



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **06-0392**

Applicants: Jorge & Maria Isabel Alvarez

Date: October 19, 2006

Owners: Jorge & Maria Isabel Alvarez

Agenda Item #: 7

APN: 051-375-02

Time: 1:30 p.m.

Project Description: Proposal to construct a room addition to an existing single-family dwelling.

Location: On the east side of Jolon Drive, about ~~600 feet~~ north from Hathaway Avenue, off Green Valley Road, at **149** Jolon Drive in Watsonville.

Permits Required Agricultural ~~Buffer~~ Setback Determination

Staff Recommendation:

- Approval of Application 06-0392, based on the attached findings and conditions.

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:	6,527 square feet
Existing Land Use - Parcel:	Single-family residential
Existing Land Use - Surrounding:	Single-family residential, commercial agriculture
Project Access:	Green Valley Road to Hathaway and Jolon Drive
Planning Area:	Pajaro Valley
Land Use Designation:	R-UL (Residential - Urban Low)
Zone District:	R-1-6 (Single-family Residential/ 6,000 sq ft min parcel)
Supervisory District:	Fourth (District Supervisor: Campos)
Within Coastal Zone:	<u> </u> Inside <u> X </u> Outside

Environmental Information

Geologic Hazards:	Mapped/no physical evidence on site
Soils:	161 Pinto loam
Fire Hazard	Not a mapped constraint
Slopes:	0-2 percent slopes
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:	<u> X </u> Yes <u> </u> No
Water Supply:	City of Watsonville
Sewage Disposal:	Freedom County Sanitation District
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 family room addition of 328 square feet to an existing one story single-family dwelling of approximately 1,127 square feet on a 6,567 square foot parcel. The house was constructed under Building Permit 21875, receiving Final Inspection on 10-07-71. The project is located at 149 Jolon drive in Watsonville. The building site is within 200 feet of Commercial Agriculture land to the east. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 38 feet from APN 051-012-16.

The subject property is characterized by flat topography. The parcel is located within the Urban Services Line and may be characterized as a single-family residential neighborhood. The parcel carries a Residential - Urban **Low** (R-UL) General Plan designation and the implementing zoning is (R-1-6) Single-family Residential with a 6,000 square foot minimum parcel size. Commercial Agriculture zoned land **is** situated within 200 feet at the east side of the parcel at Assessor's Parcel Number 051-012-16, **the** 71.6-acre Salesian Society bush berry farm.

A reduced agricultural buffer is recommended due to the fact that the proposed addition is to be constructed in the front of the house, as far away as possible from the common property boundary with the agricultural parcel. The small size of the lot, 61 feet wide by 107 feet deep, would not allow sufficient building area if the required 200-foot setbacks were maintained from the adjacent Commercial Agriculture zoned property. The applicant has constructed a solid six-foot fence at the east side of the parcel with **an** evergreen hedge of plantings to reduce the impact of residential activities on the existing agricultural use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcel. **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 as Document 2006-0050570.

Recommendation


- Staff recommends that your Commission APPROVE the Agricultural Buffer Reduction from 200 feet to about **38** feet to the single-family dwelling from the adjacent **CA** zoned property known as APN 051-012-16, proposed under Application # 06-0392, based on the attached findings and recommended conditions.

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

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**
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Report Reviewed By:


Don Bussey
Deputy Zoning Administrator
Santa Cruz County Planning Department

**Required Findings for Agricultural Buffer Setback Reduction
County Code Section 16.50.095(b)**

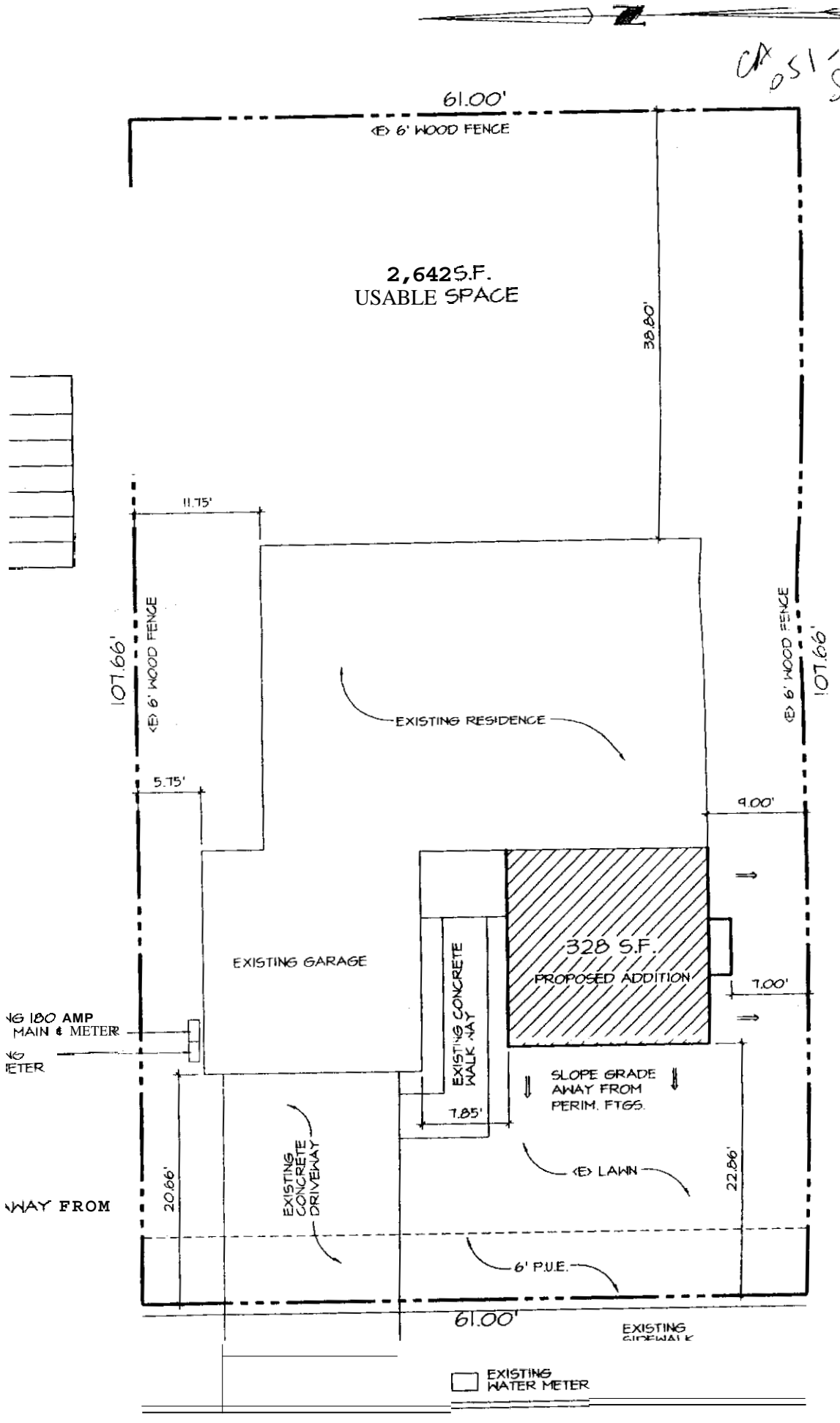
1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminate the need for a 200 foot setback; or
2. Permanent substantial vegetation or other physical barriers exist between the agricultural and non-agricultural uses which eliminate the need for a 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 existing single-family dwelling is set back **38** feet from the adjacent Commercial Agriculture zoned land and the proposed **328** square foot living room addition would be set in the front of the existing house, as far away **as** possible from the adjacent CA-zoned parcel. An effective barrier consisting of a six-foot tall solid wood board fence enhanced with evergreen shrubs shall be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 051-012-16, the 71.6-acre salesian Society bush berry farm. This barrier, as proposed, shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic as it is not adjacent to any road but is the backyard of the residence.

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.

Due to the small size of the parcel, 61 feet by 107 feet deep, it would not be possible to meet the required 200-foot agricultural buffer setback.

CA 051-012
Sols
71



149 JOLON DRIVE

SCALE: 1"=10'

A.P.N. 051.375-02

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

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Due to the small size of the parcel, 61 feet by 107 feet deep, it would not be possible to meet the required 200-foot agricultural buffer setback.

Conditions of Approval

Exhibit A: Project plans, 5 sheets by CadTechs dated **7-10-06**.

- I. This permit authorizes an Agricultural Buffer Setback reduction to **38** feet from the proposed residential use to APN (051-012-16). 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 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 **38** feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 051-012-16.
 - 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.
- 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 on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: 10-19-06

Effective Date: 11-02-06

Expiration Date: 11-02-08

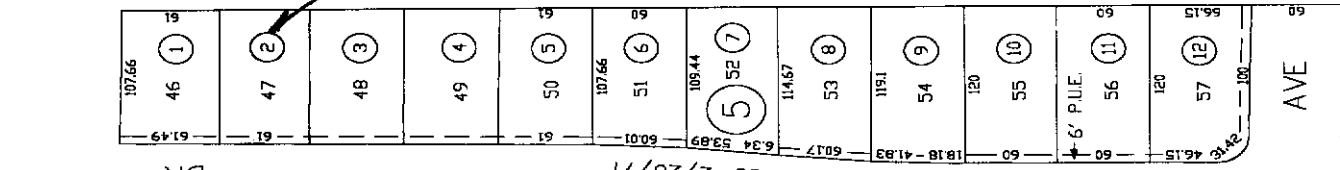
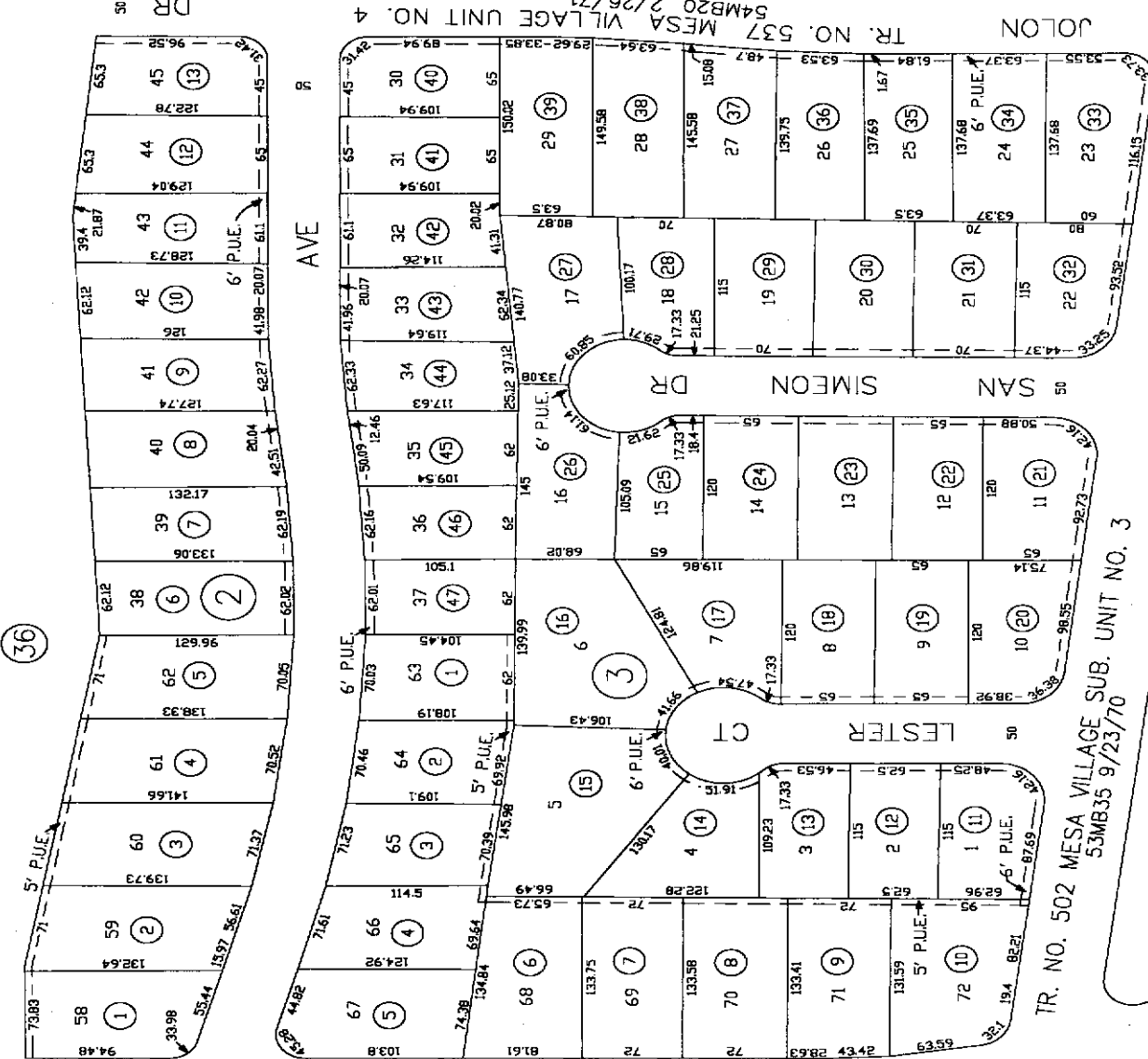
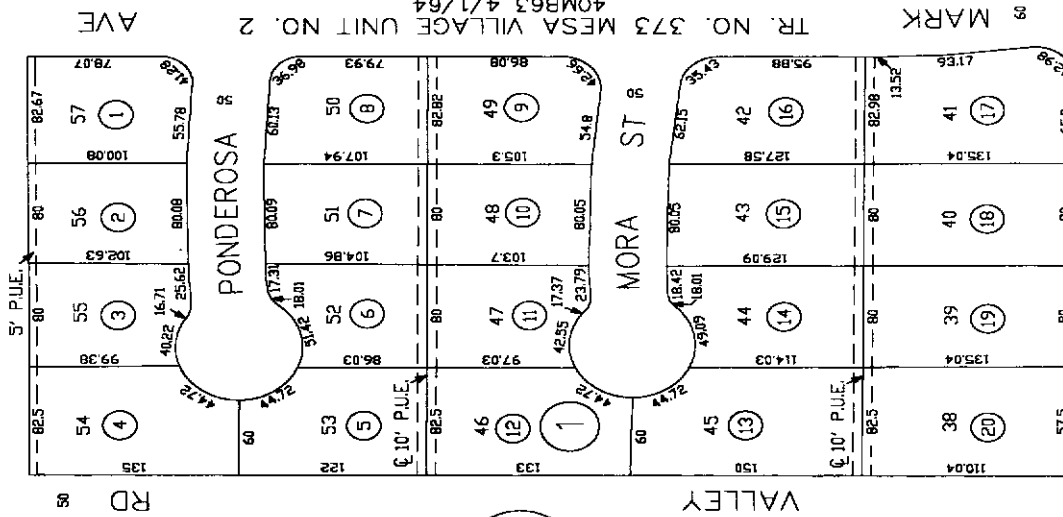
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors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

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POR, RANCHO DE LOS CORRALITOS
 POR, SEC. 16, 17, 20 & 21, T.11S., R.2E., M.D.B. & M.

Tax Area Code
 69-255

51-37



SEC. 17
 SEC. 20
 BK. 50
 04

EXHIBIT E
 Electronically redrawn 7/16/00 KSA
 Rev 7/16/00 KSA (Opp. to Pg. 7B)

TR. NO. 566 MESA VILLAGE UNIT NO. 5
 55MB15 8/27/71

TR. NO. 502 MESA VILLAGE SUB. UNIT NO. 3
 53MB35 9/23/70

JOLON

TR. NO. 537 MESA VILLAGE UNIT NO. 4
 54MB20 2/26/71

PROJECT LOCATION

SEC. 16
 SEC. 2

CA LAND
 71.6 acres
 Salesman ben

Assessor's Map No. 51-37
 County of Santa Cruz, Calif.
 July 2000

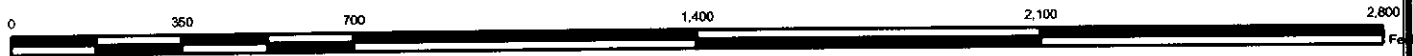
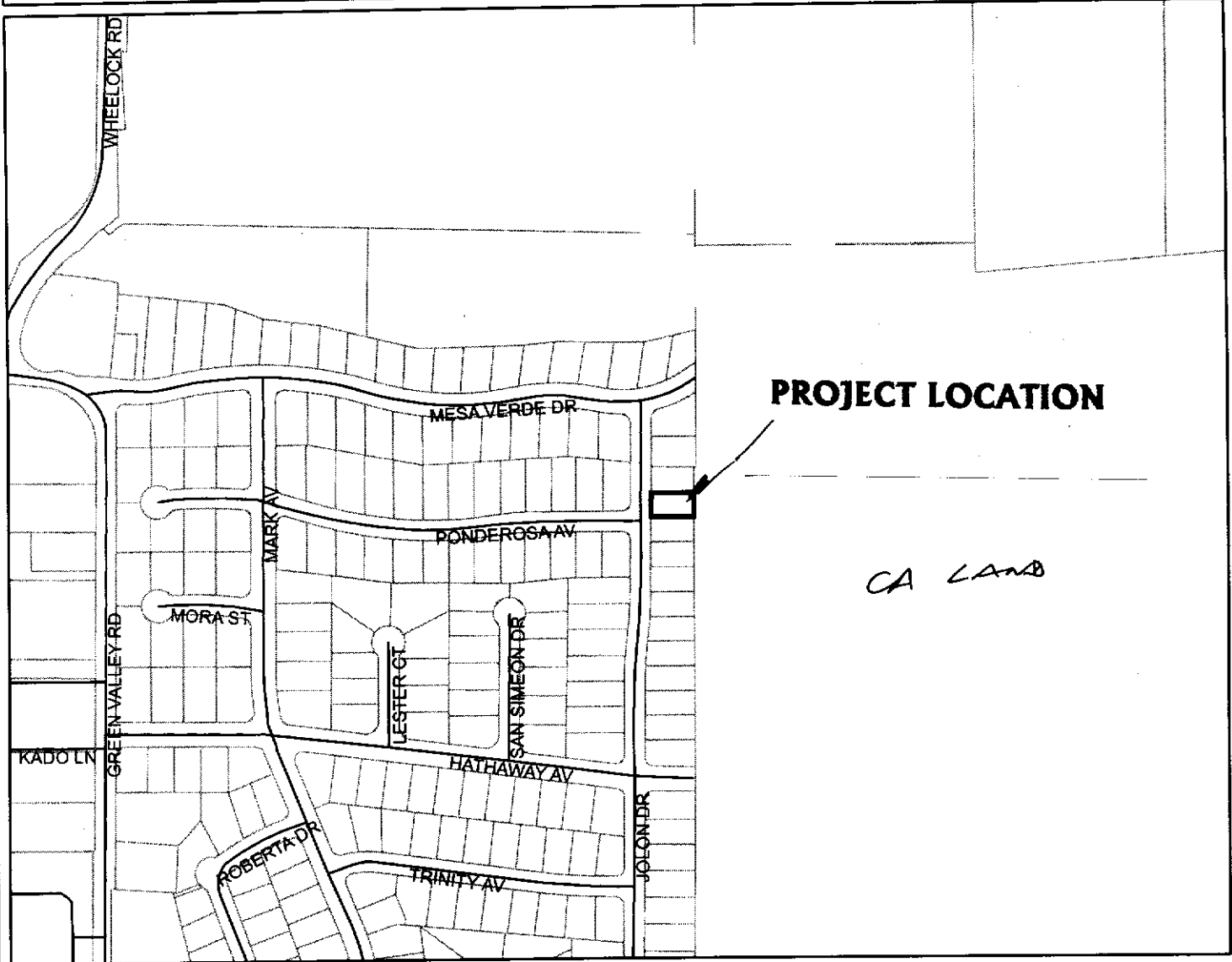
Note - Assessor's Parcel & Block
 Numbers are Shown in Circles.

(53)




(78)

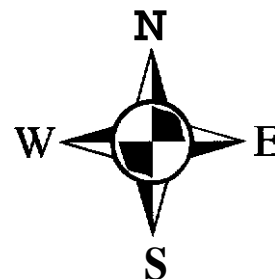


Location Map



Legend

-  APN 051-375-02
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
August 2006





EXHIBIT E

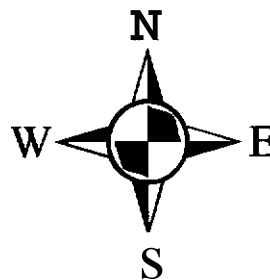


General Plan Designation Map



Legend

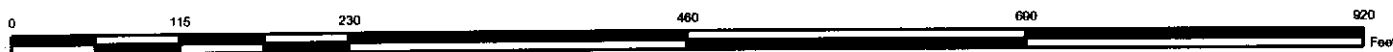
-  APN 051-375-02
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density (R-UL)
-  Agriculture (AG)








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August 2006

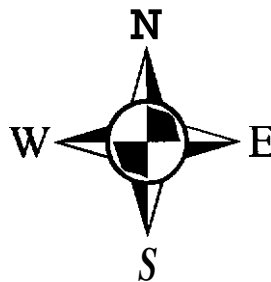


Zoning Map



Legend

-  APN 051-375-02
-  Assessors Parcels
-  Streets
-  AGRICULTURE COMMERCIAL (CA)
-  RESIDENTIAL-SINGLE FAMILY (R-1)



Map Created by
County of Santa Cruz
Planning Department
August 2006

EXHIBIT F 1

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.: 06-0392
APN: 051-375-02

Date: September 13, 2006
Time: 15:13:18
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON AUGUST 17, 2006 BY ROBERT S LOVELAND =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON AUGUST 17, 2006 BY ROBERT S LOVELAND =====
NO COMMENT

Project Review Completeness Comments

===== REVIEW ON AUGUST 23, 2006 BY JOAN VAN DER HOEVEN =====
NO COMMENT

Project Review Miscellaneous Comments

===== REVIEW ON AUGUST 23, 2006 BY JOAN VAN DER HOEVEN =====
Record an Agricultural Statement of Acknowledgement.

Dpw Drainage Completeness Comments

===== REVIEW ON AUGUST 14, 2006 BY JOHN G LUMICAO =====
NO COMMENT

Dpw Drainage ~~Miscellaneous~~ Comments

===== REVIEW ON AUGUST 14, 2006 BY JOHN G LUMICAO ===== A drainage fee will
be assessed on the net increase in impervious area.

EXHIBIT G



EXHIBIT H