



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **06-0609**

Applicant: Alane Sirles
Owner: Angel and Maria Medina
APN: 110-221-03

Date: May 17, 2007
Agenda Item #: 8
Time: 1:30p.m.

Project Description: Proposal to construct a replacement single family dwelling and a detached garage.

Location: Property located on the west side of Rogge Lane about one-third mile south of its intersection with Highway 129 at 56 Rogge Lane in rural Watsonville.

Permits Required: Agricultural Buffer Setback Determination

Staff Recommendation:

- Approval of Application 06-0609, 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. Site Photographs |
| D. Categorical Exemption (CEQA determination) | H. Archaeological Reconnaissance Survey |

Parcel Information

Parcel Size:	12,589 square feet
Existing Land Use - Parcel:	Single-family residential
Existing Land Use - Surrounding:	Single-family residential, Commercial Agriculture
Project Access:	Rogge Lane
Planning Area:	Salsipuedes
Land Use Designation:	Agriculture
Zone District:	Commercial Agriculture
Supervisory District:	Fourth (District Supervisor: Campos)
Within Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

Environmental Information

Geologic Hazards:	None mapped
Soils:	Conejo clay 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:	Mapped, but no physical evidence on site

Services Information

Inside Urban/Rural Services Line:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Water Supply:	Private well	
Sewage Disposal:	Salsipuedes Sanitation District	
Fire District:	California Department of Forestry and Fire Protection	
Drainage District:	Zone 7 Flood Control/Water Conservation District	

Analysis and Discussion

The project is located at 56 Rogge Lane, about one-third mile south of its intersection with Highway 129, in rural Watsonville. The proposed project is to construct a replacement dwelling and new garage. The parcel, although zoned Commercial Agriculture (CA) as are all parcels in the general vicinity, is one of three relatively small parcels along Rogge Lane. The use of each of those three parcels is residential with only incidental agricultural use, if any. The subject parcel is approximately 12,000 square feet in size (just over one-quarter acre). Almost directly across Rogge Lane is a slightly larger parcel, approximately 14,000 square feet. About 750 feet south from the subject parcel is another parcel of approximately 12,000 square feet. All other surrounding parcels for at least a half mile in all directions range from just over one acre to 20 plus acres, with the immediately adjacent parcels being at least 4 acres in size.

The new development on the subject parcel consists of a replacement dwelling of approximately 2887 square feet, a new garage of approximately 576 square feet, and a new driveway of approximately 1550 square feet, for a total lot coverage of approximately 5013 square feet of non-agricultural development. The existing lot coverage of the non-development on the site totals approximately 2188 square feet (a single family dwelling of approximately 864 square feet, a shed/garage of approximately 294 square feet, and a driveway of approximately 1030 square feet). Although the proposed development will remove over twice the amount of land from potential agricultural production than does the existing development, the character of the use on the subject parcel and the other two relatively small parcels along Rogge Lane is residential, not agricultural. How and why these three parcels were created at such relatively small sizes is unknown and is beyond the scope of this report. The fact is that they exist and do carry the CA zoning, but they are devoted to existing residential uses.

Given the foregoing discussion, it is not inappropriate that the use of the parcel remain residential or that the proposed new residential development increase the non-agricultural development footprint. The proposal does not constitute the introduction of a new non-agricultural use into an area where none now exist.

A reduced agricultural buffer is recommended due to the fact that the parcel is **only** 71 feet wide and 168 feet deep. Nowhere on the parcel is more than 200 feet from CA land. The applicant has proposed a new 6 foot solid wood board fence along the sides and the rear and a vegetative buffer of *Ceanothus* along the front of the parcel to reduce the impact of residential activities on the existing adjacent agricultural uses, and to therefore protect the agricultural interests on the adjacent CA zoned parcels. The applicant **has** already 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

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 10 feet to the single-family dwelling from the adjacent CA zoned properties known as APN 110-221-01, 110-221-02, 110-222-04, 110-222-05, and 110-222-06, proposed under Application # 06-0609, 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: Steven Guiney, AICP
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3172
E-mail: pln950@co.santa-cruz.ca.us

Report Reviewed By: _____


Paia Levine
Principal Planner
Development Review
Santa Cruz County Planning Department

SCALE: 1"=20'

0 10 20 40
FEET



Required Findings for Agricultural Buffer Setback Reduction

County Code Section **16.50.095(d)**

(At least **one** of the following findings is required)

1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminate or minimizes the need for a 200 foot setback.

Not applicable

2. Permanent substantial vegetation (such as, a Riparian Corridor or Woodland protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which eliminate or minimize the need for a 200 foot buffer setback.

Not applicable.

3. 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.

The proposed new house is proposed to be set back approximately 10 feet from the adjacent Commercial Agriculture (CA) zoned land. A reduced agricultural buffer is recommended due to the fact that the parcel is only 71 feet wide and 168 feet deep. Nowhere on the parcel is more than 200 feet from CA land. The applicant has proposed a new 6 foot solid wood board fence along the sides and the rear and a vegetative buffer of *Ceanothus* along the front of the parcel to reduce the impact of residential activities on the existing adjacent agricultural uses, and to therefore protect the agricultural interests on the adjacent CA zoned parcels.

4. 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.

Not applicable.

Additional Required Finding for Agricultural Buffer Setback Reduction for Non-Agricultural Development Proposed on Type 1, Type 2, or Type 3 Commercial Agricultural Land

County Code Section 16.50.095(e)

In the event that an agricultural buffer setback reduction is proposed and the proposed non-agricultural development is located on Type 1, Type 2, or Type 3 commercial agricultural land, the non-agricultural development shall be sited so as to minimize possible conflicts between agricultural land use located on the subject parcel; and the non-agricultural development shall be located to remove as little land as possible from production or potential production.

The subject parcel is commercial agricultural land although its small size and historic residential use render it not agriculturally viable. No point on the parcel is more than 200 feet from the adjacent commercial agricultural parcels. The subject parcel and two other relatively small parcels nearby have existing residential uses as their main use. No agricultural land use exists on the subject parcel, so there is no possible conflict between agricultural use on the parcel and the residential use. Similarly, no land would be removed from actual or potential agricultural production, regardless of where the residential development is located on the parcel.

Conditions of Approval

Exhibit A: Project Plans, 2 Sheets (C-1 and C-2) by Roper Engineering, revised December 20, 2006

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to adjacent CA zoned properties known as APNs 110-221-01, 110-221-02, 110-222-04, 110-222-05, and 110-222-06. 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 approximately 10 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned land on the north and south sides of the subject parcel (APNs 110-221-01 and 110-221-02); a development setback of a minimum of 15 feet from the west (rear) of the subject parcel to the adjacent CA land (APN 110-221-02); and a development setback of a minimum of 52 feet from the east (front) of the subject parcel to the adjacent CA land (APN 110-222-04).
 - 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.
 - C. The project shall comply with all requirements of Public **Works** Drainage Division. Plans shall include dispersal and spreading of runoff from the proposed addition as part of the final site plan in order to mitigate for the additional impervious area associated with this project. Zone **7** fees will be assessed on the

net increase in impervious area due to this project.

- 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) 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. All required Agricultural Buffer Setbacks shall be maintained.
 - B. 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.

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: May 17.2007

Effective Date: June 02.2007

Expiration Date: June 02.2009

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: 06-0609

Assessor Parcel Number: 110-221-03

Project Location: 56 Rogge Lane, Watsonville CA 95076

Project Description: Agricultural Buffer Setback Determination

Person or Agency Proposing Project: Alane Sirles

Contact Phone Number: (831) 840-3074

- 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 2 – Replacement or Reconstruction (CEQA Guidelines Section 15302)

F. Reasons why the project is exempt:

Replacement residential development

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

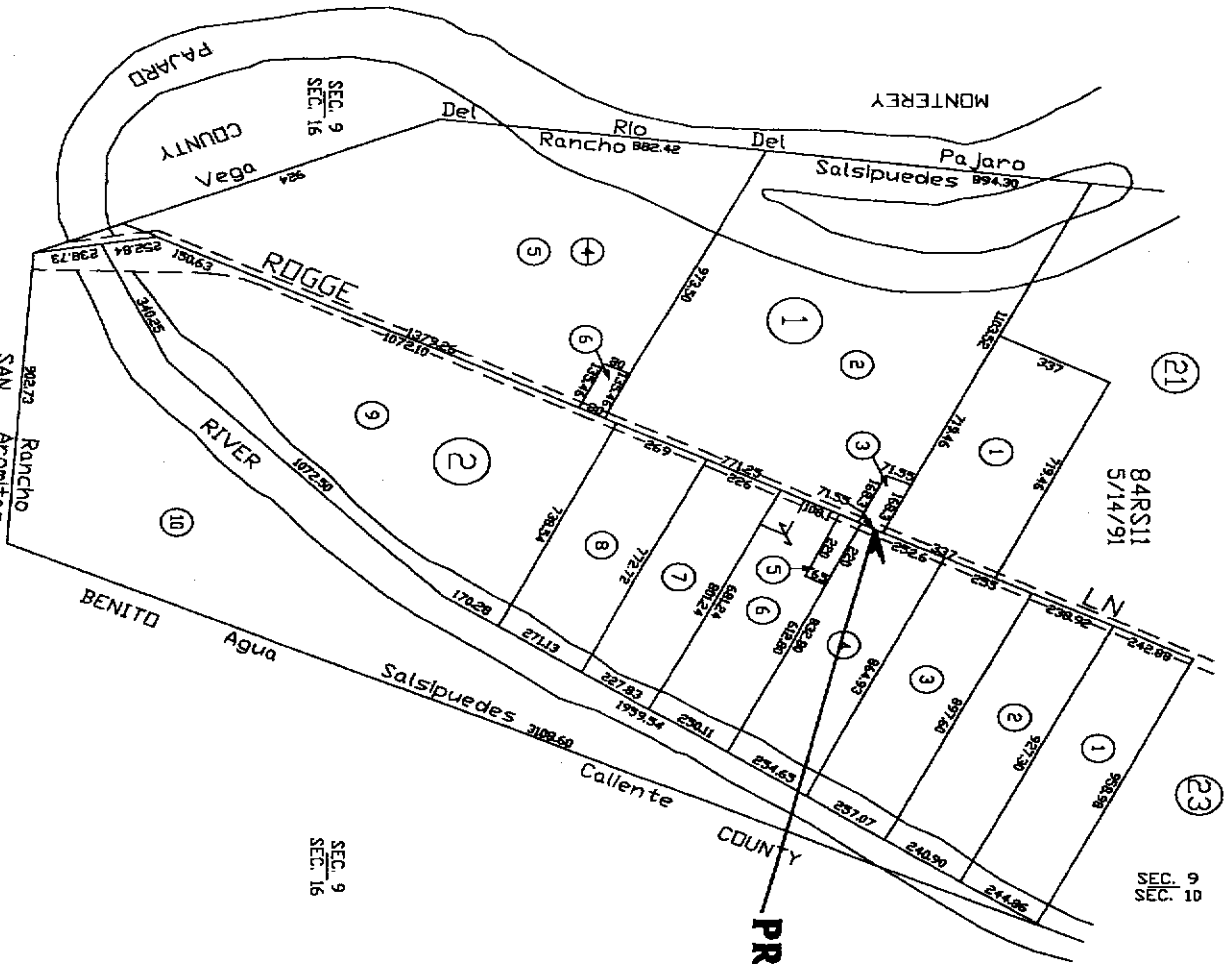
Steven Guiney, AICP, Project Planner

Date: May 17, 2007

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 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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Tax

110-22



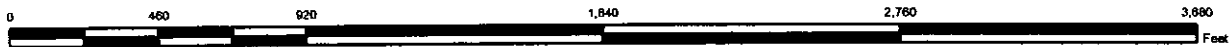
EXHIBIT

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






Assessor's Map No. 110-22
 County of Santa Cruz, Calif.
 Sep. 1997

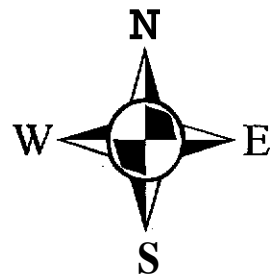


Location Map



Legend

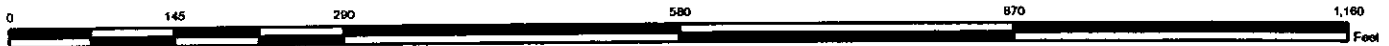
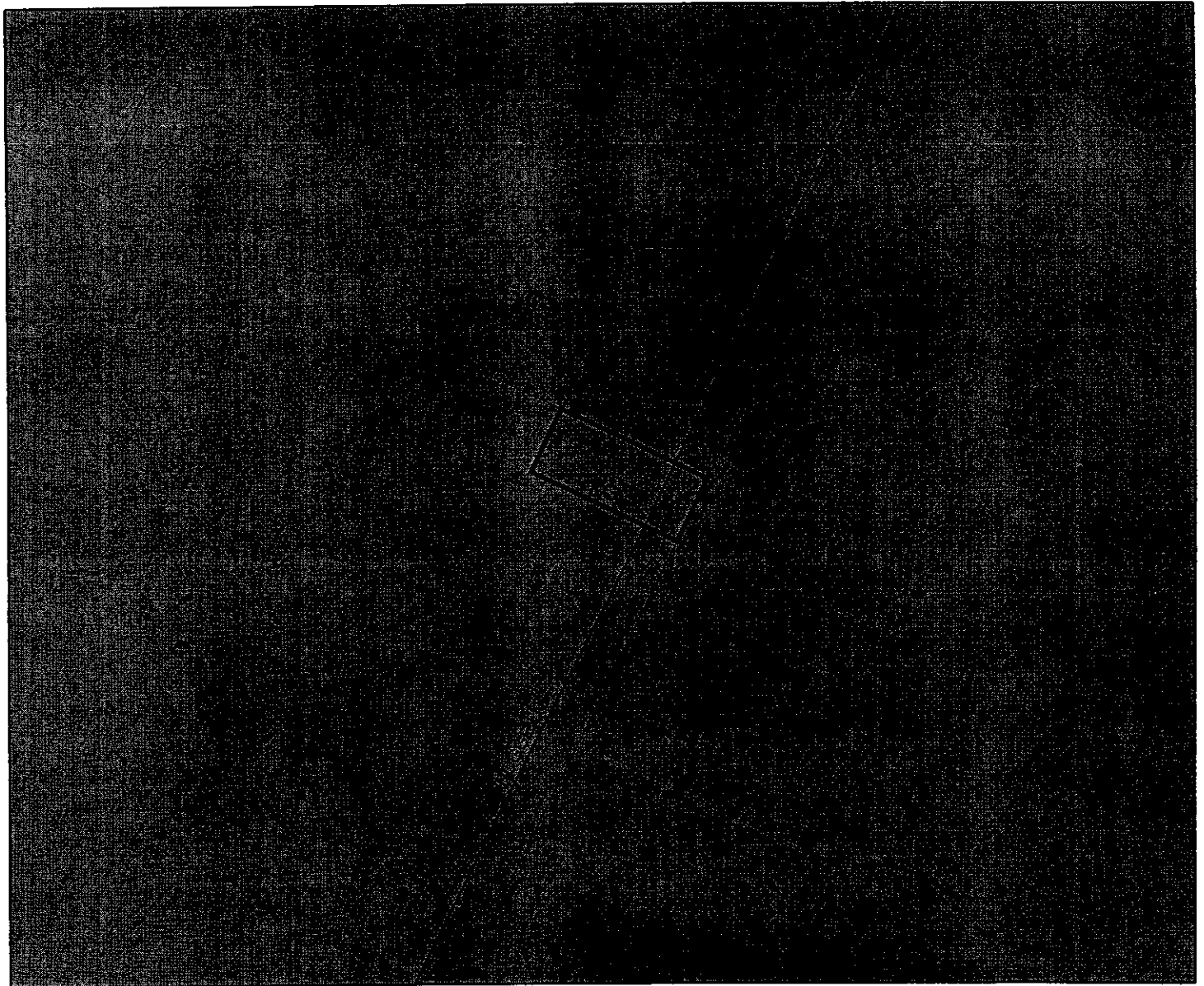
-  APN 110-221-03
-  Assessors Parcels
-  Streets
-  State Highways
-  PERENNIAL STREAM







Map Created by
County of Santa Cruz
Planning Department
November 2006

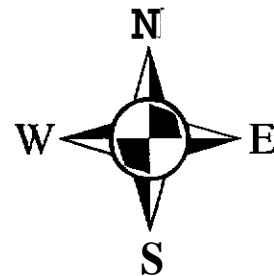


General Plan Designation Map



Legend

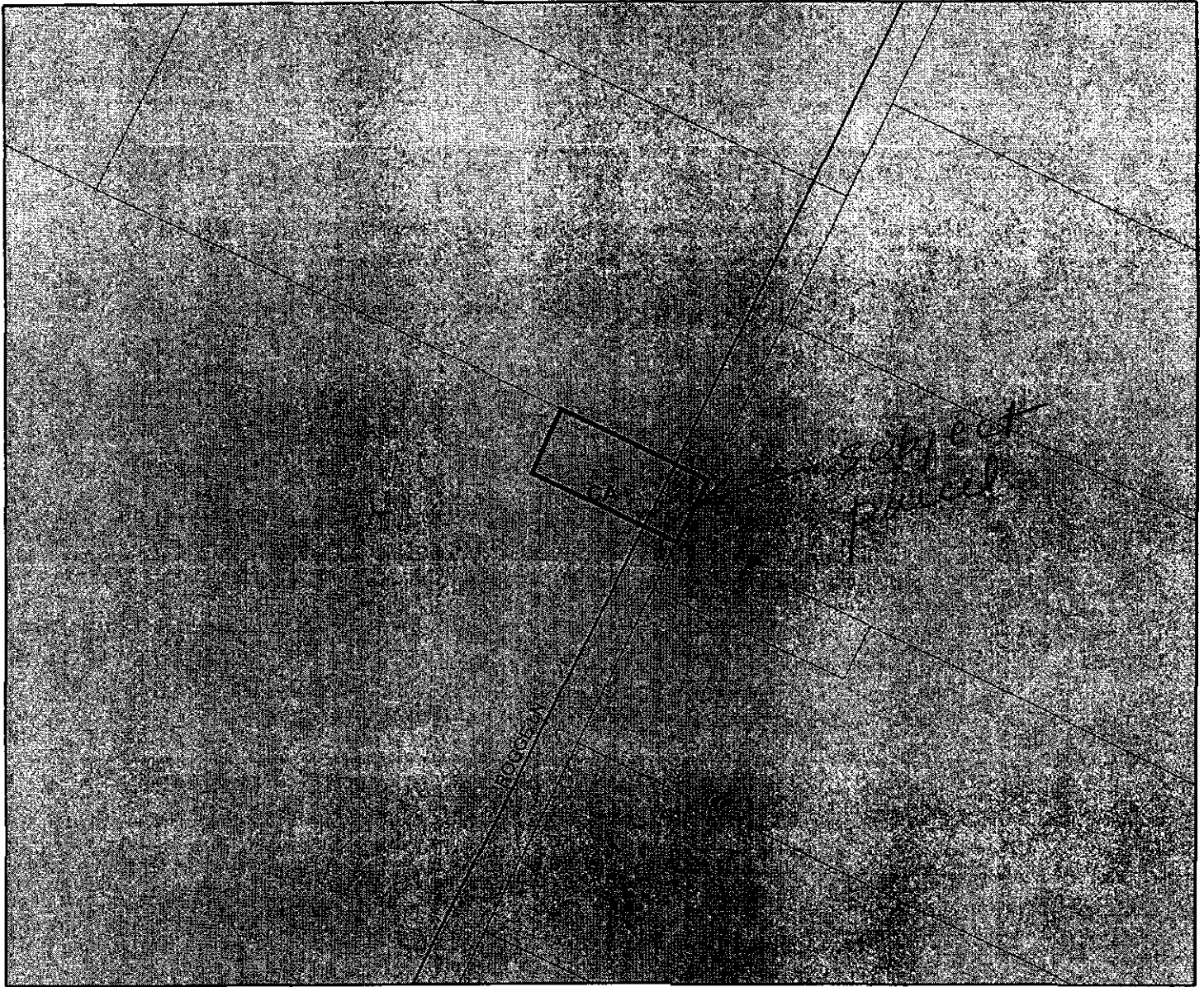
-  APN 110-221-03
-  Assessors Parcels
-  Streets
-  Agriculture (AG)



Map Created by
County of Santa Cruz
Planning Department
November 2006

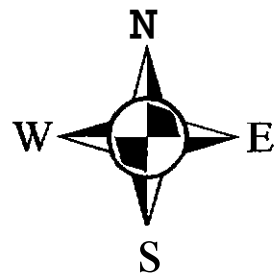


Zoning Map



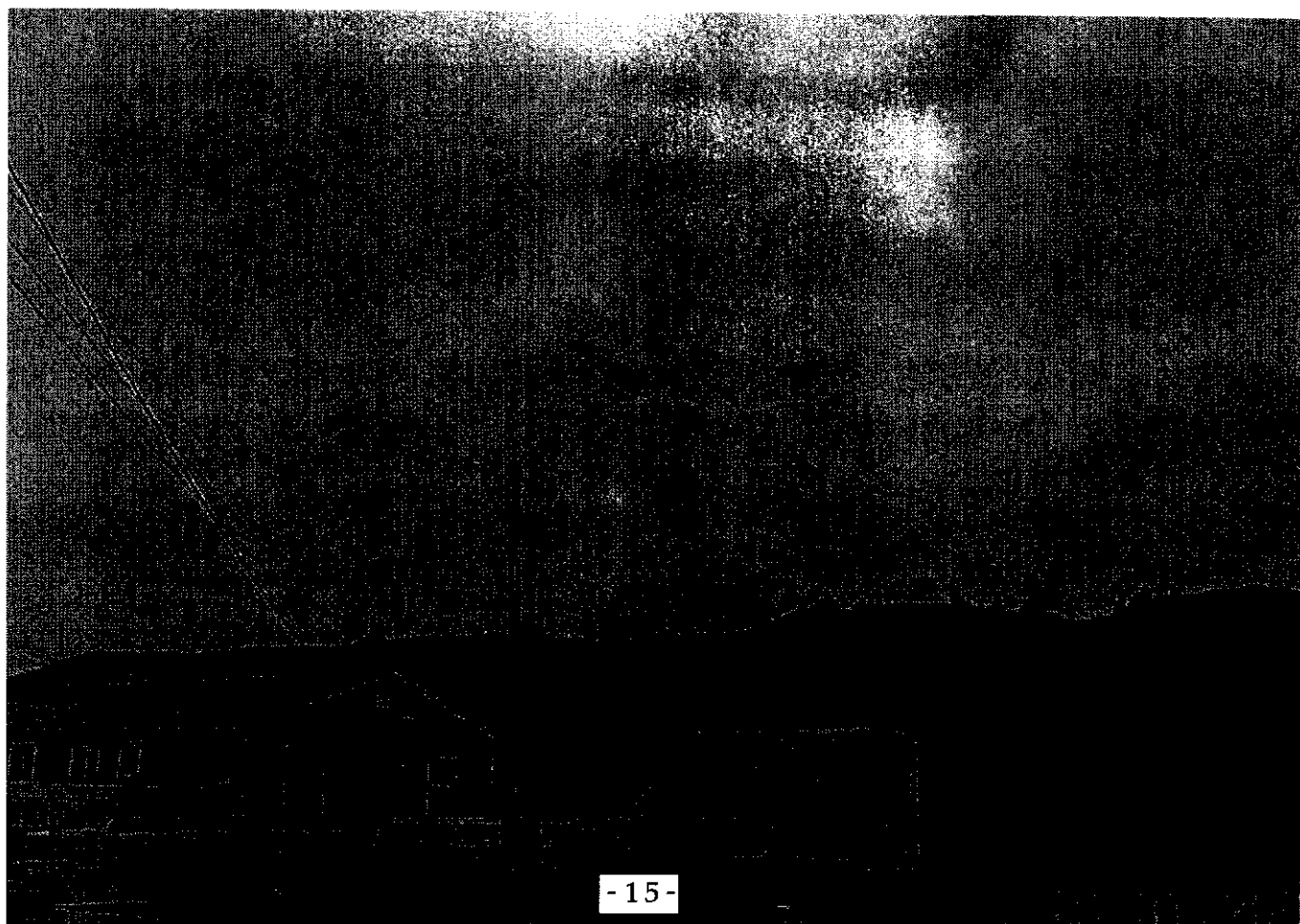
Legend

-  APN 110-221-03
-  Assessors Parcels
-  Streets
-  AGRICULTURE COMMERCIAL (CA)



Map Created by
County of Santa Cruz
Planning Department
November 2006

EXHIBIT F



10.31.2005

10.31.2005

10.31.2005

10.31.2005

Steve



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, PLANNING DIRECTOR

February 12, 2007

Alane Sirles
PO Box 430
San Juan Bautista, CA 95045

SUBJECT: Archaeological Reconnaissance Survey for APN 110-221-03

Dear Alane,

The County's archaeological survey team has completed the Phase 1 archaeological reconnaissance for the parcel referenced above. The research has concluded that cultural resources were not evident at the site. A copy of the review documentation is attached for your records. No further archaeological review will be required for the proposed development.

Please contact me at 831-454-3207 if you have any questions regarding this review

Sincerely,

A handwritten signature in black ink, appearing to read "A. Gentile".

Antonella Gentile
Planning Technician

Enclosure
CC Owner, Project Planner, File

Santa Cruz County Survey Project

Exhibit B

Santa Cruz Archaeological Society
1305 East Cliff Drive, Santa Cruz, California 95062

Preliminary Cultural Resources
Reconnaissance Report

Parcel APN 110 - 221-03

SCAS Project number SE-06-1071

Development Permit Application No 06-0609

Parcel Size 12588.8 sq. ft

Applicant. Alane Sirls

Nearest Recorded Cultural Resource: > 1/2 mile West (#)

On 1/29/2007 (date) two (#) members of the Santa Cruz Archaeological Society spent a total of 1 hour~~s~~ on the above described parcel for the purpose of ascertaining the presence or absence of cultural resources on the surface. Though the parcel was traversed on foot at regular intervals and diligently examined, the Society cannot guarantee the surface absence of cultural resources where soil **was** obscured by grass, underbrush, or other obstacles. No core samples, test **pits** or any subsurface analysis was made. A standard field form indicating survey methods, type of terrain, soil visibility, closest freshwater source, and presence or absence of prehistoric and/or historic cultural evidence was completed and filed with this report at the Santa Cruz County Planning Department.

The preliminary field reconnaissance did not reveal any evidence of cultural resources on the parcel. The proposed project would therefore, have no direct impact on cultural resources. If subsurface evidence **of** such resources should be uncovered during construction the County Planning Department should be notified.

Further details regarding **this** reconnaissance are available from the Santa Cruz County Planning Department *or* from **Rob** Edwards, Director, Cabrillo College Archaeological Technology Program, 6500 Soquel Drive, Aptos, CA **95003**, (831) **479-6294**, or email redwards@cabrillo.edu