

STAFF REPORT TO THE AGRICULTURAL POLICY ADVISORY COMMISSION

APPLICATION NO.: 03-0532 **APN:** 107-371-09

APPLICANT: Bert Lemke, Architect

OWNERS: Lon & Anna Marie Dugger

PROJECT DESCRIPTION Proposal to construct a 142 square foot kitchen addition and master bathroom addition to an existing single-family dwelling. Requires an Agricultural Buffer Determination.

LOCATION: Property located on the west side of Pleasant Valley Road (1085 Pleasant Valley Road), about 500 feet south from Harnes Road in Aptos.

PERMITS REQUIRED: Agricultural Buffer Setback Reduction

ENVIRONMENTAL DETERMINATION: Categorically Exempt - Class 1

COASTAL ZONE: ___ Yes ___ ☒ No

PARCEL INFORMATION

PARCEL SIZE: 39,770 square feet

EXISTING LAND USE:

PARCEL: Single-family residential

SURROUNDING Single-family residential, agriculture

PROJECT ACCESS: Pleasant Valley Road

PLANNING AREA: Eureka Canyon

LAND USE DESIGNATION: A (Agriculture)

ZONING DISTRICT RA (Residential Agriculture)

SUPERVISORIAL DISTRICT: Second (Pirie)

ENVIRONMENTAL INFORMATION

- | | |
|-----------------------|--|
| a. Geologic Hazards | a. Not mapped/no physical evidence on site |
| b. Soils | b. 104 Baywood loamy sand |
| c. Fire Hazard | c. Not a mapped constraint |
| d. Slopes | d. 0 – 2 percent slopes |
| e. Env. Sen. Habitat | e. Not mapped/no physical evidence on site |
| f. Grading | f. 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. Yes |

o. Archeology
p. Agricultural Resource

o. Not mapped/no physical evidence on site
p. Not a mapped resource

SERVICES INFORMATION

Inside Urban/Rural Services Line: **Y e s** X No

Water Supply: Central Water District

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 an addition to an existing one story single-family dwelling of approximately 2,743 square feet on a 39,770 square foot parcel. The project is located at 1085 Pleasant Valley Road in Aptos. The building site is within 200 feet of Commercial Agricultural land to the west (rear). The applicant is requesting a reduction in the 200-foot agricultural buffer setback to about 75 feet from APN 107-361-07, -09.

The subject property is characterized by relatively flat topography. The parcel is not located within the Urban Services Line and may be characterized as a **rural** neighborhood. The parcel carries an Agriculture (A) General Plan designation and the implementing zoning is (RA) Residential Agriculture. Commercial Agriculture zoned land is situated within 200 feet at the west side of the parcel at Assessor's Parcel Numbers 107-361-07, -09, the Silva apple orchards.

A reduced agricultural buffer is recommended due to the fact that the existing residence, constructed in 1971, is located within 200 feet of the adjacent agricultural parcel to the rear of the lot. The small addition of 142 feet does not encroach any closer to the CA land, but squares off the irregular building footprint to provide extra space in the existing kitchen and a bathroom. The 142-foot width of the lot would not allow sufficient building area if the required 200-foot setbacks were maintained from the adjacent Commercial Agriculture zoned property. The applicant has already installed fencing with a mature evergreen hedge and **trees** to reduce the impact of the proposed addition to the existing residential use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcels to the rear. The applicant has recorded 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.

RECOMMENDATION

Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 75 feet to the single-family dwelling from the adjacent CA zoned property known as APN 107-361-07, -09, proposed under Application # 03-0532, based on the attached findings and recommended conditions.

EXHIBITS

- A. Project plans
- B. Findings
- C. Conditions
- D. Assessor's parcel map, Location map
- E. Zoning map, General Plan map
- F. Comments & Correspondence
- G. Site photographs

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN **THIS REPORT** ARE ON FILE **AND** AVAILABLE FOR **VIEWING** AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: Joan Van der Hoeven
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5174 (or, pln140@co.santa-cruz.ca.us)

Report Reviewed By: 

Cathv 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 142-squarefoot addition to the existing single-family residence is proposed to be set back 75 feet from the adjacent Commercial Agriculture zoned land. **An** existing effective barrier consisting of a six foot tall solid wood fence enhanced with evergreen shrubs and mature ~~trees~~ **is** adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN's 107-361-07, **-09**. This existing barrier shall not create a hazard in terms of the vehicular sight distance necessary **for** safe passage of **traffic as** it **is** located at the rear of the parcel.

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 BufferSetback reduction from the proposed residential use to APN's (107-361-07, **-09**). 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 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 75 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcels APN's 107-361-07, -09.
 2. Final plans shall show the location of the vegetative buffering barrier (and any fences/walls used for the purpose of buffering adjacent agricultural land) which shall be composed of drought tolerant shrubbery.
 - B. The owner has recorded a Statement of Acknowledgement, **as** prepared by the Planning Department as Document 2004-0003073. 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. 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 **and** physical 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.

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.

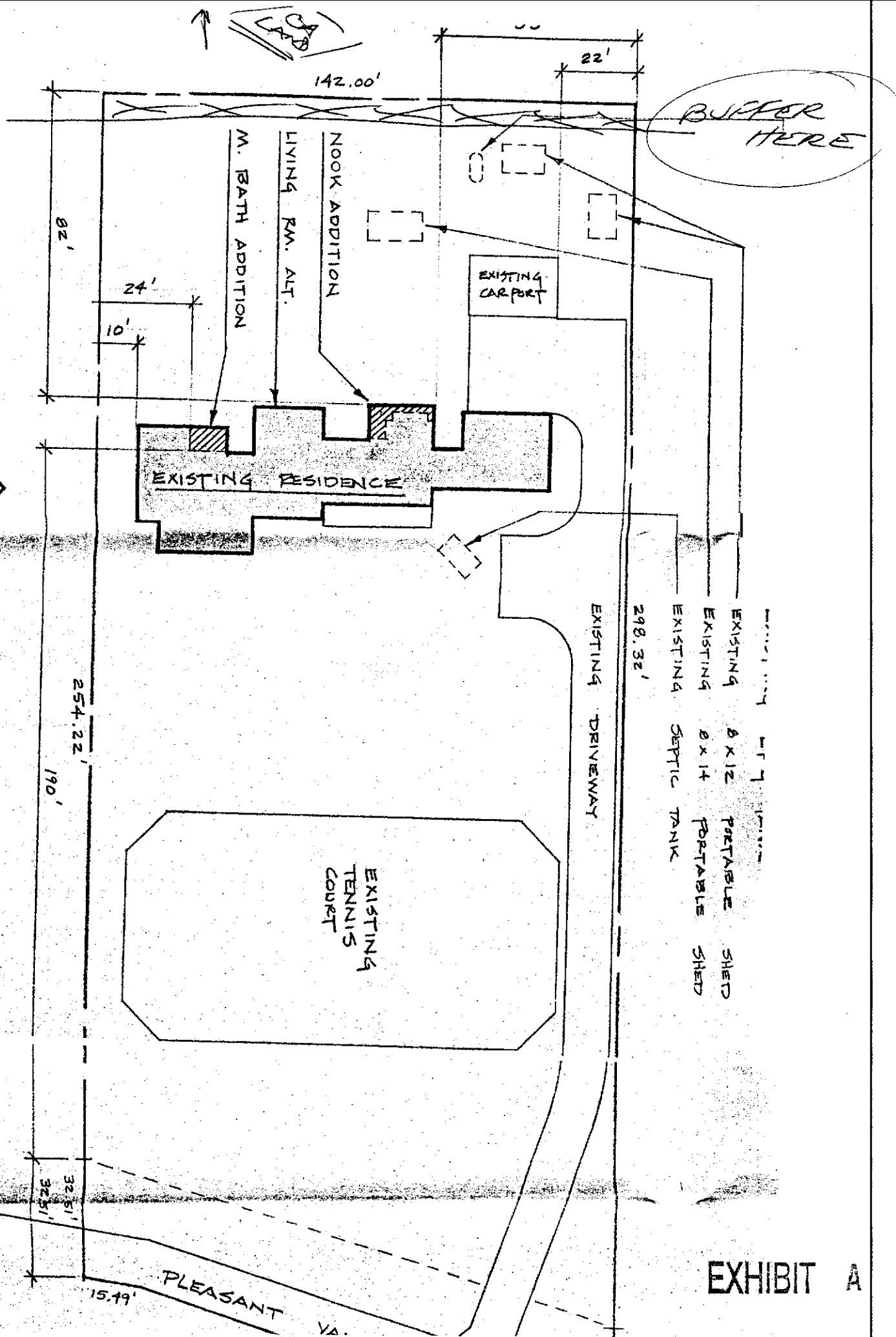
PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: 2/19/04

Effective Date: 3/04/04

Expiration Date: 3/04/06

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.



SITE PLAN

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in **this** document.

Application Number: 03-0532

Assessor Parcel **Number:** 107-371-09

Project Location: 1085 Pleasant Valley **Road,** Aptos

Project Description: Agricultural Buffer Setback Reduction

Person or Agency Proposing Project: Bert Lemke, Architect

Contact Phone Number: (831) 688-6642

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other ~~than~~ a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

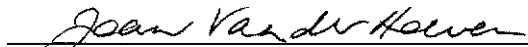
E. ☒ **Categorical Exemption**

Specify type: Class 1 -Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

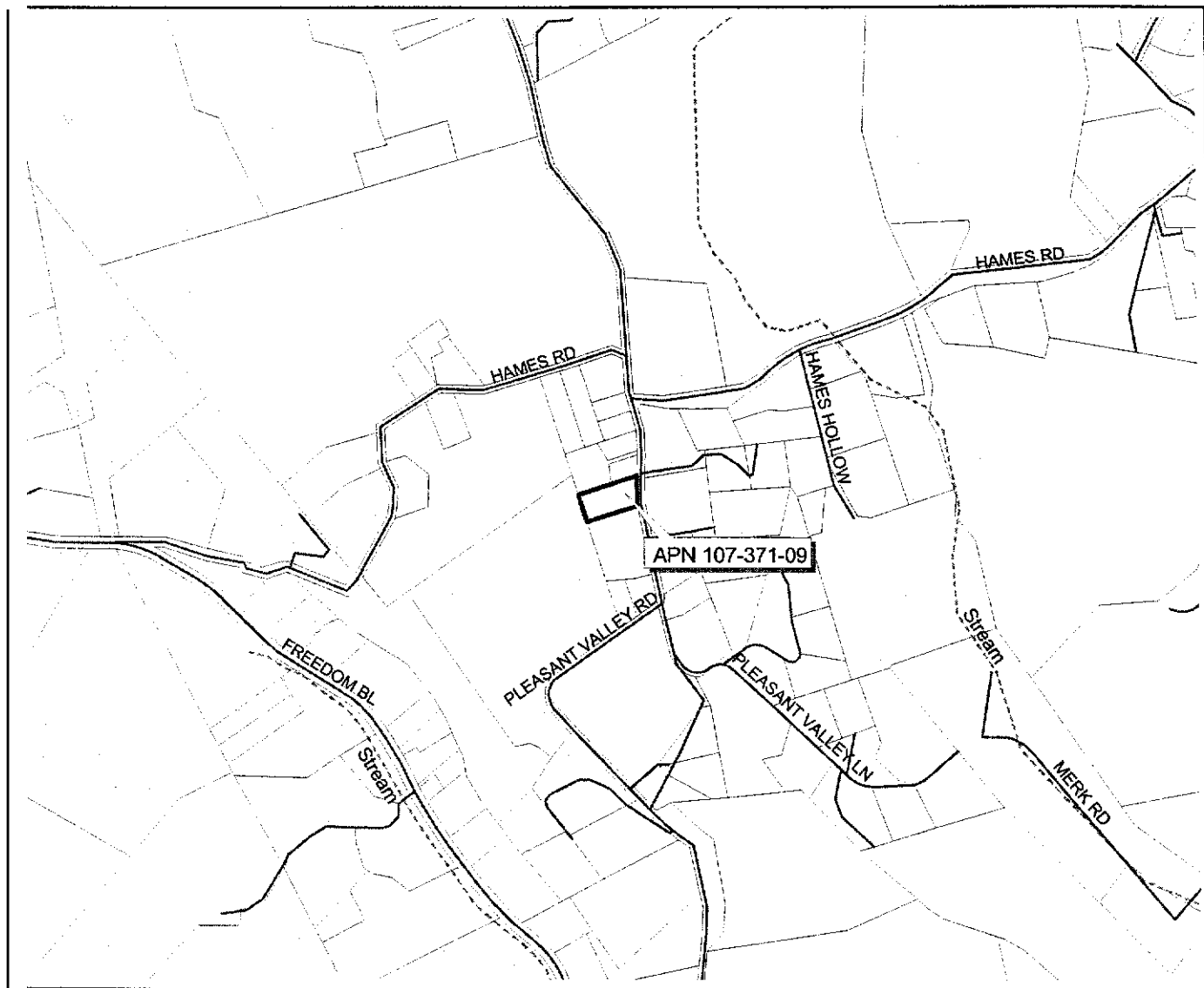
Minor addition to an existing small structure

In addition, none of the conditions described in Section 15300.2 **apply** to this project.


Joan Van der Hoeven, Project Planner

Date: February 19, 2004

Location Map



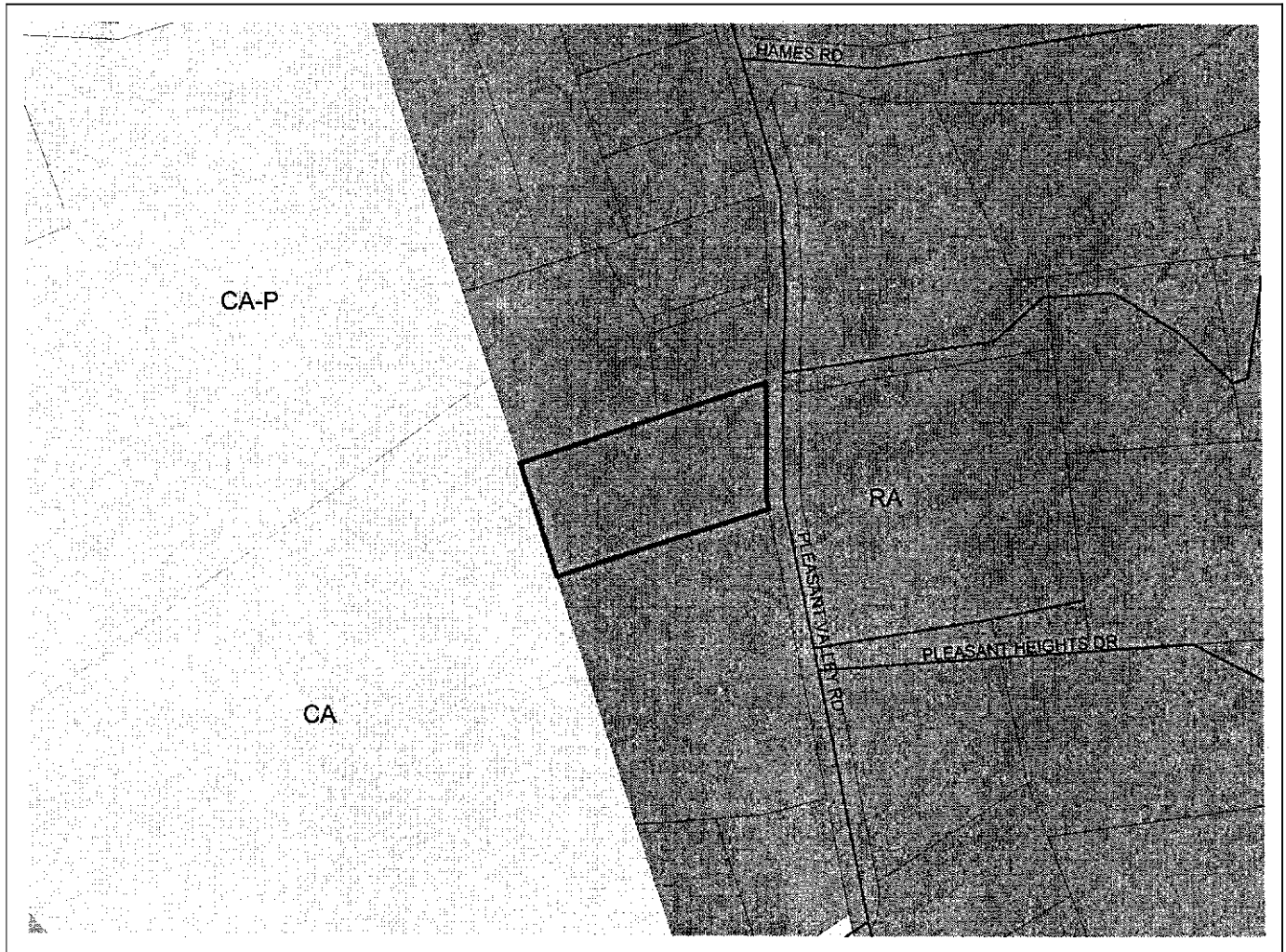
0.25 0 0.25 0.5 Miles

Map created by Santa Cruz County
Planning Department:
December 2003








EXHIBIT D

Zoning Map



500 0 500 Feet

Legend

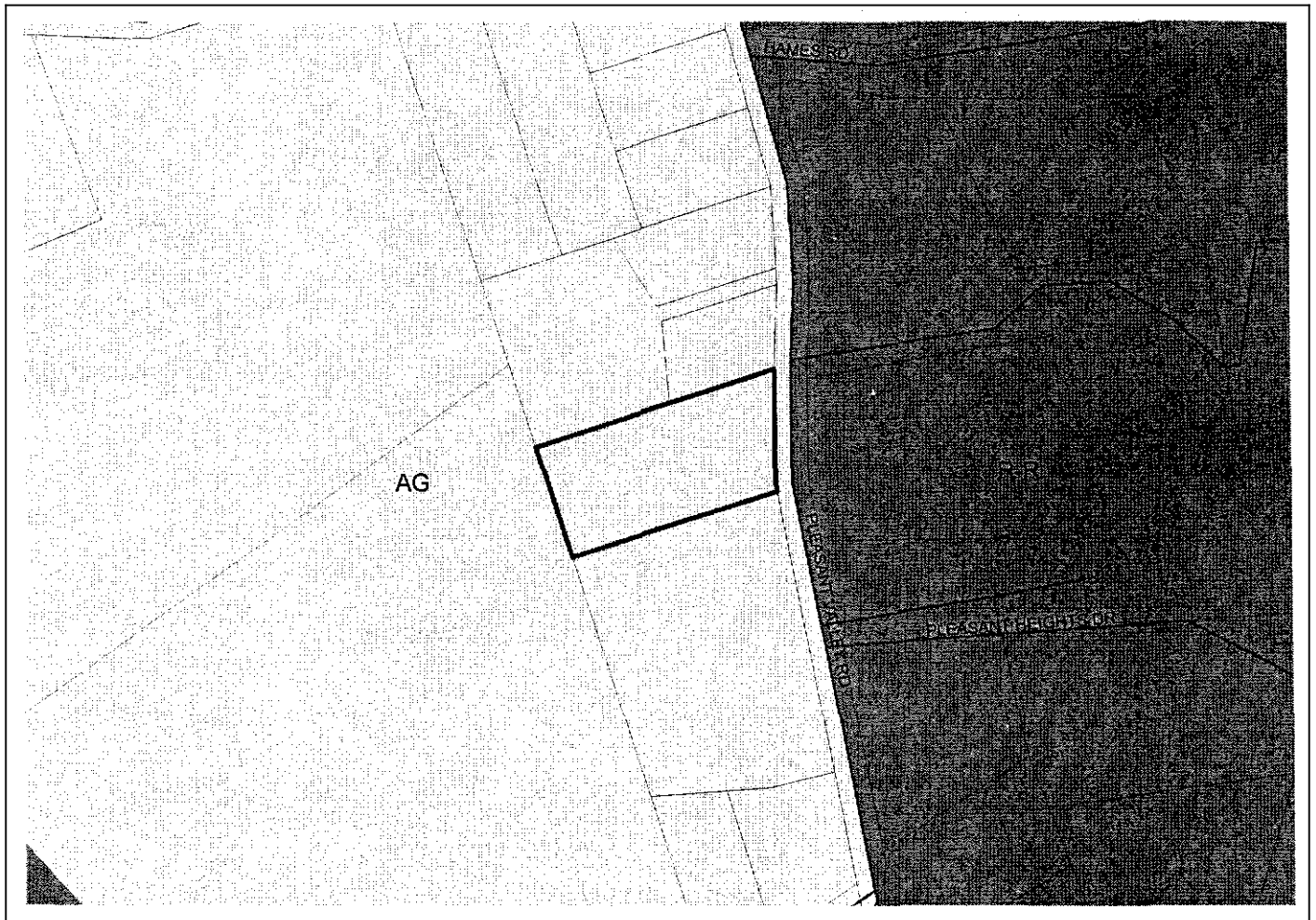
-  APN 107-371-09
-  Parcel boundaries
-  Streets
-  CA
-  RA



Map created by Santa Cruz County
Planning Department:







EXHIBIT E

General Plan Map



500 0 500 Feet

Legend

-  APN 107-371-09
-  Parcel boundaries
-  Streets
-  Perennial Stream
-  Agriculture
-  Rural Residential



Map created by Santa Cruz County
Planning Department
December 2003

EXHIBIT E

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.: 03-0532
APN: 107-371-09

Date: January 30, 2004
Time: 14:15:10
Page: 1

Project Review Completeness Comments

===== REVIEW ON JANUARY 9, 2004 BY JOAN VAN DER HOEVEN =====
NO COMMENT

Project Review Miscellaneous comments

===== REVIEW ON JANUARY 9, 2004 BY JOAN VAN DER HOEVEN =====
Provide details of agricultural buffer at rear. Plant list being mailed. A Declaration of Agricultural Acknowledgement form needs to be SIGNED, NOTARIZED AND RECORDED. Form returned for your action.

Dpw Drainage Completeness Comments

===== REVIEW ON JANUARY 8, 2004 BY CARISA REGALADO =====
No offsite adverse impacts apparent. Plans accepted as submitted. (Additional notes in Miscellaneous Comments.)

If needed, further drainage plan guidance may be obtained from the County of Santa Cruz Planning website: <http://sccounty01.co.santa-cruz.ca.us/planning/brochures/drain.htm>

Please call or visit the Dept. of Public Works, Stormwater Management Division, from 8:00 am to 12:00 pm if you have any questions.

Dpw Drainage Miscellaneous Comments

===== REVIEW ON JANUARY 8, 2004 BY CARISA REGALADO =====
For the building application stage, please show on the plans how runoff from the development will be handled. It must be clearly demonstrated on the plans that the site is being adequately drained and that the project will not adversely impact roads and adjacent or downslope properties.

Environmental ~~Health~~ Completeness Comments

===== REVIEW ON JANUARY 6, 2004 BY JIM G SAFRANEK =====
NO COMMENT

Environmental ~~Health~~ Miscellaneous Comments

===== REVIEW ON JANUARY 6, 2004 BY JIM G SAFRANEK =====
NO COMMENT

EXHIBIT F





ADJACENT SILVA ORCHARD

"CA" ZONED

APN 107-361-07, 09.

EXHIBIT G