



Staff Report & Development Permit Level 4 – Administrative Review

Application Number: 06-0681

APN: 110-222-07

6.

Applicant: Susan Bushman

Owner: John Pawloski

Site Address: 65 Rogge Lane, Watsonville

Proposal & Location

This is a proposal to reduce the standard agricultural buffer from 200 feet to **54** feet in order to reconstruct a dilapidated 240 square foot guest room (no kitchen facilities), 400 square foot garage, and 540 square foot covered storage area and porch in their same location. The parcel is on the east side of Rogge Lane (**65** Rogge Lane) about $\frac{3}{4}$ mile south of the intersection of Rogge Lane and Highway 129 in rural Watsonville. The project requires an Agricultural Buffer Reduction and a Miscellaneous Level IV approval for a habitable accessory structure with a toilet.

Analysis

Agricultural Buffer Determination

The existing structure is approximately **70** years old, lacks a complete foundation, and is in generally poor condition. The owner seeks to reconstruct it in place with no increase in square footage. The structure is a legal, non-conforming use because it was constructed before any use permit for a habitable accessory was required.

The parcel is zoned CA, Commercial Agriculture, and is surrounded on all sides by CA zoned lands. The parcel is small enough that any development would be on and within 200 feet of CA zoned land (Exhibit B). The western half of the site closest to Rogge Lane has several existing buildings on it, including the subject building, a single-family residence, a winery building, and a storage shed (Exhibit A). The subject building is separated from the CA land to the north by the existing single-family dwelling. It is therefore shielded by the residence, and creates less potential for conflicts with agricultural activities than the home that is currently there. The area of the property that is adjacent to and immediately north of the residence is developed with an access drive and buildings and is not in active agricultural production.

To the south of the subject building are fruit trees. These trees create a buffer between the subject building and the agricultural activities to the south, which provides an adequate separation between the activities. The area of the property that is adjacent to and immediately south of the fruit trees on the subject property is developed with buildings and is not in active agricultural production.

The eastern half of the site is mostly in row crops with a small part of the property falling away into the Pajaro River.

Lastly, to the west is Rogge Lane and CA land beyond. The nearest agricultural activity on this side is 135 feet **from** the proposed building site.

In summary, if the structure is rebuilt in the same location the setbacks to the adjacent CA land on the north, south, and west will be **54** feet, 138 feet, and 135 feet, respectively.

Replacement Habitable Accessory Structure

The **240** square foot habitable portion of the existing (and proposed) building consists of a 173 square foot bedroom and a **67** square foot bathroom with toilet, sink, and bathtub. No kitchen facilities are proposed or allowed. County Code Section 10.611(c)3(ii) allows for a habitable accessory structure to have a toilet if approved at Level IV. Essentially, the existing and proposed reconstructed habitable accessory structure functions as an additional bedroom with bathroom for the residence. The applicant will be required to record a declaration of restrictions to acknowledge that the building may not be converted into a separate living unit with cooking facilities.

Development on CA Zoned Property

The entire property is designated as Commercial Agriculture and portions of it are in row crops. Non agricultural uses are allowed on agricultural land as long as the non-agricultural use is sited so as to minimize possible conflicts between agricultural land **uses** 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. This project fits within those regulations in that it is a reconstruction of an existing structure, with no addition or other characteristic that increases the use of farmland for a non-agricultural use. It supports an existing dwelling, and overall fits into the farm oriented use of the property.

Further, the structure is in the non-farmed area of the property, adjacent to the other existing non-farm buildings. No additional farmland will be lost to the reconstruction project.

Findings are on file in the County Planning Department.

Staff Recommendation

The Planning Department has taken administrative action on your application as follows:

 X Approved (if not appealed).

 Denied (based on the attached findings).

NOTE: This decision is final unless appealed.

See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

**Please note: This permit will expire unless exercised prior to the expiration date.
(See the Conditions of Approval below for the expiration date of this permit.)**

If you have any questions about this project, please contact Steven Guiney at:
(831) 454-3172 or steven.guiney@co.santa-cruz.ca.us

Report Prepared By: Steven Guiney
Steven Guiney
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Report Reviewed By: Paia Levine
Paia Levine
Principal Planner
Santa Cruz County Planning Department

Mail to: Susan Bushman
637 Carpenteria Road
Aromas CA 95004

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number ~~06-0681~~ (APN 110-222-07) and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property (APN 110-222-07) must sign this form.

Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date

(This page is intended for your personal records, please retain this signed page and return the signed Signature Page, included later in this document, to acknowledge acceptance of this permit.)

Appeals

In accordance with Section 18.10.300 et *seq* of the Santa Cruz County Code, the applicant or any aggrieved party may appeal an action or decision taken **on** a Level IV project such as this one. Appeals of administrative decisions are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter and the basis on which the decision is to be considered to be in error. Appeals must be made no later than fourteen (**14**) calendar days following the date of publication of the action from which the appeal is being taken or the date on which the notices are mailed, whichever is later and must be accompanied by the appropriate filing fee.

Conditions of Approval

Exhibit A. Project plans, 3 sheets, prepared by Susan Bushman, dated NOV 06.

- I. This permit authorizes a reduction to **54** feet ~~from~~ the required 200 foot setback from CA land and the reconstruction of an existing 240 square foot guest room with toilet, sink, and bath tub (no kitchen facilities), 400 square foot garage, and 540 square foot covered storage area and porch on a parcel zoned **CA**. 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 Demolition Permit from the Santa Cruz County Building Official.
 - C. 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 proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. 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. Indication of finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 2. Grading, drainage, and erosion control plans.
 3. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.

4. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 - C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - D. The owner shall record a Statement of Acknowledgement, as prepared by the Planning Department, acknowledging the adjacent agricultural land use and the agricultural buffer setbacks, and submit proof of recordation to the Planning Department.
 - E. Complete and record a Declaration of Restriction to construct a habitable accessory structure. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
 - F. Meet all requirements of and pay Zone 7 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
 - G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - H. Meet all requirements and pay any applicable plan check fee of the Aromas Fire Protection District.
 - I. Pay the current fees for Parks and Child Care mitigation for 1 bedroom. Currently, these fees are, respectively, \$578 and **\$109** per bedroom.
 - J. Provide required off-street parking for one **car**. Parking spaces must be **8.5** feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - K. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- 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. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.

- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100. shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance 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, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

In accordance with Chapter 18.10 of the County Code, minor variations to **this** permit which do not affect the overall concept, intensity, or density may be approved by the **Planning** Director at the **request of** the applicant or **staff**.

Please note: This permit expires two years from the effective date on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: July 19, 2007

Effective Date: August 3, 2007

Expiration date: August 3, 2009

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the existing structure, although located in an area designated for agricultural uses, predates the zoning and use requirements, is located next to an existing residence on a portion of the parcel devoted to non-agricultural uses, and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed habitable accessory structure will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the reconstructed habitable accessory structure and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the CA (Commercial Agriculture) zone district in that the primary use of the property will remain one that meets all current site standards for the zone district. The western half of the site closest to Rogge Lane has several existing buildings on it, including the subject building, a single-family residence, a winery building, and a storage shed. The subject building is an allowed use on agricultural land.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed reconstructed habitable accessory structure use is consistent with the use and density requirements specified for the Agriculture (AG) land use designation in the County General Plan.

The proposed habitable accessory structure will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district, in that the habitable accessory structure will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed habitable accessory structure will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed habitable accessory structure will comply with the site standards for the CA zone district (including setbacks, lot coverage, floor

area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed habitable accessory structure is to be reconstructed on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to be less than one peak trip per day (1 peak trip per dwelling unit). Such an increase will not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed farming area with a variety of architectural styles, and the proposed habitable accessory is consistent with the land use intensity and density of the area.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed habitable accessory structure will be of an appropriate scale and type of design that blends in with the aesthetic qualities of the surrounding properties. It will not reduce or visually impact available open space in the surrounding area. Further, the project represents an upgrading of the visual environment in that it will replace a dilapidated structure that is a negative aesthetic component of the local view.

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 minimize 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 reconstructed habitable accessory structure will be located where the existing habitable accessory structure is located, about 100 feet east from Rogge Lane, 55 feet south of the north property line, 138 feet north of the south property line and over 500 feet from the east property line. The existing residence on the parcel is located immediately to the north of the habitable accessory structure between it and the north property line, closer to the adjacent agricultural activity and shielding the proposed structure from potential conflicts. To the south of the subject building, between it and the south property line, are fruit trees. The existing residence and the fruit trees provide an adequate buffer between the reconstructed habitable accessory structure and adjacent agricultural uses.

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. The location on the parcel of the reconstructed habitable accessory structure is developed with the existing habitable accessory structure, an existing residence, and an existing winery building. The agricultural use of the parcel is to the east of the part of the parcel developed with the buildings mentioned. As the habitable accessory structure exists and will be reconstructed in the same location and at the same size, no agricultural land will be taken out of production or potential production.

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: 06-0681

Assessor Parcel Number: 110-222-07

Project Location: 65 Rogge Lane, rural Watsonville

Project Description: This is a proposal to reconstruct an existing 240 square foot guest room (no kitchen facilities), 400 square foot garage, and 540 square foot covered storage area and porch on the east side of Rogge Lane (**65** Rogge Lane) about $\frac{3}{4}$ mile south of the intersection of Rogge Lane and Highway 129 in rural Watsonville. An Agriculture Buffer Determination and a residential development permit are required

Person or Agency Proposing Project: Susan Bushman

Contact Phone Number: (831) 726-2445

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

Class 5, Minor Alterations in Land Use Limitations

F. Reasons why the project is exempt:

The proposal is to reconstruct an existing habitable accessory structure and to reduce the required 200-foot agricultural buffer setback to 54 feet

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



Steven Guiney, Project Planner

Date: 12 July 2007

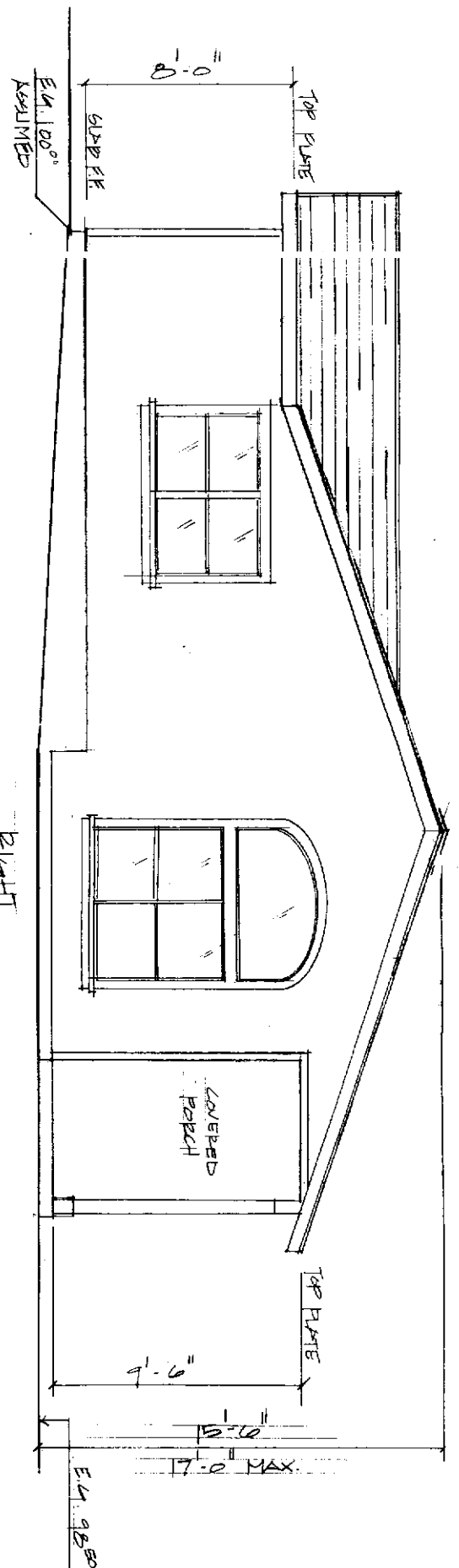
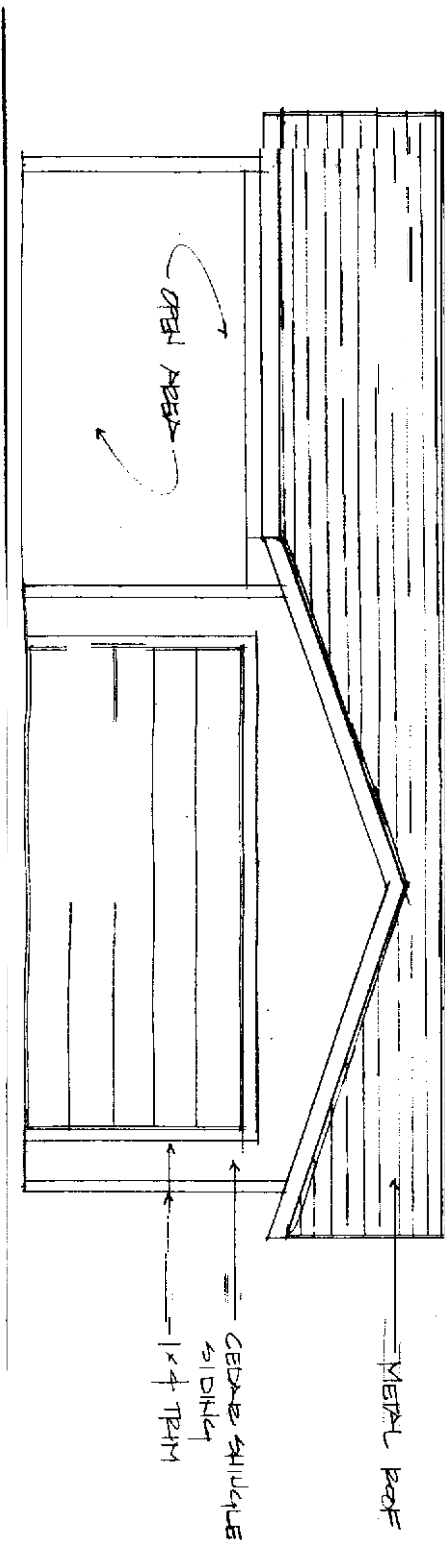
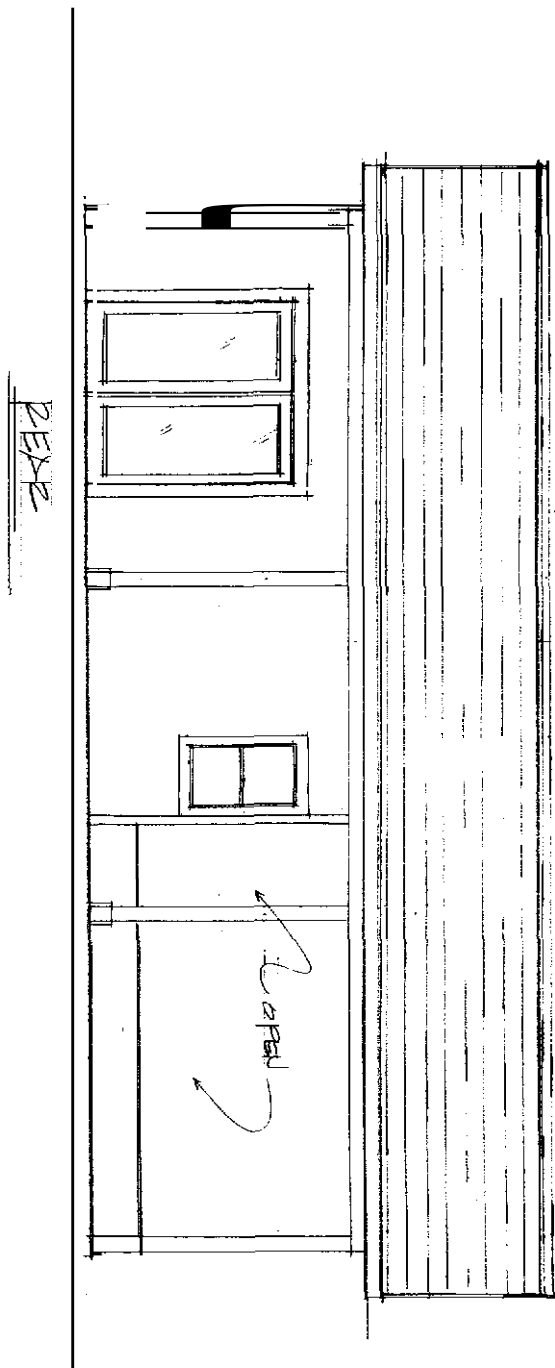


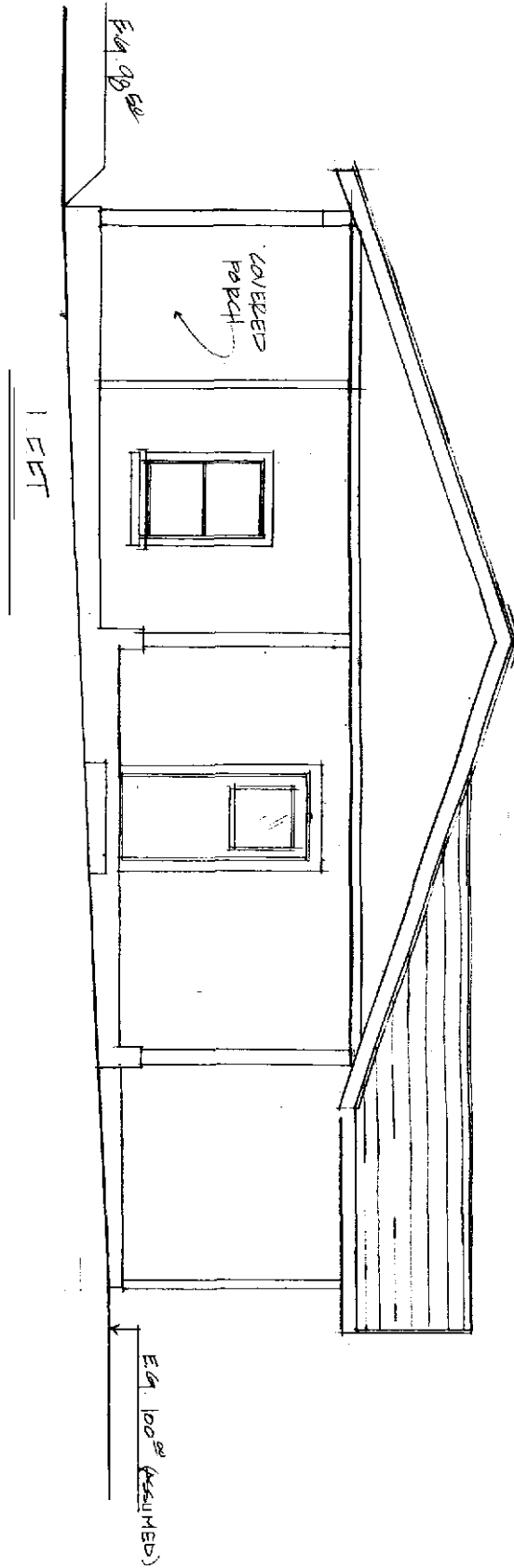
EXHIBIT A



ELEVATIONS



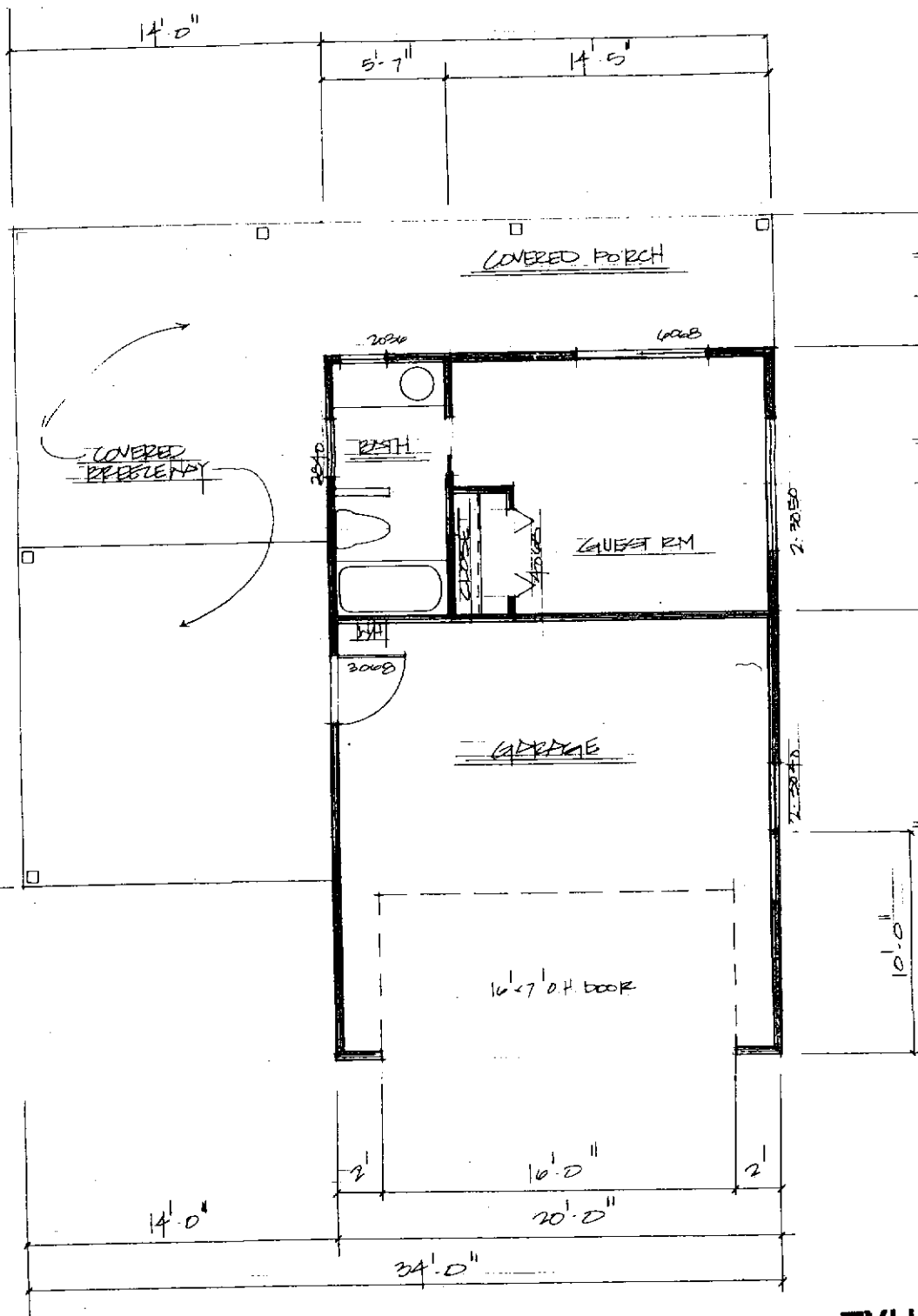
DECK



Front of building

15 ft

Ed. 100' (assumed)

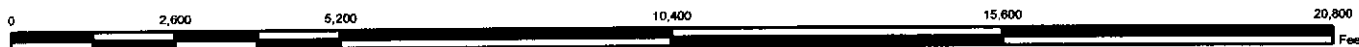
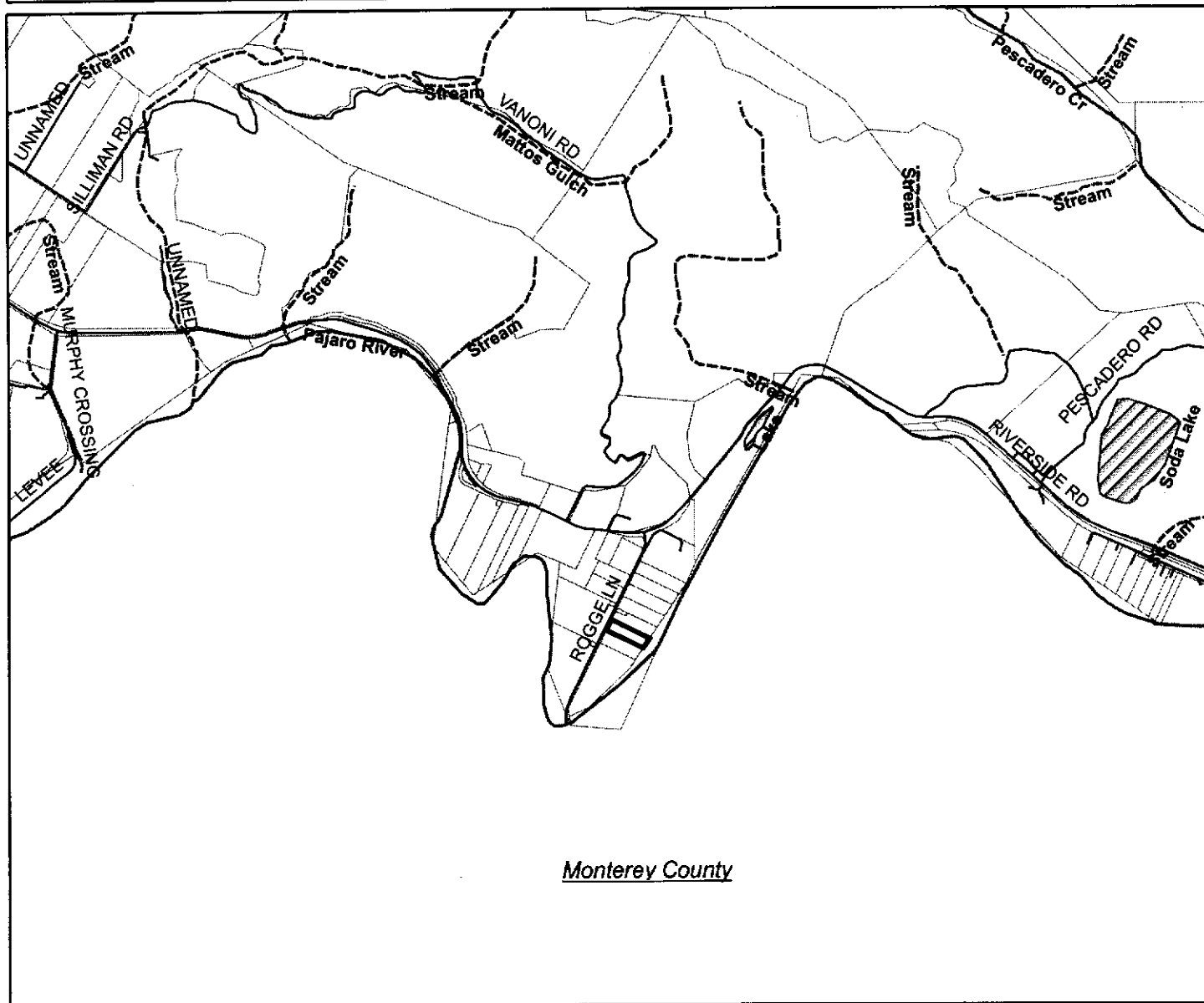


FLOOR PLAN







EXHIBIT A

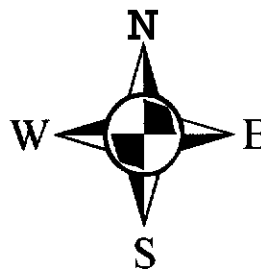


Location Map



Legend

-  APN 110-222-07
-  Assessors Parcels
-  Streets
-  INTERMITTENT STREAM
-  PERENNIAL STREAM
-  Lakes



Map Created by
County of Santa Cruz
Planning Department
December 2006

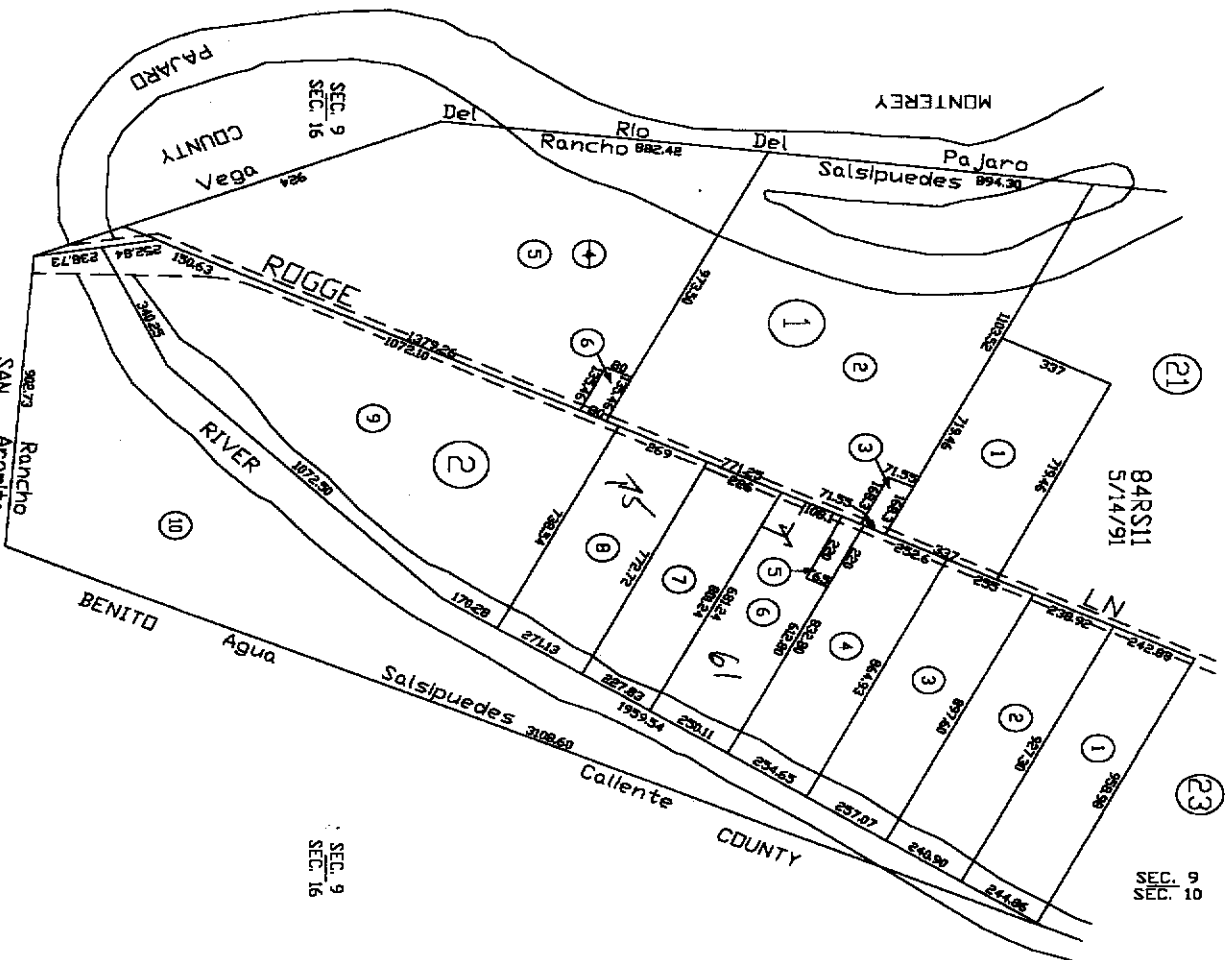
EXHIBIT

B

SALSIPUEDES RANCHO
PDR. SECS. 9 & 16, T.12S., R.3E., M.D.B. & M.

Tax Area Code
55-000

110-22



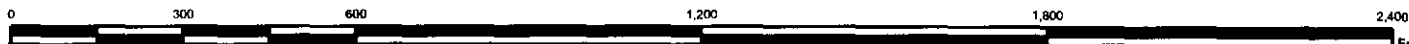
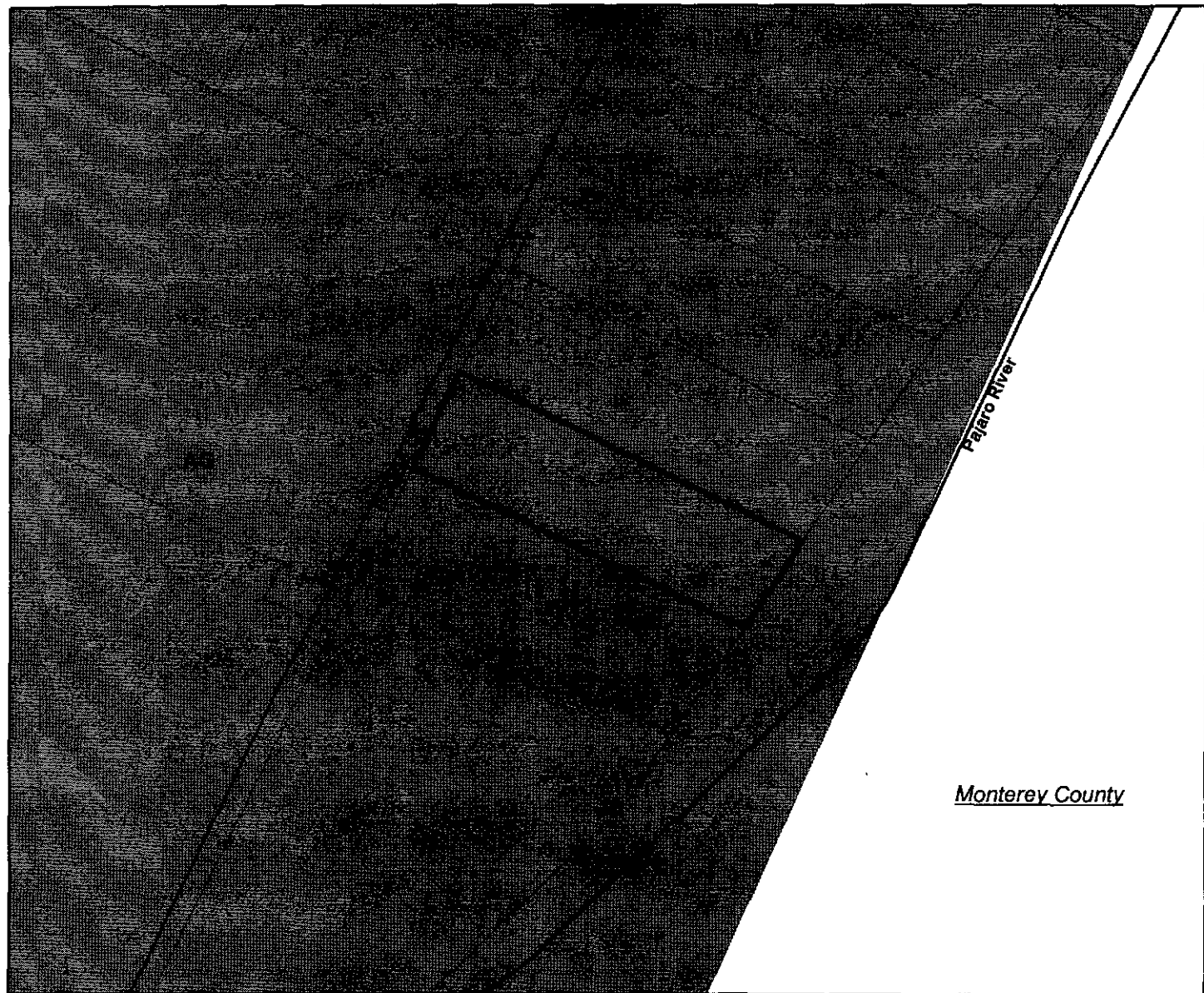
Note - Assessor's Parcel & Block
Numbers Shown in Purples

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






EXHIBIT B

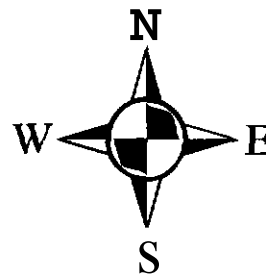


General Plan Designation Map



Legend

-  APN 110-222-07
-  Assessors Parcels
-  Streets
-  PERENNIAL STREAM
-  Agriculture (AG)

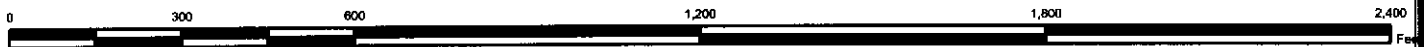
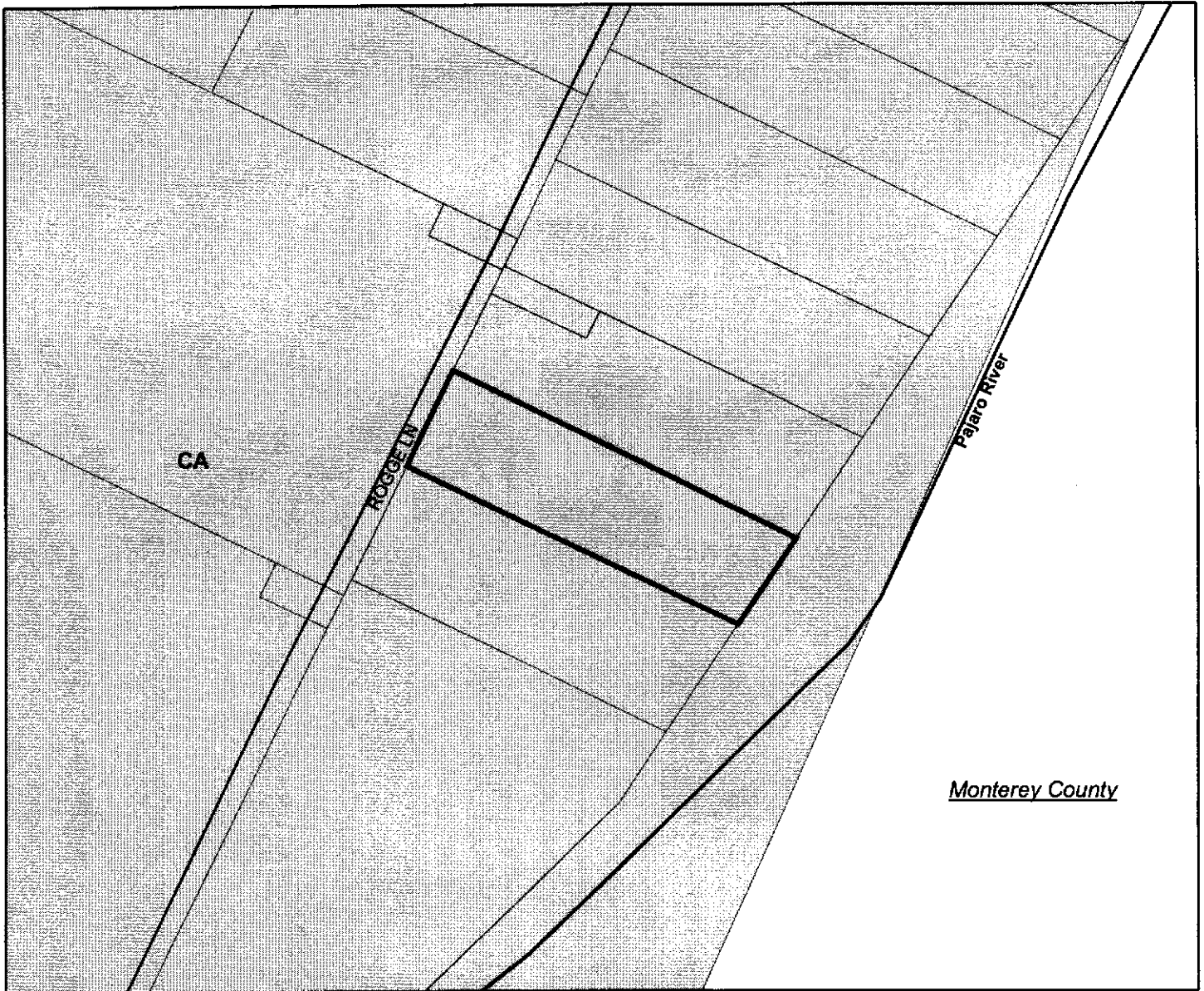


Map Created by
County of Santa Cruz
Planning Department
December 2006






EXHIBIT B1

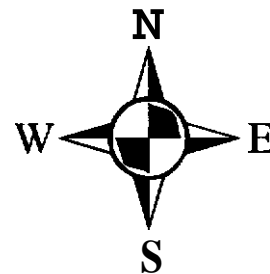


Zoning Map



Legend

-  APN 110-222-07
-  Assessors Parcels
-  Streets
-  PERENNIAL STREAM
-  AGRICULTURE COMMERCIAL (CA)



Map Created by
County of Santa Cruz
Planning Department
December 2006

EXHIBIT B

06-0681 65 Rogge Lane



EXHIBIT B