

## STAFF REPORT TO THE AGRICULTURAL POLICY ADVISORY COMMISSION

**APPLICATION NO.:** 04-0165                      **APN:** 108-161-49  
**APPLICANTS/OWNERS:** ~~Bruce~~ & Sharis Rhett

**PROJECT DESCRIPTION:** Proposal to construct a two-story single-family dwelling.  
Requires an Agricultural Buffer Determination.

**LOCATION:** Property located on the north side of an un-named right of way, 160 feet east from Freedom Boulevard in Aptos.

**PERMITS REQUIRED:** Agricultural Buffer Setback Reduction  
**ENVIRONMENTAL DETERMINATION:** Categorically Exempt - Class 1  
**COASTAL ZONE:** \_\_\_ Yes X No

### PARCEL INFORMATION

**PARCEL SIZE:** 1.454 acres

**EXISTING LAND USE:**

**PARCEL:** vacant - barn  
**SURROUNDING:** commercial agriculture, single-family residences  
**PROJECT ACCESS:** Pleasant Valley Road

**PLANNING AREA:** Eureka Canyon  
**LAND USE DESIGNATION:** RR (Rural Residential)  
**ZONING DISTRICT:** RA (Residential Agriculture)  
**SUPERVISORIAL DISTRICT:** Second (Pirie)

### ENVIRONMENTAL INFORMATION

- |                          |               |   |
|--------------------------|---------------|---|
| a. Geologic Hazards      | b.            | Not mapped/no physical evidence on site |
| b. Soils                 |               | Elder sandy loam                        |
| c. Fire Hazard           | C             | Not a mapped constraint                 |
| d. Slopes                | d.            | 0 – 2 percent slopes                    |
| e. Env. Sen. Habitat     | <del>e.</del> | Not mapped/no physical evidence on site |
| f. Grading               |               | No grading proposed                     |
| g. Tree Removal          | <del>g.</del> | No <b>trees to be removed</b>           |
| h. Scenic                |               | Not a mapped resource                   |
| i. Drainage              | i.            | Existing drainage adequate              |
| j. Traffic               | j.            | No significant impact                   |
| k. Roads                 | k.            | Existing roads adequate                 |
| <b>l. Parks</b>          | l.            | Existing park facilities adequate       |
| m. Sewer Availability    | m.            | No                                      |
| n. Water Availability    |               | No                                      |
| o. Archeology            | o.            | Not mapped/no physical evidence on site |
| p. Agricultural Resource | p.            | Not a mapped resource                   |

## **SERVICES INFORMATION**

Inside Urban/Rural Services Line: Y e s X No  
Water Supply: private well, Pajaro Valley Water District  
Sewage Disposal: private septic system, CSA#12  
Fire District: Pajaro Valley Fire Protection District  
Drainage District: Non-zone

## **ANALYSIS AND DISCUSSION**

The proposed project is to construct a two story single-family dwelling of approximately 4,158 square feet on a 1.454-acre parcel. The parcel was granted an Unconditional Certificate of Compliance under application #02-0414. The project is located at 160 feet north from Pleasant Valley Road on an un-named right of way behind 126 Pleasant Valley Road, and south of 160 Pleasant Valley Road. The building site is within 200 feet of Commercial Agricultural land to the north, the 23-acre Devine ranch and apple orchard at 160 Pleasant Valley Road in Aptos. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to about 100 feet from Assessor's Parcel Number (APN) 108-161-65.

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 low density rural neighborhood. The parcel carries a Rural Residential (RR) General Plan designation and the implementing zoning is Residential Agriculture (RA ). Commercial Agriculture zoned land is situated within 200 feet at the north side (rear) of the parcel at Assessor's Parcel Number 108-161-65.

A reduced agricultural buffer is recommended due to the fact that the narrow width of the lot (150 feet) and the placement of the septic system would not allow sufficient building area if the required 200 foot setbacks were maintained from the adjacent Commercial Agriculture zoned property. The applicant is proposing a solid six-foot fence at the rear, north side of the parcel with an evergreen hedge of drought-tolerant plantings to reduce the impact of agricultural activities on the proposed residential use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcel. 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.

## **RECOMMENDATION**

Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 100 feet to the single-family dwelling ~~from~~ the adjacent CA zoned ~~property~~ known as APN 108-161-65, proposed under Application # 04-0165, based on the attached findings and recommended conditions.

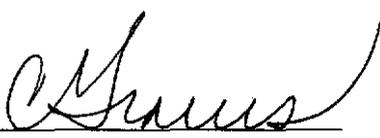
## **EXHIBITS**

- A. Project plans, 17 sheets by Terri L.N. Fisher, Architect, dated 4/16/04
- B. Findings

- C. Conditions
- D. Assessor's parcel map, Location map
- E. Zoning map, General Plan map
- F. 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  
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Santa Cruz CA 95060  
Phone Number: (831) 454-5174 (or, [pln140@co.santa-cruz.ca.us](mailto: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 100 feet from the adjacent Commercial Agriculture zoned land. With the existing adjacent ranch configuration without active agricultural production in the immediate vicinity, the apple orchard operations would not be affected by the proposed single-family dwelling location. An existing barn on the subject property also serves to separate the proposed residence from adjacent CA land. An effective barrier consisting of a six-foot tall solid fence enhanced with evergreen shrubs would be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 108-161-65. This barrier, as proposed, shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic as it would be in 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 Buffer Setback reduction from the proposed residential use to APN (108-161-65). 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. Complete all requirements for Building Permit 51609H 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 100 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 108-161-65.
    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. 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.
  - 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 and/or physical 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 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.

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**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: 6/17/04

Effective Date: 7/01/04

Expiration Date: 7/01/06

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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.

# 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: 04-0165

Assessor Parcel Number: 108-161-49

Project Location: North side of an un-named right-of-way, 160 feet east from Freedom Boulevard in Aptos.

**Project Description: Agricultural Buffer Setback Reduction**

**Person or Agency Proposing Project: Bruce & Sharis Rhett**

**Contact Phone Number: 831-688-3977**

- 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:

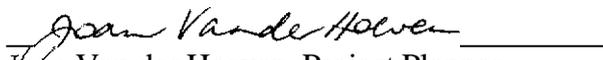
E.  **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15303)

F. **Reasons why the project is exempt:**

new construction of small structure

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

  
Jean Van der Hoeven, Project Planner

Date: June 17, 2004

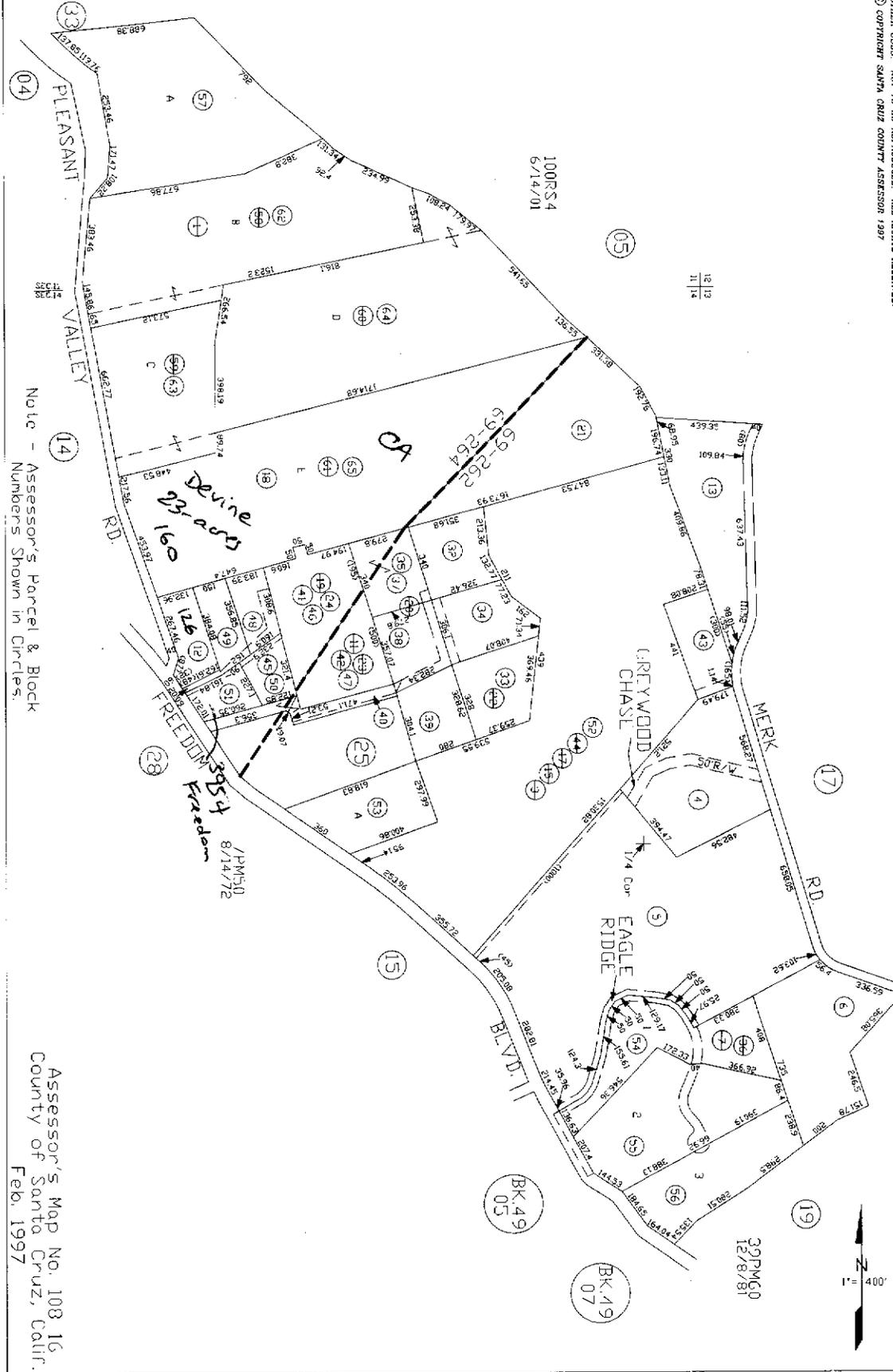
**FOR TAX PURPOSES ONLY**  
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USERS. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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**RANCHO DE LOS CORRALITOS**  
 PAR. SECS. 11, 13 & 14, T.11S., R.1E., M.D.B. & M.

18 Tax Area Code  
 69-262 69-264

108-16

Electronically Redrawn 2/7/97 by  
 Rev. 5/20/97 GG cada page ref. 33)  
 Rev. 4/5/98 CB (Co. Consolidation)  
 Rev. 8/2/91 CB (400RS4)  
 Rev. 10/10/88 nvr (changed page refs)  
 Rev. 1/2/82 nvr (st. zone)  
 Rev. 3/20/82 nvr (st. zone)  
 Rev. 2/24/83 DD (2-0093781 to 83\_84\_1-62 to 65)

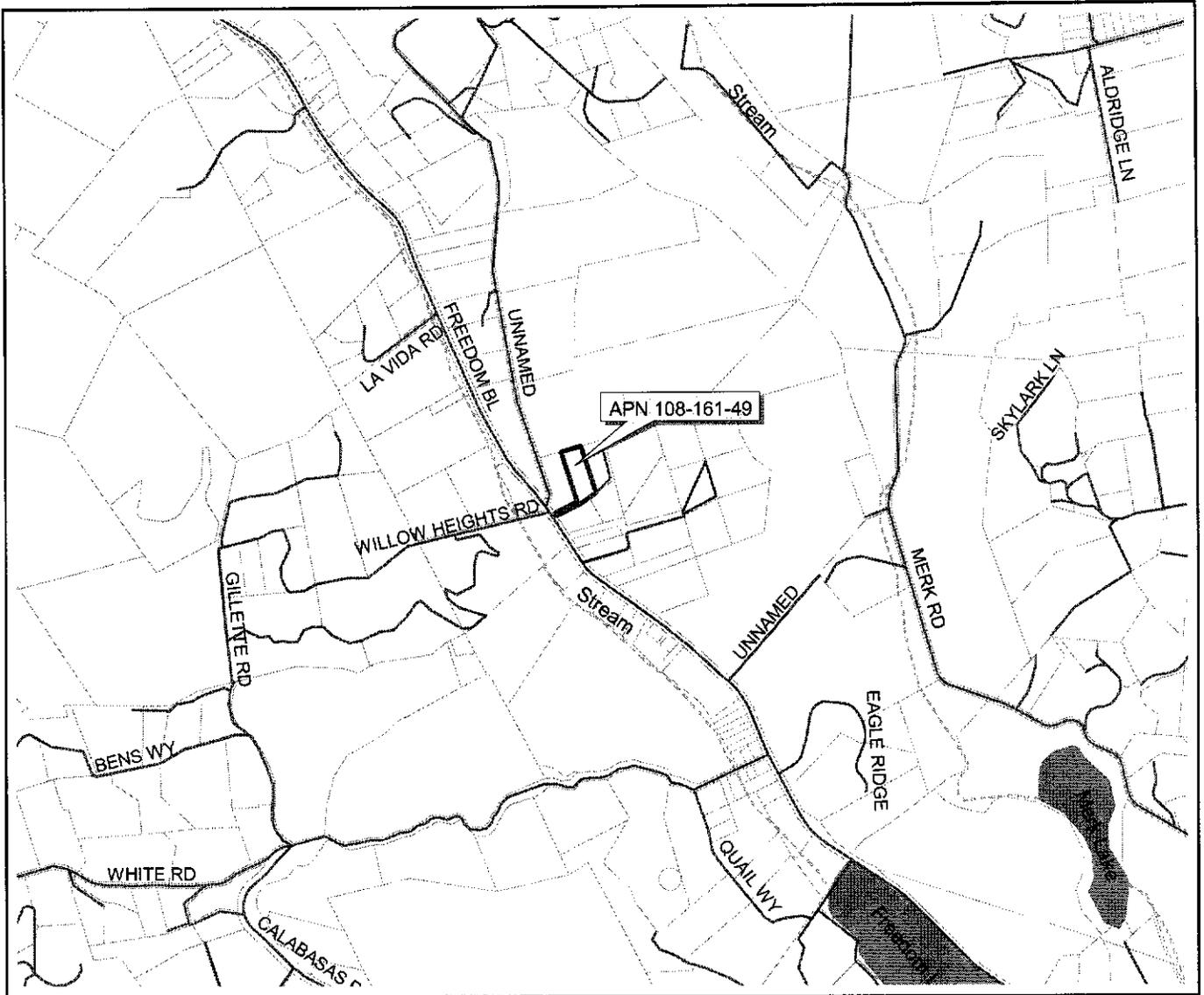


Note - Assessor's Parcel & Block Numbers Shown in Circles

Assessor's Map No. 108-16  
 County of Santa Cruz, Calif.  
 Feb. 1997

**EXHIBIT D**

# Location Map



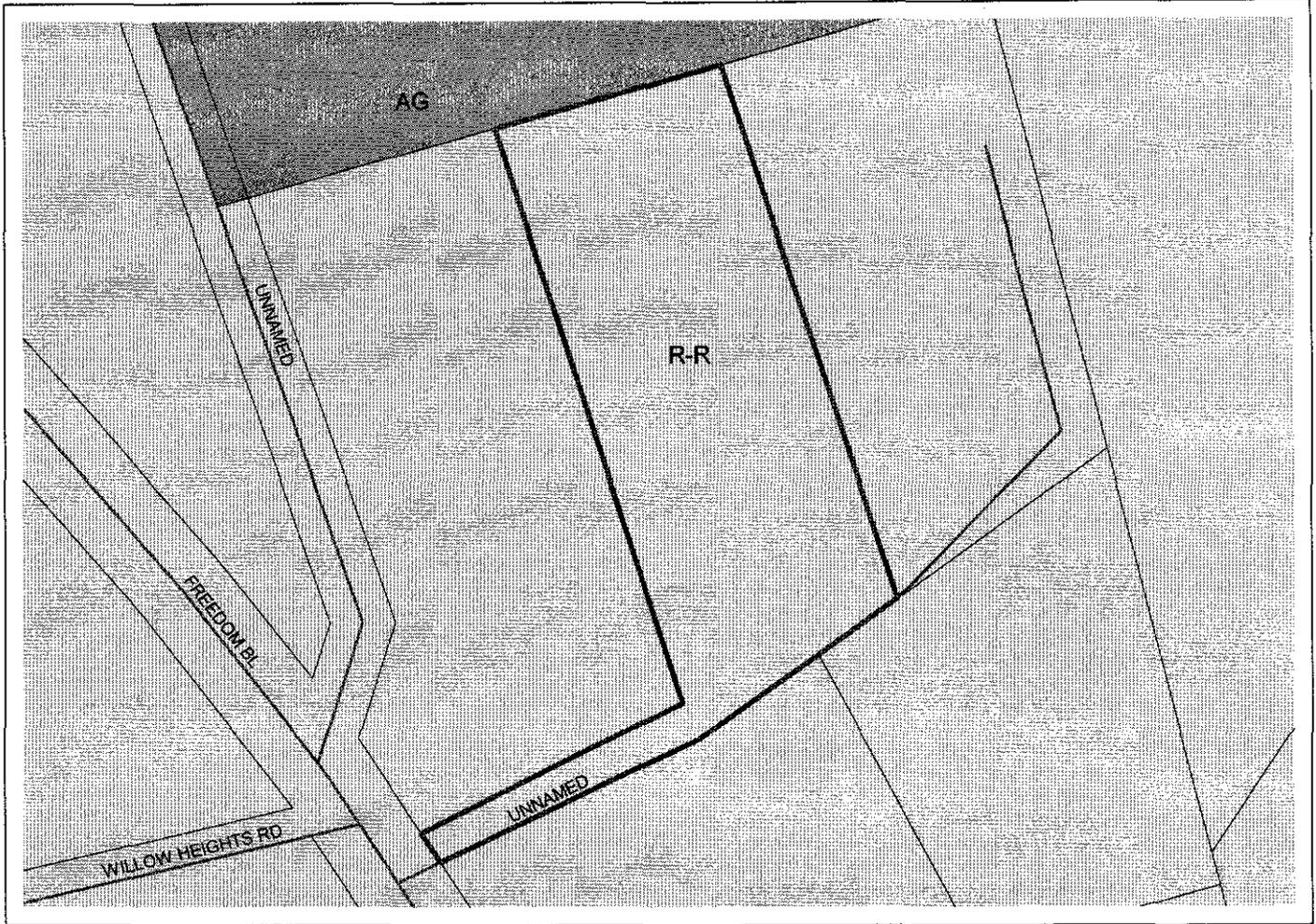
0.25 0 0.25 0.5 0.75 1 Miles

Map created by Santa Cruz County  
Planning Department:  
April 2004



EXHIBIT D

# General Plan Map



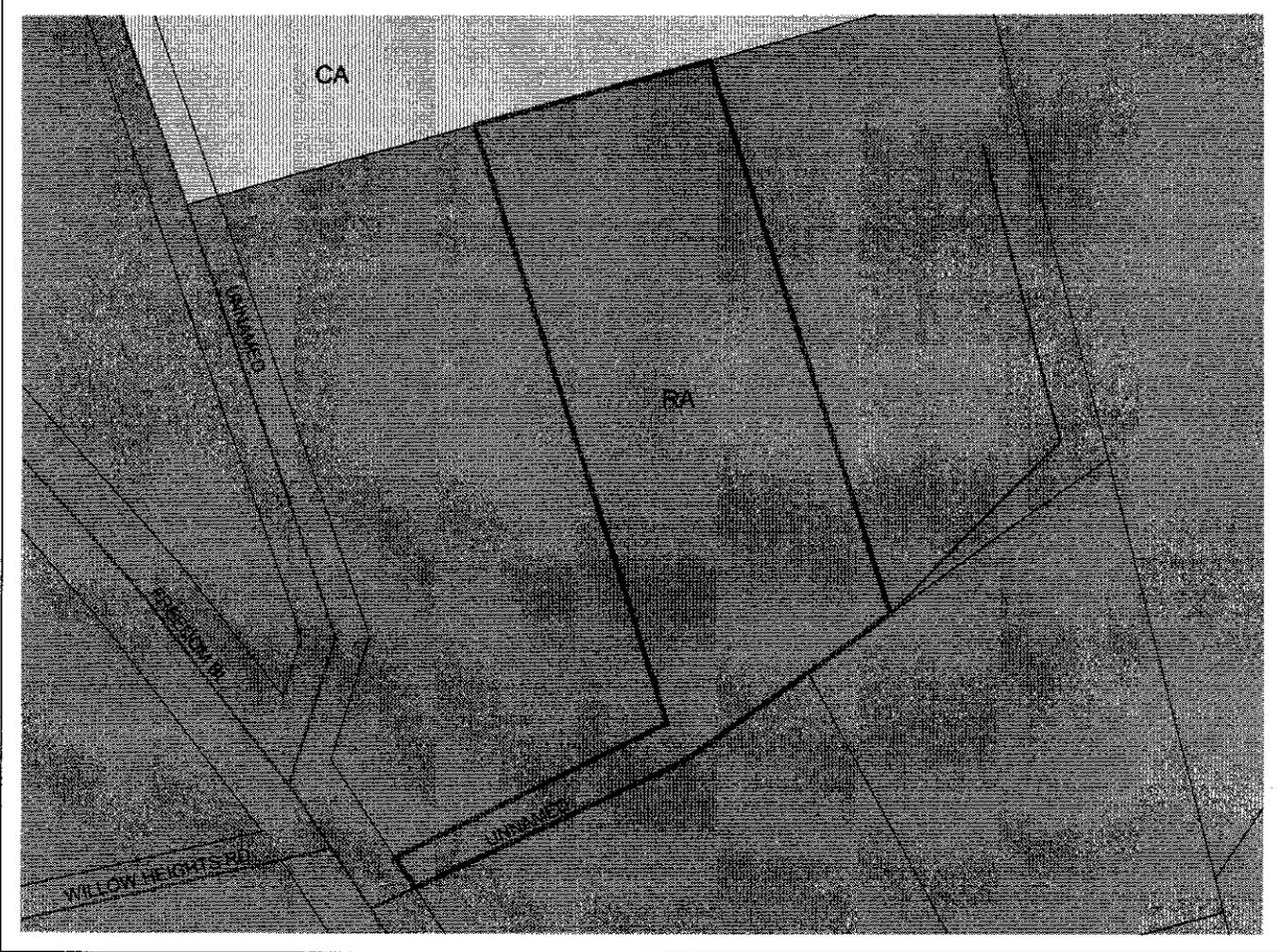
## Legend

	APN 108-161-49
	Streets
	Agriculture
	Rural Residential

Map created by Santa Cruz County  
Planning Department:  
April 2004

**EXHIBIT E**

# Zoning Map



### Legend

-  APN 108-161-49
-  Streets
-  CA
-  RA

Map created by Santa Cruz County  
Planning Department:  
April 2004

**EXHIBIT E**



EXHIBIT F



EXHIBIT F 1



EXHIBIT F