Restrictions Regarding the Second Unit was filed as Document 2003-0089902.


RECOMMENDATION

Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 188 feet and 86 feet to the single-family dwelling from the adjacent CA zoned property known as APN 109-101-14,-34 and 109-061-08,-37, proposed under Application # 03-0464, based on the attached findings and recommended conditions.

Exhibits

- A. Project Plans by John Craycroft dated 3/12/03 revised 5/20/03, 7/23/03, 8/25/03.
- B. Findings
- C. Conditions
- D. Comments and Correspondence
- E. Location Map/Assessor's Parcel map
- F. Zoning and General Plan maps
- G. Site photographs

Report prepared **by:** Joan Van der Hoeven
Project Planner
701 Ocean Street
Santa Cruz CA 95060
Phone Number: (831) 454-5174 (or, pln140@co.santa-cruz.ca.us)

Report Reviewed **By:** 
Cathy Graves
Principal Planner
Development Review

REQUIRED FINDINGS FOR AGRICULTURAL BUFFER SETBACK REDUCTION
COUNTY CODE SECTION 16.50.095(b)

1. SIGNIFICANT TOPOGRAPHICAL DIFFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT SETBACK; OR
2. PERMANENT SUBSTANTIAL VEGETATION OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT BUFFER SETBACK, OR A LESSER SETBACK DISTANCE IS FOUND TO BE ADEQUATE TO PREVENT CONFLICTS BETWEEN THE NON-AGRICULTURAL DEVELOPMENT AND THE ADJACENT AGRICULTURAL USES, 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; AND/OR SOME OTHER FACTOR WHICH EFFECTIVELY SUPPLANTS THE 200 FOOT BUFFERING DISTANCE TO THE GREATEST DEGREE POSSIBLE; OR

The habitable structure is proposed to be set back 188 feet and 86 feet from the adjacent Commercial Agriculture zoned land. With the 40 foot width of the Green Valley right-of-way, the effective agricultural setback would be proposed to be 188 feet and 86 feet where 200 feet are required. An effective barrier consisting of evergreen shrubs would be adequate to prevent conflicts between the second unit and the adjacent Commercial Agriculture zoned land of APN's 109-101-14,-34 and 109-061-08, -37. This barrier, as proposed, shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic.

3. THE IMPOSITION OF A 200 FOOT AGRICULTURAL BUFFER SETBACK WOULD PRECLUDE BUILDING ON A PARCEL OF RECORD AS OF THE EFFECTIVE DATE OF 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, OR VEGETATIVE SCREENING OR OTHER TECHNIQUES TO PROVIDE THE MAXIMUM BUFFERING POSSIBLE, CONSISTENT WITH THE OBJECTIVE OF PERMITTING BUILDING ON A PARCEL OF RECORD.

CONDITIONS OF APPROVAL

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN's (109-101-14,-34 and 109-061-08,-37). Prior to exercising any rights granted by this permit, including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit and Grading Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with Exhibit A on file with the Planning Department. The final plans shall include the following additional information:
 1. A development setback of a minimum of 188 feet and 86 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 109-101-14,-34 and 109-061-08,-37.
 2. Final plans shall show the location of the vegetative buffering barrier used for the purpose of buffering adjacent agricultural land which shall be composed of drought tolerant shrubbery. The shrubs utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.
 3. Three (3) parking spaces shall be provided.
 - B. The owner shall record a Statement of Acknowledgement, as prepared by the Planning Department, and submit proof of recordation to the Planning Department. The statement of Acknowledgement acknowledges the adjacent agricultural land use and the agricultural buffer setbacks.
- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
 - B. The required vegetative barrier shall be installed. The applicant/owner shall

contact the Planning Department's Agricultural Planner, a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.

- C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.

IV. Operational Conditions

- A. The vegetative barrier shall be permanently maintained.
- B. All required Agricultural Buffer Setbacks shall be maintained.
- C. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, up to and including permit revocation
- D. The maximum occupancy of a second unit may not exceed that allowed by the State Uniform Housing Code, or other applicable state law, based on the unit size and number of bedrooms in the unit. Rental or permanent occupancy of the second unit shall be restricted for the life of the unit to either:
 - 1. Households that meet the Income and Asset Guidelines requirements established by Board of Supervisors resolution for lower income households; or

Senior households, where one household member is sixty-two years of age or older, that meet the Income and Asset Guidelines requirements established by Board resolution for moderate or lower income households; or
 - 2. Persons sharing residency with the property owner and who **are** related by blood, marriage, or operation of law, or have evidence of a stable family relationship with the property owner.
- E. The property owner shall permanently reside, as evidenced by a Homeowner's Property Tax Exemption on the parcel, in either the main dwelling or the second unit. If the property owner resides in the second unit, either the property owner or the residents of the primary single-family dwelling must meet the income or familial requirements described above.
- F. Prior to final inspection approval of the unit, the property owner shall submit a statement to the administering agency, as defined in County Code Subsection 17.10.020(a), indicating whether the second unit will be rented, occupied by family

members, or left vacant. Whenever a change in occupancy occurs, the owner shall notify the administering agency, by registered or certified mail, that the occupancy has changed, and indicating the new status of the unit.

- G. If rent is charged, the rent level for the second unit, or for the main unit, if the property owner resides in the second unit, shall not exceed that established by the Section 8 Program of the Department of Housing and Urban Development (HUD) or its successor, or the rent level allowed for affordable rental units pursuant to Chapter 17.10 of the County Code, whichever is higher.
- H. No person, including family members of the owner, shall rent or permanently occupy a second unit unless he/she has first obtained certification of his/her eligibility from the administering agency. The property owner must refer persons who wish to rent or permanently occupy the unit to the administering agency for certification, prior to occupancy. The administering agency may charge a fee to the applicant for the certification process.
- I. The owner shall report the occupancy status of the second unit, when requested by the administering agency, at least once every three years. This report shall include the status of the unit, the name of the current occupant(s) and the monthly rent charged, if applicable.

Minor Variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: 1/15/04

Effective Date: 1/29/04

Expiration Date: 1/29/06

Appeals: Any property owner or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No.: 03-0464

Assessor Parcel No.: 109-061-15

Project Location: 1500 Green Valley Road, Watsonville

Project Description: Agricultural Buffer Determination

Person or Agency Proposing Project: Angelo & Marie Pimentel


Contact Phone: 831-247-4261

- A. ☐ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
B. ☐ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
C. ☐ Statutory Exemption other than a Ministerial Project.
Specify type:

D. Categorical Exemption

- | | |
|--|---|
| <input type="checkbox"/> 1. Existing Facility | <input type="checkbox"/> 20. Changes in Organization of Local Agencies |
| <input type="checkbox"/> 2. Replacement or Reconstruction | <input type="checkbox"/> 21. Enforcement Actions by Regulatory Agencies |
| <input checked="" type="checkbox"/> 3. New Construction of Small Structure | <input type="checkbox"/> 22. Educational Programs |
| <input type="checkbox"/> 4. Minor Alterations to Land | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings |
| <input type="checkbox"/> 5. Alterations in Land Use Limitations | <input type="checkbox"/> 24. Regulation of Working Conditions |
| <input type="checkbox"/> 6. Information Collection | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources | <input type="checkbox"/> 27. Leasing New Facilities |
| <input type="checkbox"/> 9. Inspection | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing Facilities |
| <input type="checkbox"/> 10. Loans | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities |
| <input type="checkbox"/> 11. Accessory Structures | <input type="checkbox"/> 30. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales | <input type="checkbox"/> 31. Historical Resource Restoration/Rehabilitation |
| <input type="checkbox"/> 13. Acquisition of Land for Wild-Life Conservation Purposes | <input type="checkbox"/> 32. In-Fill Development Projects |
| <input type="checkbox"/> 14. Minor Additions to Schools | |
| <input type="checkbox"/> 15. Minor Land Divisions | |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks | |
| <input type="checkbox"/> 17. Open Space Contracts or Easements | |
| <input type="checkbox"/> 18. Designation of Wilderness Areas | |
| <input type="checkbox"/> 19. Annexation of Existing Facilities Lots for Exempt Facilities | |

E. Lead Agency Other Than County: N/A


Joan Van der Hoeven, Project Planner

Date: 1/15/04

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Joan Van Der Hoeven
Application No.: 03-0464
APN: 109-061-15

Date: December 3, 2003
Time: 15:52:02
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON NOVEMBER 12, 2003 BY ROBERT'S LOVELAND =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON NOVEMBER 12, 2003 BY ROBERT S LOVELAND =====
NO COMMENT

Project Review Completeness Comments

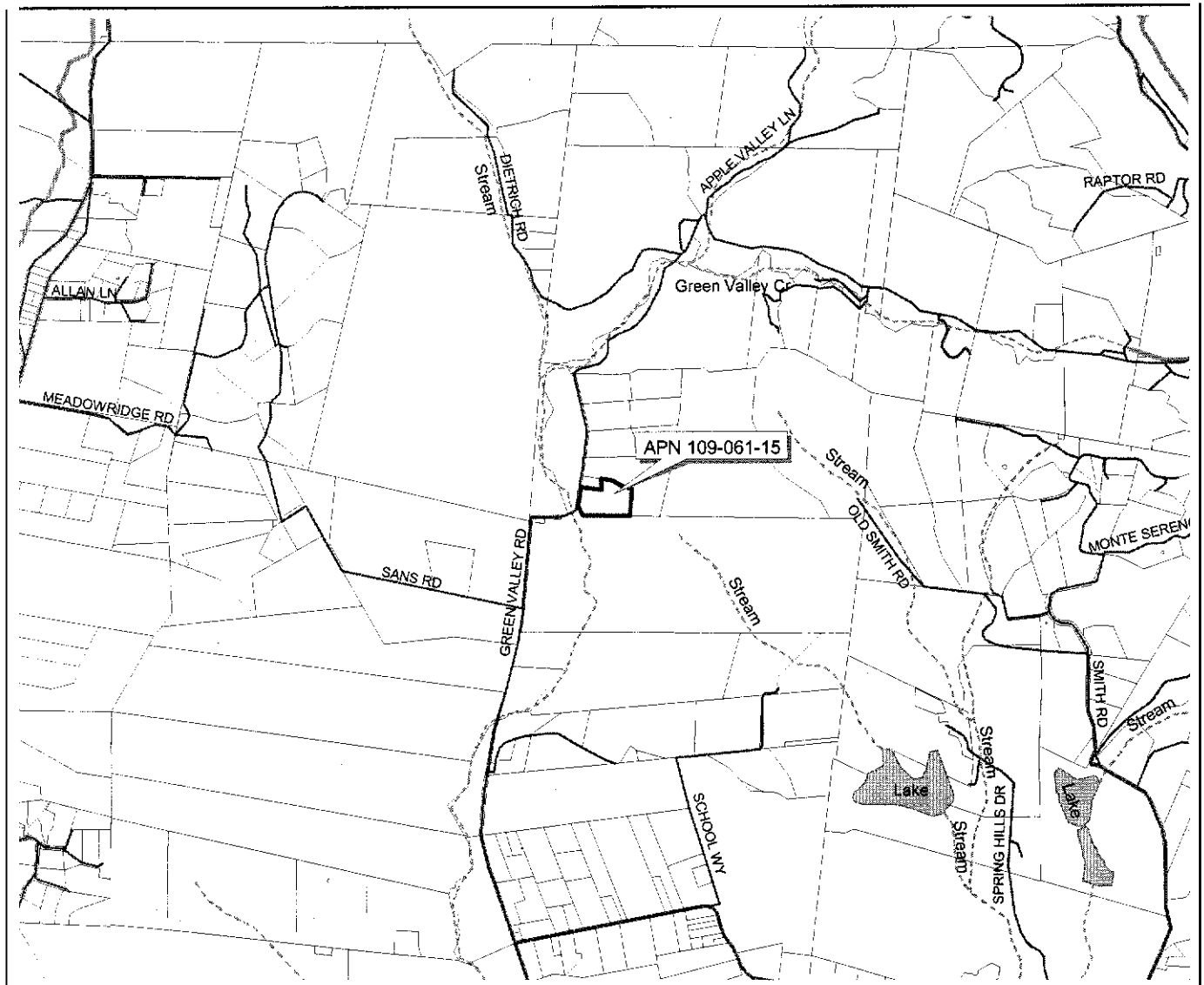
===== REVIEW ON OCTOBER 29, 2003 BY JOAN VAN DER HOEVEN =====
Please record the Agricultural Statement of Acknowledgement - form mailed October 29. Indicate buffer proposed from adjacent CA Commercial Agriculture land (Rose orchard). Recommended plant list enclosed.

Project Review Miscellaneous Comments

===== REVIEW ON OCTOBER 29, 2003 BY JOAN VAN DER HOEVEN =====
NO COMMENT

EXHIBIT D

Location Map

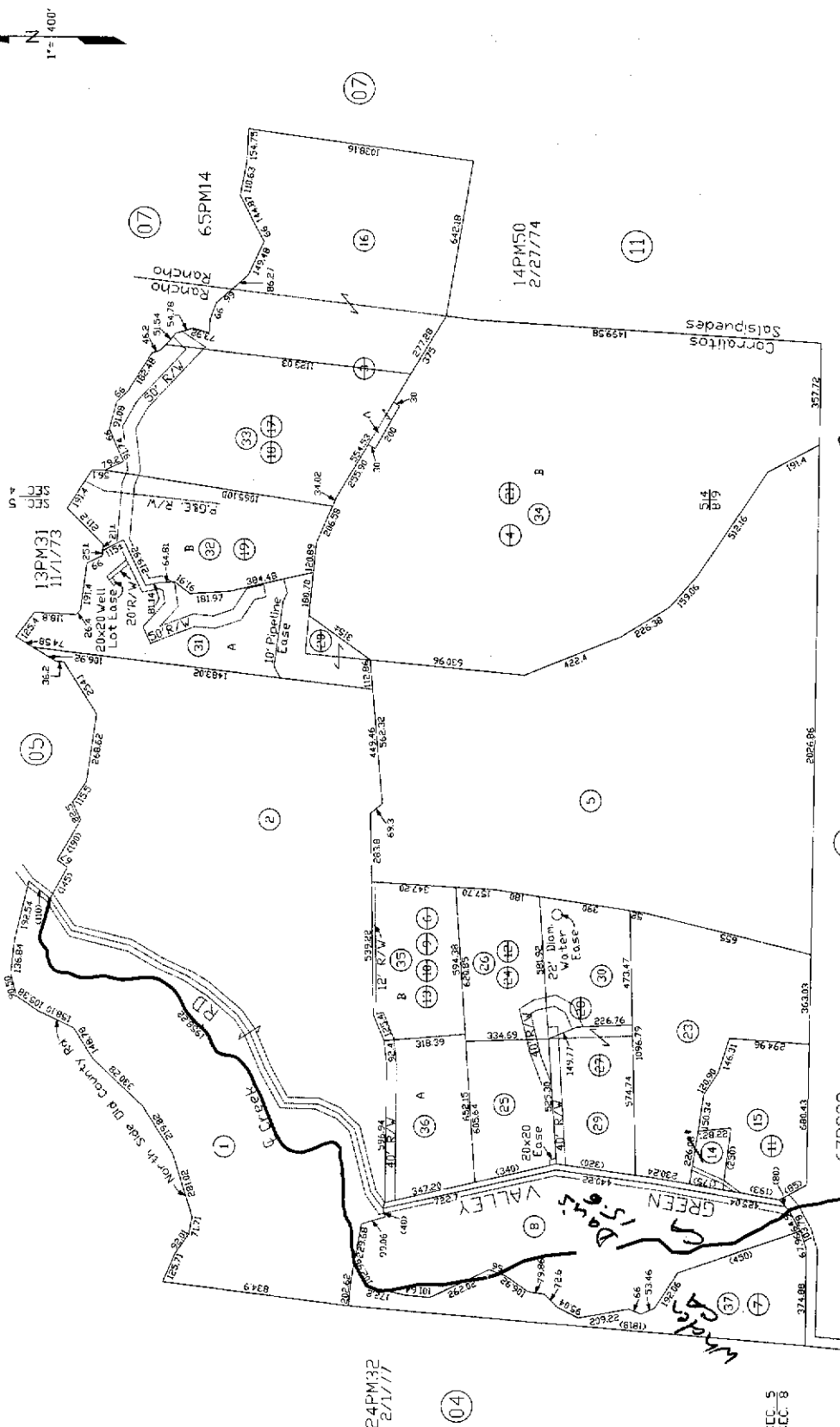


Map created by Santa Cruz County
Planning Department:
October 2003



EXHIBIT E

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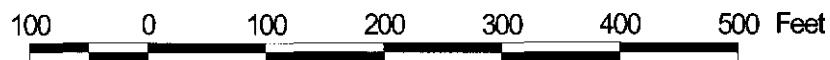
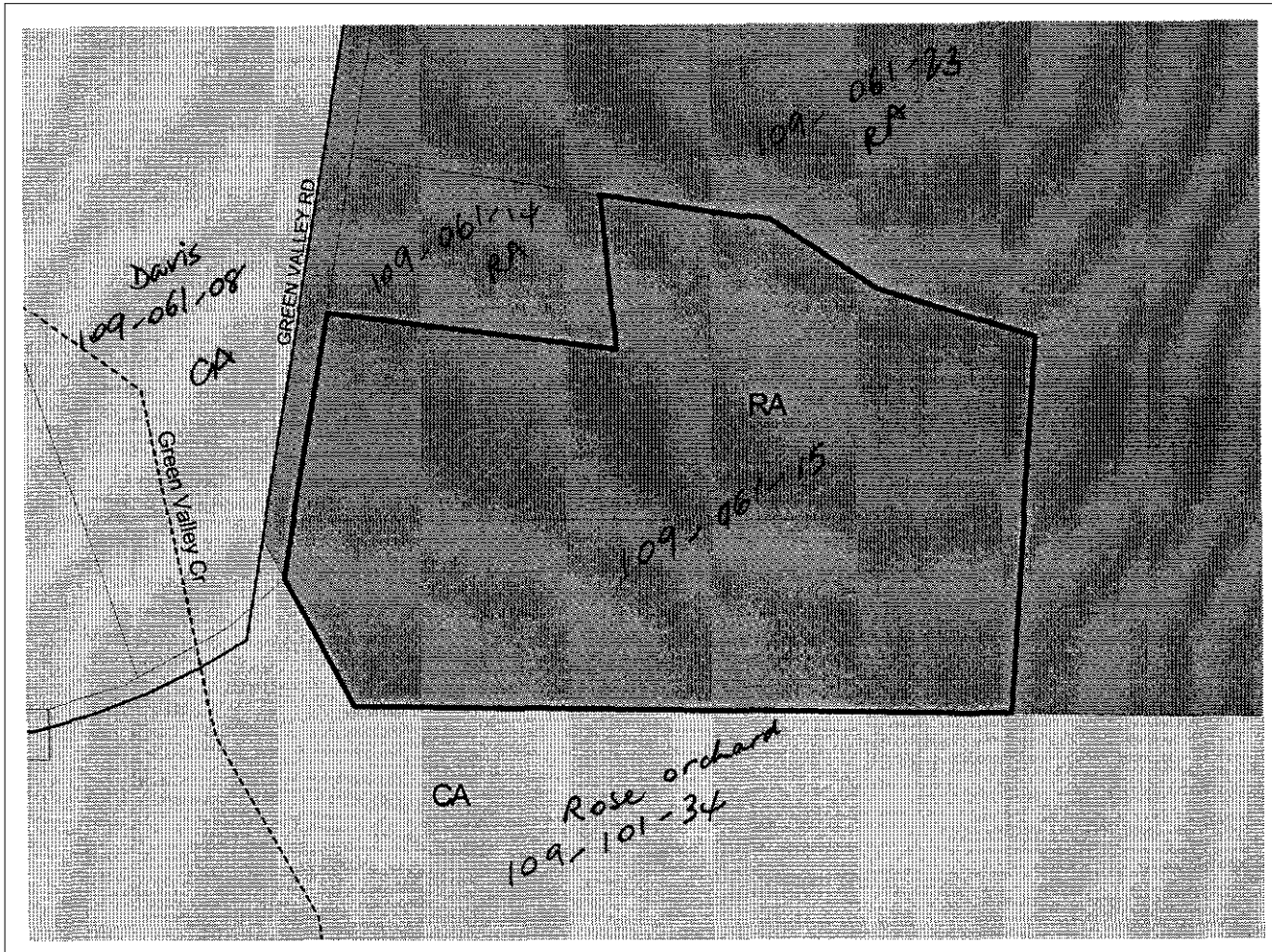
67RS29
5/4/79

Note - Assessor's Parcel & Block Numbers Shown in Circles.

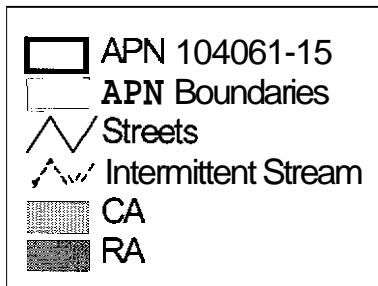
Assessor's Map No. 109-06
County of Santa Cruz, Calif.
Oct. 1997

EXHIBIT E

Zoning Map



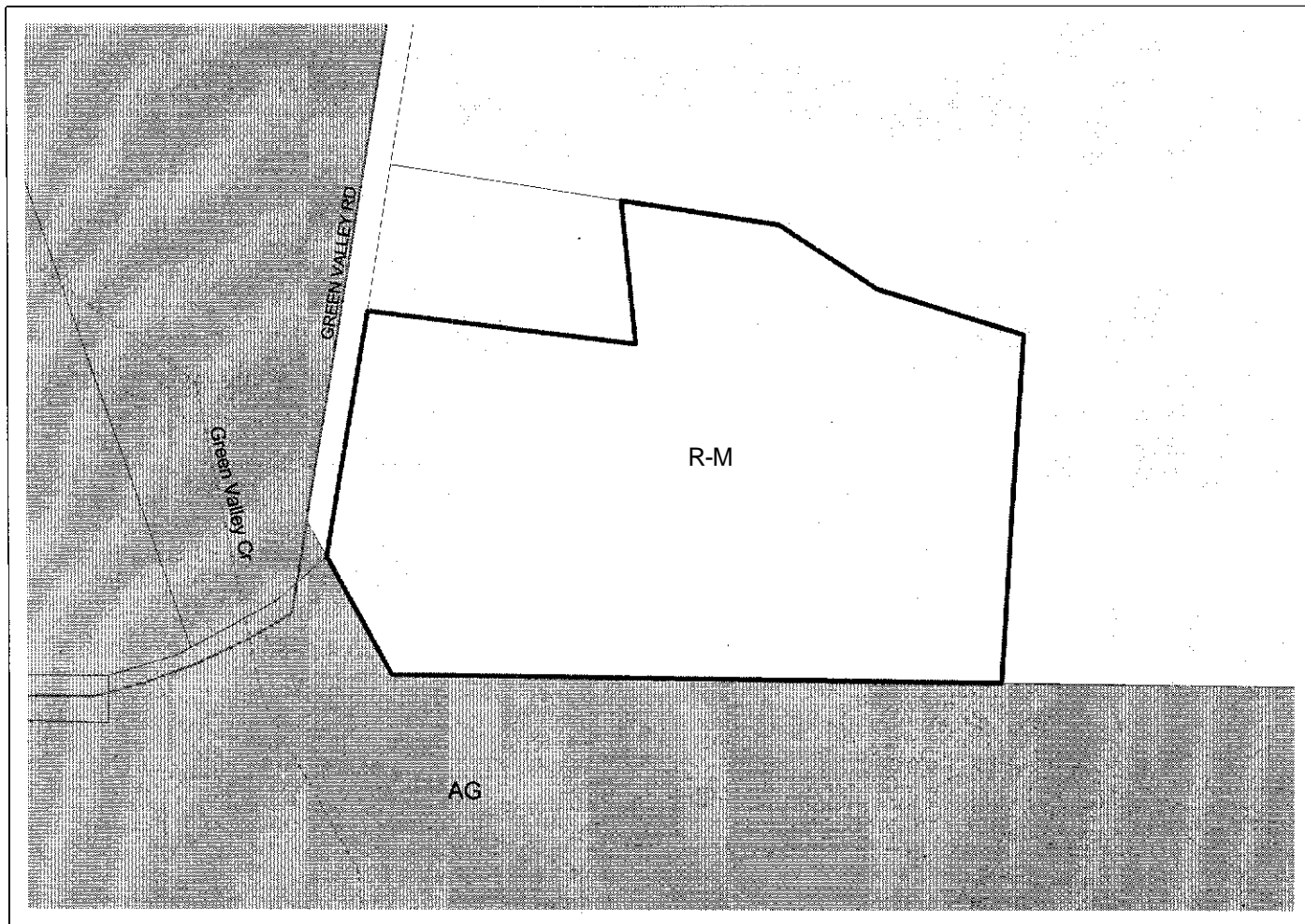
Legend



Map created by Santa Cruz County
Planning Department:
March 2003

EXHIBIT F

General Plan Map



500 0 500 Feet

Legend

	APN 109-061-15
	APN Boundaries
	Streets
	Intermittent Stream
	Agriculture
	Mountain Residential



Map created by Santa Cruz County
Planning Department:
October 2003

EXHIBIT F



EXHIBIT G



EXHIBIT G



EXHIBIT G