



# Staff Report to the Agricultural Policy Advisory Commission

Application Number: **05-0683**

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**Applicant:** Jeff Silva  
**Owner:** Maybelle E. Silva  
**APN:** 107-581-11

**Date:** February 16, 2006  
**Agenda Item #:** 7  
**Time:** 1:30 p.m.

**Project Description:** Proposal to construct a swimming pool on site with an existing single-family dwelling.

**Location:** Property located on the west side of Hames Road, about ¼ mile north from Freedom Boulevard, at 1750 Hames Road in Aptos.

**Permits Required:** Agricultural Buffer Setback Determination

### Staff Recommendation:

- Approval of Application 05-0683, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

### Exhibits

- |    |  |    |                                     |
|----|--|----|-------------------------------------|
| A. | Project plans                              | E. | Assessor's parcel map, Location map |
| B. | Findings                                   | F. | Zoning map, General Plan map        |
| C. | Conditions                                 | G. | Comments & Correspondence           |
| D. | Categorical Exemption (CEQA determination) | H. | Site photographs                    |

### Parcel Information

Parcel Size:	25,613 square feet
Existing Land Use - Parcel:	Single-family residence
Existing Land Use - Surrounding:	Apple orchards, single-family residences
Project Access:	Hames Road
Planning Area:	Aptos Hills
Land Use Designation:	A (Agriculture)
Zone District:	CA-L (Commercial Agriculture/Historic Landmark)
Supervisorial District:	Second (District Supervisor: Pirie)

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### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Baywood loamy sand  
Fire Hazard: Not a mapped constraint  
Slopes: 0 – 2 percent  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archaeology: Not mapped/no physical evidence on site

### Services Information

Inside Urban/Rural Services Line:  Yes  No  
Water Supply: Central Water District  
Sewage Disposal: CSA#12, private septic system  
Fire District: Pajaro Valley Fire Protection District  
Drainage District: Zone 7 Flood Control/Water Conservation District

### Analysis and Discussion

The proposed project is to construct a swimming pool on site with an existing single-family dwelling of approximately 1,442 square feet, the historic Pleasant Valley School building and a detached shed, on a 25,613 square foot parcel. The project is located at 1750 Hames Road in Aptos. The building site is within 200 feet of Commercial Agricultural land in all directions. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 20 feet from APN's 107-581-07, -10, -12, and 100 feet from APN's 107-361-08, -09.

The subject property is characterized by flat topography. The parcel is not located within the Urban Services Line and may be characterized as a rural, low density neighborhood. The parcel carries an Agriculture (A) General Plan designation and the implementing zoning is (CA-L) Commercial Agriculture/Historic Landmark. Commercial Agriculture zoned land is situated within 200 feet at all sides of the parcel at Assessor's Parcel Number 107-581-07, -10, -12, 107-361-08, -09. Existing structures buffer the proposed swimming pool from adjacent CA zoned lands to the east, west and south. The northern adjacent CA land, APN 107-581-07 is the 53-acre Lettis apple orchard and a physical buffer is recommended for this location.

A reduced agricultural buffer is recommended due to the fact that the existing structures and the irregular shape of the parcel would not allow sufficient building area if the required 200 foot setbacks were maintained from the adjacent Commercial Agriculture zoned properties. The applicant is proposing a solid wood board, six-foot **high** fence at the north side of the parcel with an evergreen hedge of plantings to reduce the impact of residential activities on the existing agricultural, 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.

#### Recommendation

- Staff recommends that your Commission APPROVE the Agricultural Buffer Reduction from 200 feet to about 20 feet to the single-family dwelling from the adjacent CA zoned properties known as APN 107-581-07, -10, -12, and about 100 feet from 107-361-08, -09, proposed under Application # 05-0683, based on the attached findings and recommended conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

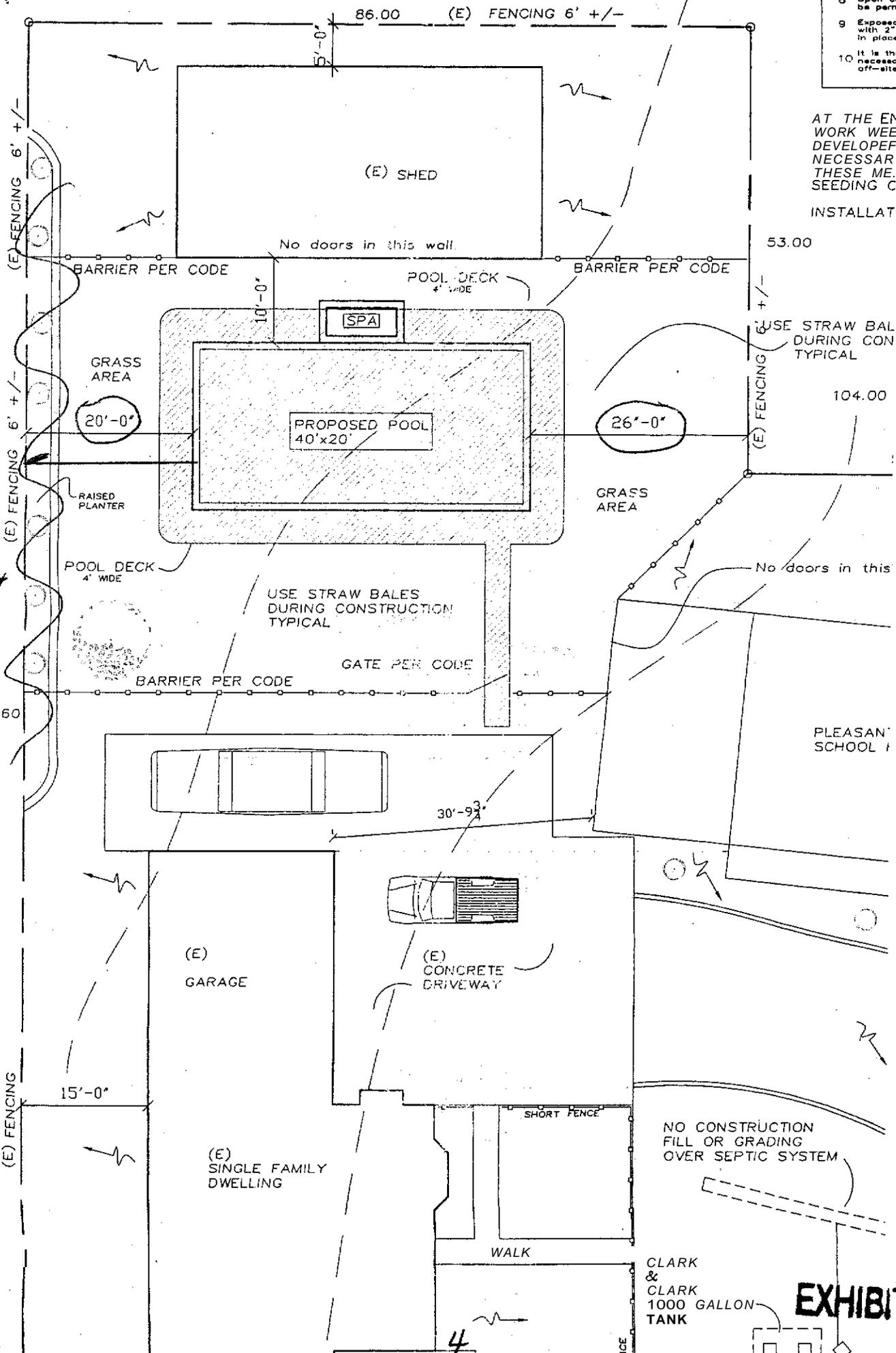
Report Prepared By: Joan **Van** der Hoeven, AICP  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-5174  
E-mail: [pln140@co.santa-cruz.ca.us](mailto:pln140@co.santa-cruz.ca.us)

Report Reviewed By:   
Don Bussey  
Deputy Zoning Administrator  
Santa Cruz County Planning Department

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**EXHIBIT A**

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 proposed swimming pool is proposed to be set back 20 feet from the adjacent Commercial Agriculture zoned land of APN 107-581-07. With the 40 foot width of the Hames Road right-of-way, the effective agricultural setback would be proposed to be 20 & 100 feet where 200 feet are required. An effective barrier consisting of a six foot tall solid wood board 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 107-581-07. Existing structures adequately buffer the proposed development from APN's 107-581-10, -12 and 107-361-08, -09. This barrier, as proposed, shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic as the pool is located in the back yard, away from the street.

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.
4. Required findings for non-agricultural development on commercial agricultural land, County Code section 16.50.095(e).

Any non-agricultural development proposed to be located on type 1, type 2 or type 3 agricultural land shall be sited so as to minimize possible conflicts between agriculture in the area and non-agricultural uses, and where structures are to be located on agricultural parcels, such structures shall be located so as to remove as little land as possible from production or potential production.

The subject parcel is zoned CA-L (Commercial Agriculture/Historic Landmark) and carries an Agriculture (A) General Plan designation. The parcel is not designated for agricultural production. The 25,613 square foot parcel is within 200 feet of Commercial Agriculture zoned land, but has been used as the home site for the farmer since 1950.

**Required Findings for Development on Land Zoned Commercial Agriculture or  
Agricultural Preserve  
County Code Section 13.10.314(A)**

1. The establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area.

The proposed swimming pool is accessory to an existing single-family residence on the property. The small size of the parcel, 25,613 square feet, and the existing development does not support the operation of commercial agriculture on the parcel. The parcel has served as the residence for the farmer who cultivates the apple orchard in the vicinity. Continued residential use shall not reduce, restrict or adversely affect agricultural operations of the area.

2. The use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or no other agricultural use of the parcel is feasible for the parcel; or

The proposed swimming pool is accessory to the principal residential use of the parcel

3. The use consists of an interim public use which does not impair long-term agricultural viability; and
4. Single family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in the area.

The single-family residential uses are clustered so that this proposed swimming pool is flanked by existing structures, thereby minimizing potential conflicts with adjacent commercial agricultural activities.

5. The use will be sited to remove no land from production (or potential production) if any non-farmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

The proposed swimming pool does not remove any land from potential commercial agricultural production as the site has historically supported the residential needs of farmers for the adjacent orchards.

Conditions of Approval

Exhibit A: Project plans, 1 sheet by Peter Guiley dated 8-5-2003

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN's 107-581-07, -10, -12, and 107-361-08, -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 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 the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. A development setback of a minimum **of** 20 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcels APN 107-581-07, -10, -12, and 100 feet from APN's 107-361-08, -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. 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. Attachment of the proposed pool barrier shall not cause any damage to the exterior of the historic Pleasant Valley schoolhouse. Materials shall be compatible with the existing schoolhouse material. Plans shall be reviewed by the Historic Resources Planner.
    4. The applicant shall provide a satisfactory septic ~~tank~~ pumper's report to demonstrate that the septic system is functioning at an acceptable level. Applicant must obtain a pool/spa Environmental Health plan check approval.

- 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.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to

defend, indemnify, or hold harmless the **COUNTY** if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

**B.** Nothing contained herein shall prohibit the **COUNTY** from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. **COUNTY** bears its own attorney's fees and costs; and
2. **COUNTY** defends the action in good faith.

**C.** Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the **County**.

**D.** Successors Bound. "Development Approval Holder" shall include the applicant and the successor's in interest, transferee(s), and assign(s) of the applicant.

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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: February 16, 2006

Effective Date: March 02, 2006

Expiration Date: March 02, 2008

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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: 05-0683

Assessor Parcel Number: 107-581-11

Project Location: 1750 Hames Road, Aptos CA 95003

**Project Description: Agricultural Buffer Setback Determination**

**Person or Agency Proposing Project: Jeff Silva**

**Contact Phone Number: (831) 728-5292**

- 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 3 - New construction of small structure (Section 15303)

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

New construction of small structure, swimming pool, appurtenant to an existing single-family dwelling

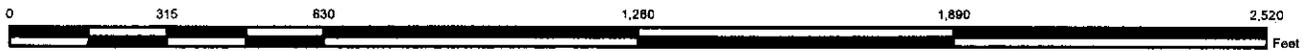
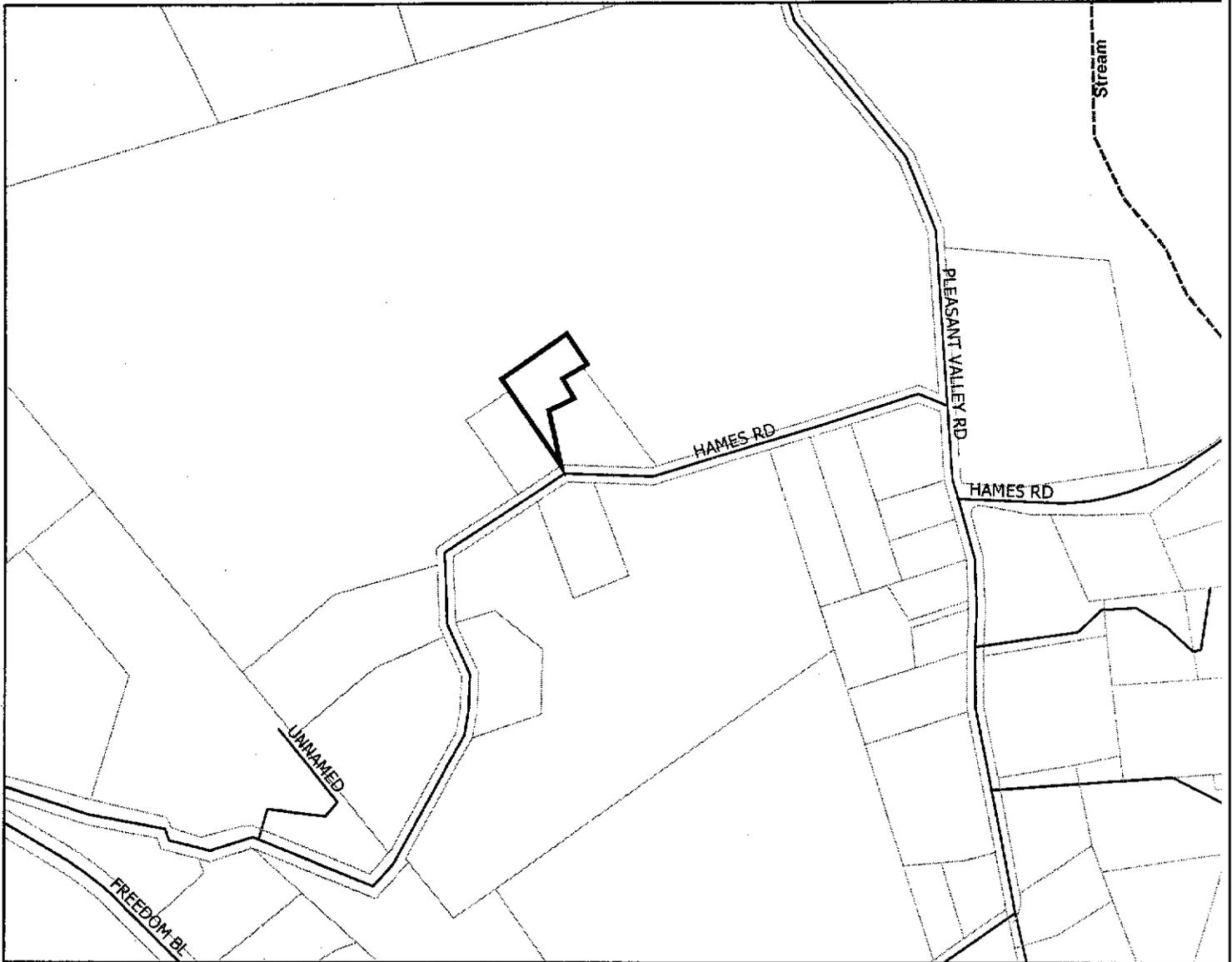
In addition, none of the conditions described in Section 15300.2 apply to this project.

  
Joan Van der Hoeven, AICP, Project Planner

Date: February 16, 2006.

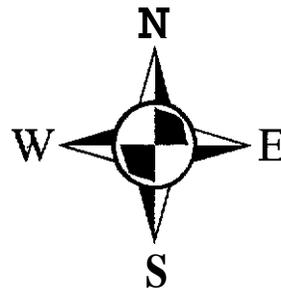


# Location Map



## Legend

-  APN 107-581-11
-  Assessors Parcels
-  Streets
-  INTERMITTENT STREAM



Map Created by  
 County of Santa Cruz  
 Planning Department  
 October 2005

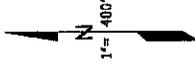
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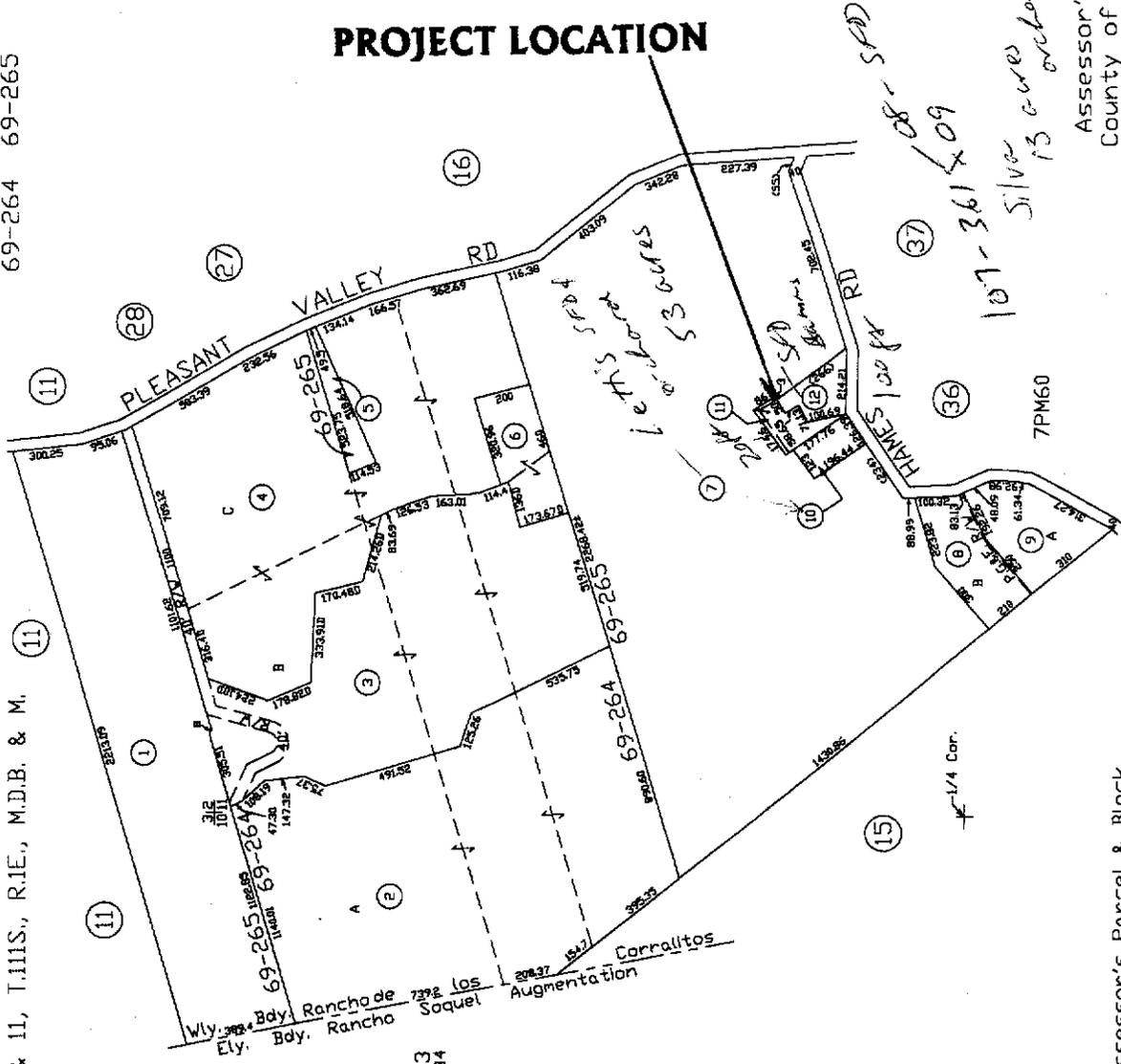
Tax Area Code  
69-264 69-265

CORRALITOS RANCHO  
POR. SECS. 2,3, 10 & 11, T.111S., R.1E., M.D.B. & M.

FOR TAX PURPOSES ONLY  
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSURES ANY  
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### PROJECT LOCATION



Assessor's Map No. 107-58  
County of Santa Cruz, Calif.  
Dec. 1997

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

EXHIBIT 3

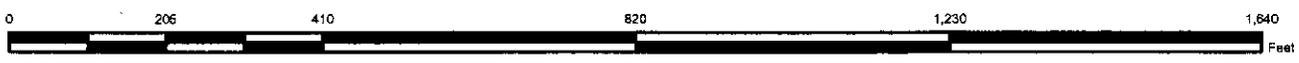
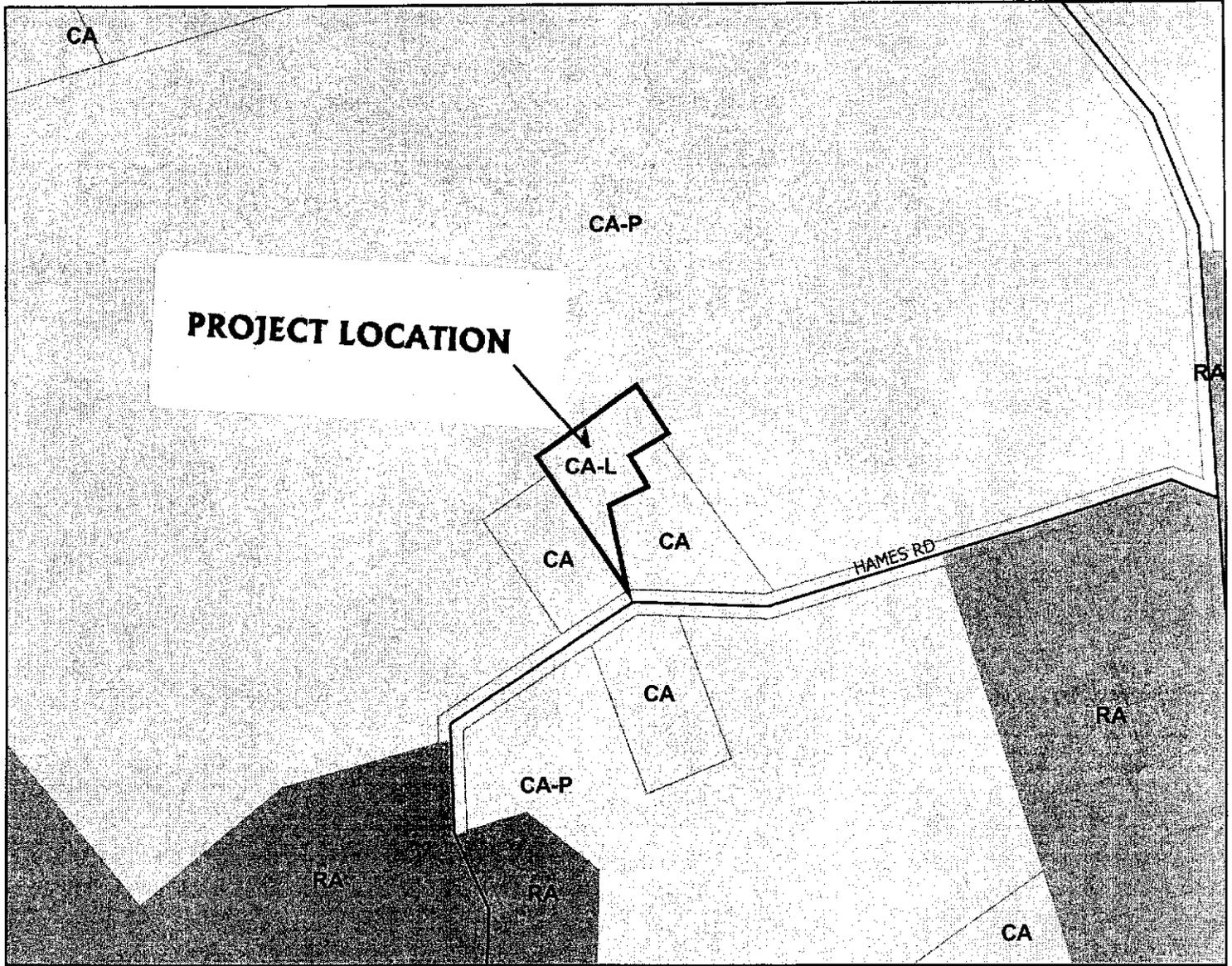
Electronically drawn 12/15/97 KSA  
Rev. 12/16/97 KSA (Rev. from Pg. 15)  
Rev. 4/19/98 CA Tax Code Correction  
Rev. 3/17/01 CA Tax Code Correction  
Rev. 10/9/01 with changed page refs.)

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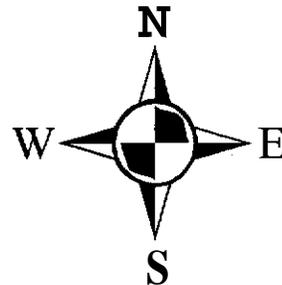


# Zoning Map



## Legend

-  APN 107-581-11
-  Assessors Parcels
-  Streets
-  AGRICULTURE COMMERCIAL (CA)
-  AGRICULTURE RESIDENTIAL (RA)



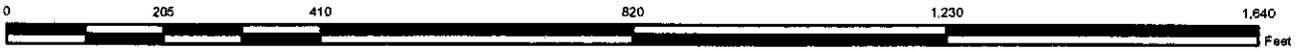
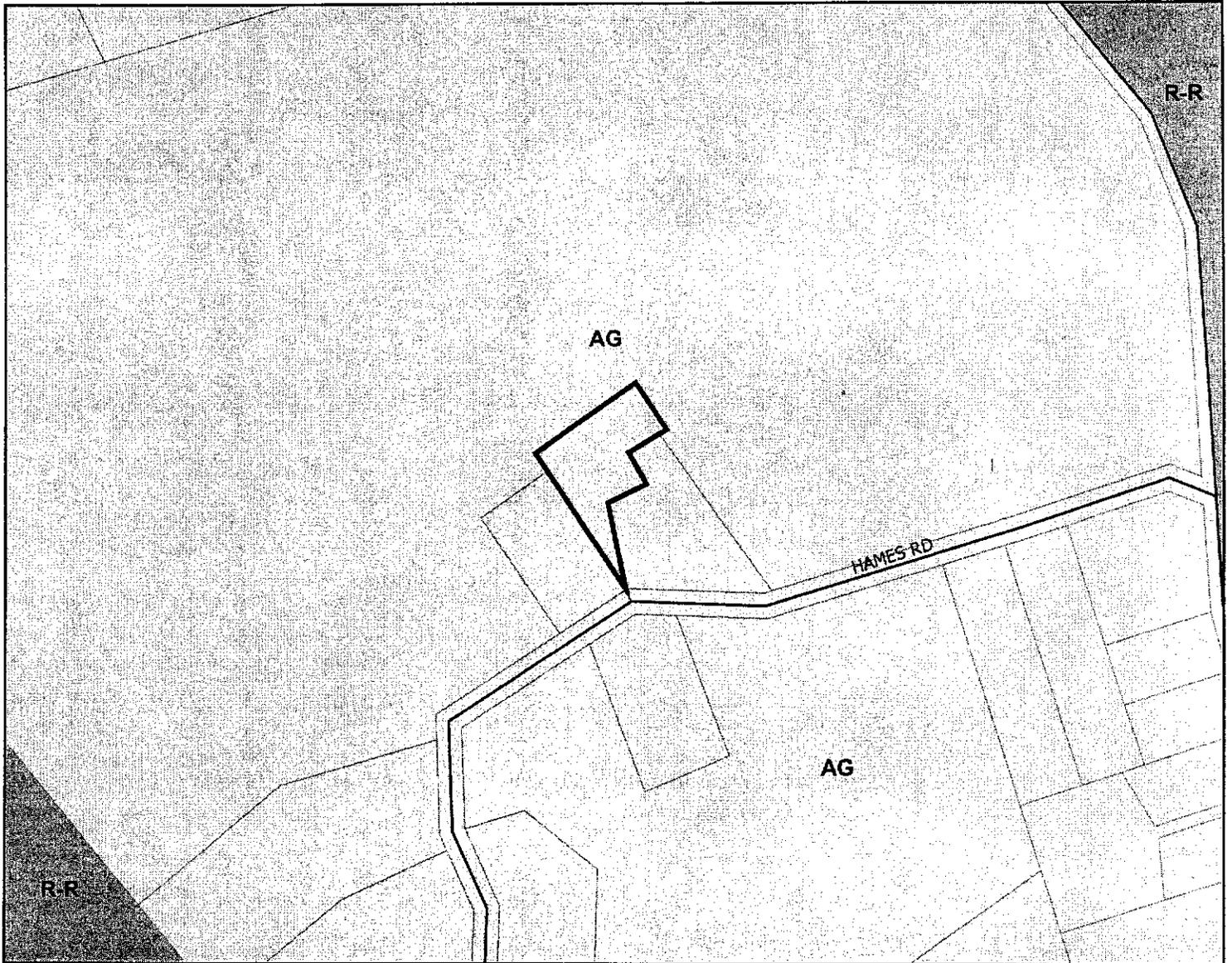
Map Created by  
 County of Santa Cruz  
 Planning Department  
 October 2005

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**EXHIBIT F**

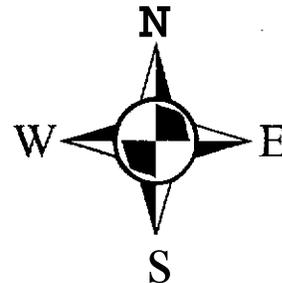


# General Plan Designation Map



## Legend

-  APN 107-581-11
-  Assessors Parcels
-  Streets
-  Agriculture (AG)
-  Residential-Rural (R-R)



Map Created by  
 County of Santa Cruz  
 Plannina Department  
 October 2005

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EXHIBIT F

C O U N T Y O F S A N T A C R U Z  
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Joan Van Der Hoeven  
Application No.: 05-0683  
APN: 107-581-11

Date: February 1, 2006  
Time: 08:21:26  
Page: 1

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Historical Completeness Comments

===== REVIEW ON OCTOBER 26, 2005 BY STEVE D GUINEY ===== Proposed new pool barrier would attach to historic school house. Attachment must not damage school house and material should be compatible with existing school house material. Please route building permit application to historic resources planner for review.

Historical Miscellaneous Comments

===== REVIEW ON OCTOBER 26, 2005 BY STEVE D GUINEY ===== No comment

Project Review Completeness Comments

----- REVIEW ON NOVEMBER 18, 2005 BY JOAN VAN DER HOEVEN =====  
NO COMMENT

Project Review Miscellaneous Comments

===== REVIEW ON NOVEMBER 18, 2005 BY JOAN VAN DER HOEVEN ===== Record an Agricultural statement of Acknowledgement

Environmental Health Completeness Comments

===== REVIEW ON OCTOBER 27, 2005 BY JIM G SAFRANEK =====  
Applicant must provide an Environmental Health Clearance for this project. Provide a satisfactory septic tank pumper's report to demonstrate that the septic system is functioning. Required prior to building permit approval.

Environmental Health Miscellaneous Comments

===== REVIEW ON OCTOBER 27, 2005 BY JIM G SAFRANEK =====  
Applicant must obtain approval for an Environmental Health Plan Review prior to submittal of building plans. Applicant must obtain a Pool/Spa Environmental Health Plan Check approval, construction inspection final and Health Permit prior to opening. Contact Roger Houston of Environmental Health at 454-2734



ADJACENT APPLE ORCHARD, LOT'S 53 acres  
APN 107-581-07