



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **07-0143**

Applicant: Chuck Burket
Owner: Sakai Farms LLC
APN: 110-041-06

Date: July 19, 2007
Agenda Item #: 8.
Time: 1:30 p.m.

Project Description: Proposal to reduce the 200-foot Agricultural Buffer to 84 feet to facilitate the construction of a 1248 square foot replacement single-family dwelling.

Location: Northwest side of Webb Road at about one quarter mile northeast of Casserly Road, at 109 Webb Road.

Permits Required: Agricultural Buffer Setback Reduction.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0143, based on the attached findings and conditions.

Exhibits

- | | |
|------------------|---|
| A. Project plans | D. Categorical Exemption (CEQA determination) |
| B. Findings | E. Assessor's parcel map |
| C. Conditions | F. Zoning map and General Plan Map |
| | G. Area of parcel >200 feet from CA land |

Parcel Information

Parcel Size:	23,261 square feet (about 0.54 acre)
Existing Land Use - Parcel:	Pre-existing residence and garage demolished
Existing Land Use - Surrounding:	Residential to north and south, commercial agriculture to east and west
Project Access:	Webb Road
Planning Area:	Salsipuedes
Land Use Designation:	Agriculture (AG)
Zone District:	Residential Agriculture (RA)
Supervisory District:	4th (District Supervisor: Campos)
Within Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Environmental Information

Geologic Hazards: Mapped fault zone
Soils: Pinto loam, 2-9 percent slope, at front of parcel, and Tierra-Watsonville complex 15-30 percent slope, at rear of parcel
Fire Hazard: Not a mapped constraint
Slopes: 2-9 percent slope at front of parcel, 15-30 percent slope, at rear of parcel
Env. Sen. Habitat: Riparian woodland at extreme rear of parcel, 225 feet + from area of development
Grading: 200 cubic yards
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Mapped resource, but site already physically disturbed from construction and demolition of pre-existing single-family dwelling and garage.

Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No
Water Supply: Private well
Sewage Disposal: On-site septic system
Fire District: Pajaro Valley Fire Protection District
Drainage District: Zone 7

Analysis and Discussion

The proposed project is to construct a replacement one story single-family dwelling of approximately 1248 square feet on a 23,261 square foot (**0.54** acre) parcel. The previous house on the parcel was demolished in 2006. The project is located at 109 Webb Road. The building site is within 200 feet of Commercial Agricultural land to the northwest and southeast. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to **84** feet from APN 110-051-07.

The subject property is characterized by level to gently sloping topography for the majority of the site. There are steeper slopes along the northeast and northwest property lines, well beyond the area of the proposed development. The parcel is located outside of the Urban Services Line and the surrounding area may be characterized as rural, mixed residential – agriculture. The parcel carries an Agriculture (**AG**) General Plan designation and the implementing zoning is (RA) Residential Agriculture. Commercial Agriculture zoned land is situated within 200 feet at both the front (southeast) and at the rear (northwest) of the parcel at Assessor's Parcel Number 110-051-07 and 110-291-05, respectively. A reduction in the required 200-foot agricultural buffer is requested from only **110-051-07**, as the area of development is more than 200 feet (approximately 325 feet) from 110-291-05.

A reduced agricultural buffer is recommended due to the fact that the imposition of the 200-foot

buffer would limit the building site to an area varying from approximately 25 feet to 60 feet wide across the mid-section of the parcel (see Exhibit G). If development were restricted to that area, it would be at least 200 feet from CA land, but it would place the development well to the northwest of where the previously existing house was located and would result in additional grading, greater driveway length, and generally more ground disturbance. The house would then be approximately 160 feet back from Webb Road, creating a very deep front yard, which would not be consistent with the front yard setback for other residential development along Webb Road. As proposed, the house would be 44 feet back from the front property line and 84 feet from the CA land to the southeast (and over 325 feet from the CA land to the northwest).

The applicant is proposing to plant Italian Buckthorn along the entire front property line to reduce the impact of agricultural activities on the proposed residential use and to therefore protect the agricultural interests on the CA zoned parcel to the southeast. Italian Buckthorn is one of the plants included on the Recommended Agricultural Buffer Planting List, adopted by the Agricultural Policy Advisory Commission. The applicant is not proposing, nor is staff recommending, a 6-foot high solid wood fence along the front property line. A fence at that height is not allowed in the front yard setback without a fence permit and staff does not believe that a fence over three feet in height is necessary. Staff is recommending a ~~three~~-foot high fence along the entire front property line. 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

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 84 feet to the single-family dwelling from the adjacent CA zoned property known as APN 110-051-07, proposed under Application # 07-0143, 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:

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Report Reviewed By:

Paia Levine
Principal Planner
Development Review

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

**One of the following findings must be made
in order to approve a reduction in the required 200 foot setback**

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

Not Applicable.

2. Permanent substantial vegetation or other physical barriers exist between the agricultural and non-agricultural uses which eliminate the need for a 200 foot buffer setback; or a lesser setback distance is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural uses, based on the establishment of a physical barrier, unless it is determined that the installation of a barrier will hinder the affected agricultural use more than it would help it, or would create a serious traffic hazard on a public or private right-of-way; and/or some other factor which effectively supplants the 200 foot buffering distance to the greatest degree possible; or

The habitable structure is proposed to be set back **84** feet from the adjacent Commercial Agriculture zoned land that lies across Webb Road to the southeast, where 200 feet are required. **An** effective barrier consisting of a three foot tall solid wood fence enhanced with evergreen shrubs/trees would be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 110-051-07. This barrier, as proposed, will not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic.

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.

Not Applicable

Conditions of Approval

Exhibit A: Project Plans, Sheets C1, A2, and A3 by The Final Draft, dated 2/07

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN (110-051-07). 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 84 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel **APN 110-051-07** (44 feet from the property line of APN 110-041-06 along Webb Road)
 2. Final plans shall show the location of the vegetative buffering barrier (and a three foot high solid wood fence for the purpose of buffering adjacent agricultural land), which shall be composed of drought tolerant shrubbery. The shrubs utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.
 - B. The owner shall record a Statement of Acknowledgement, **as** prepared by the Planning Department, and submit proof of recordation to the Planning Department. The statement of Acknowledgement acknowledges the adjacent agricultural land use and the agricultural buffer setbacks.

- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
 - B. The required vegetative and/or physical barrier shall be installed. The applicant/owner shall contact the Planning Department's Agricultural Planner, a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.
- IV. Operational Conditions
- A. The vegetative and physical barrier shall be permanently maintained.
 - B. All required Agricultural Buffer Setbacks shall be maintained.
 - C. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of **this** Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, up to and including permit revocation.
- 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 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

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: 07-0143

Assessor Parcel Number: 110-041-06

Project Location: Northwest side of Webb Road at about one quarter mile northeast of Casserly Road, at 109 Webb Road.

Project Description: Proposal to reduce the 200-foot Agricultural Buffer to 84 feet to facilitate the construction of a 1248 square foot replacement single family dwelling.

Person or Agency Proposing Project: Chuck Burket, The Final Draft

Contact Phone Number: (831) 688-5038

- 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 5. CEQA Guidelines Section 15305: Minor Alterations in Land Use Limitations

F. Reasons why the project is exempt:

Alteration in standard Agricultural Buffer that does not result in any change in land use or density.

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

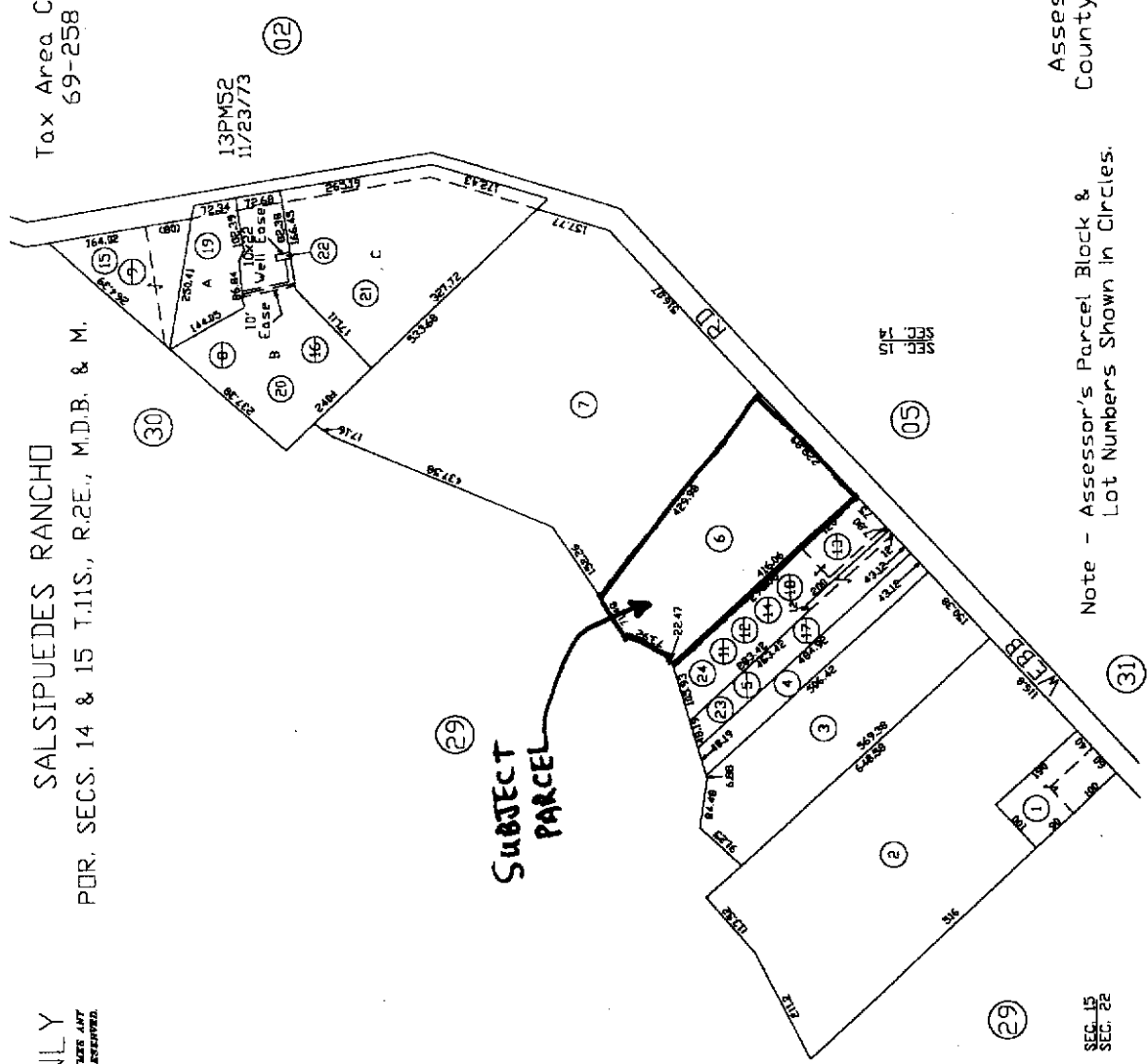
Steven Guiney
Steven Guiney, Project Pldner

Date: 29 June 2007

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 POR, SECS. 14 & 15 T.11S., R.2E., M.D.B. & M.

Tax Area Code
 69-258

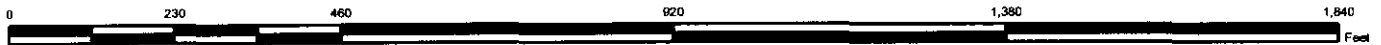
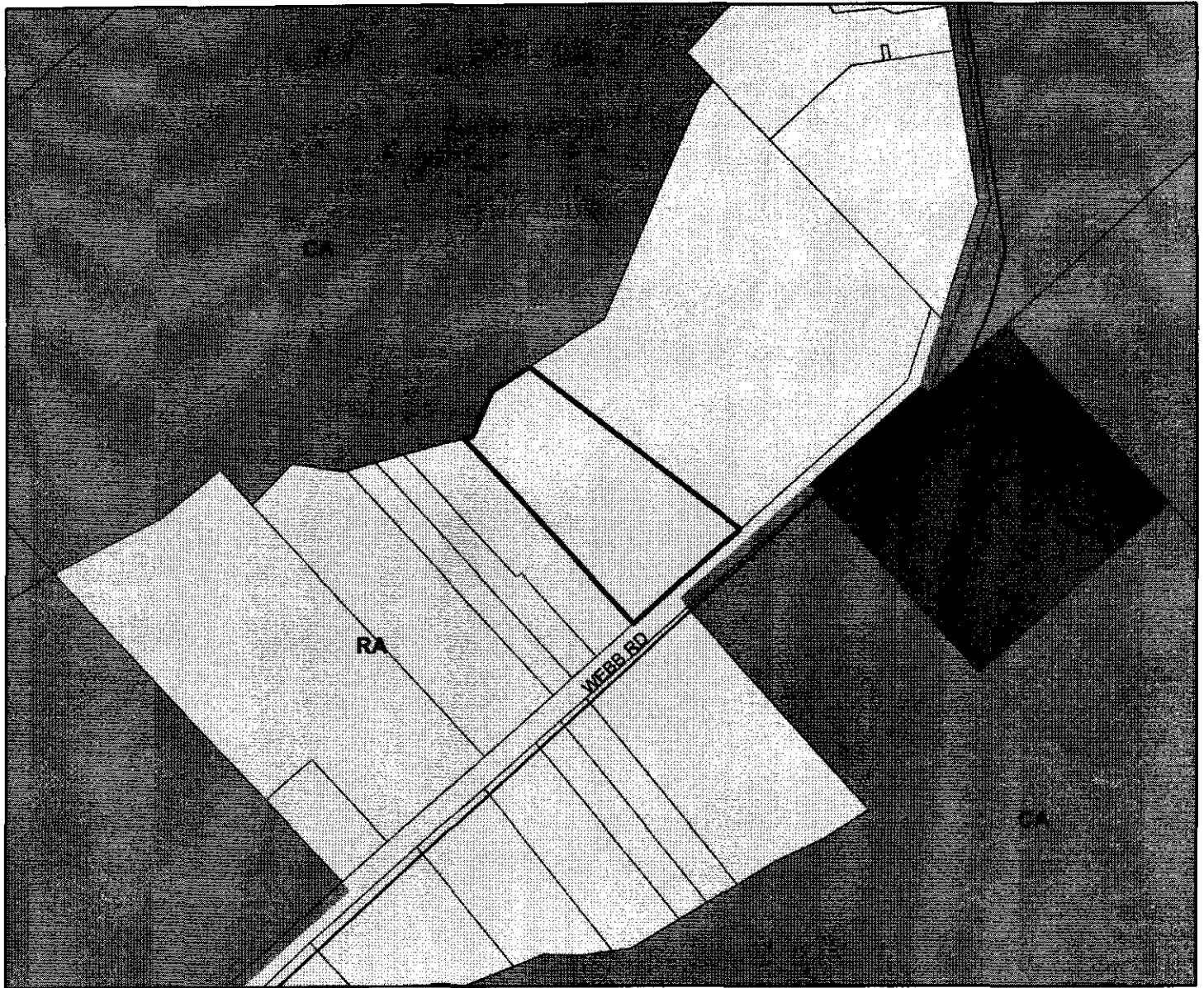


Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.







Assessor's Map No. 110-04
 County of Santa Cruz, Calif.
 Sep. 1997



Zoning Map



Legend

-  APN 110-041-06
-  Assessors Parcels
-  Streets
-  AGRICULTURE RESIDENTIAL (RA)
-  AGRICULTURE (A)
-  AGRICULTURE COMMERCIAL (CA)

N

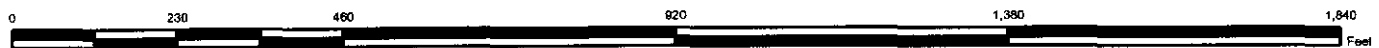
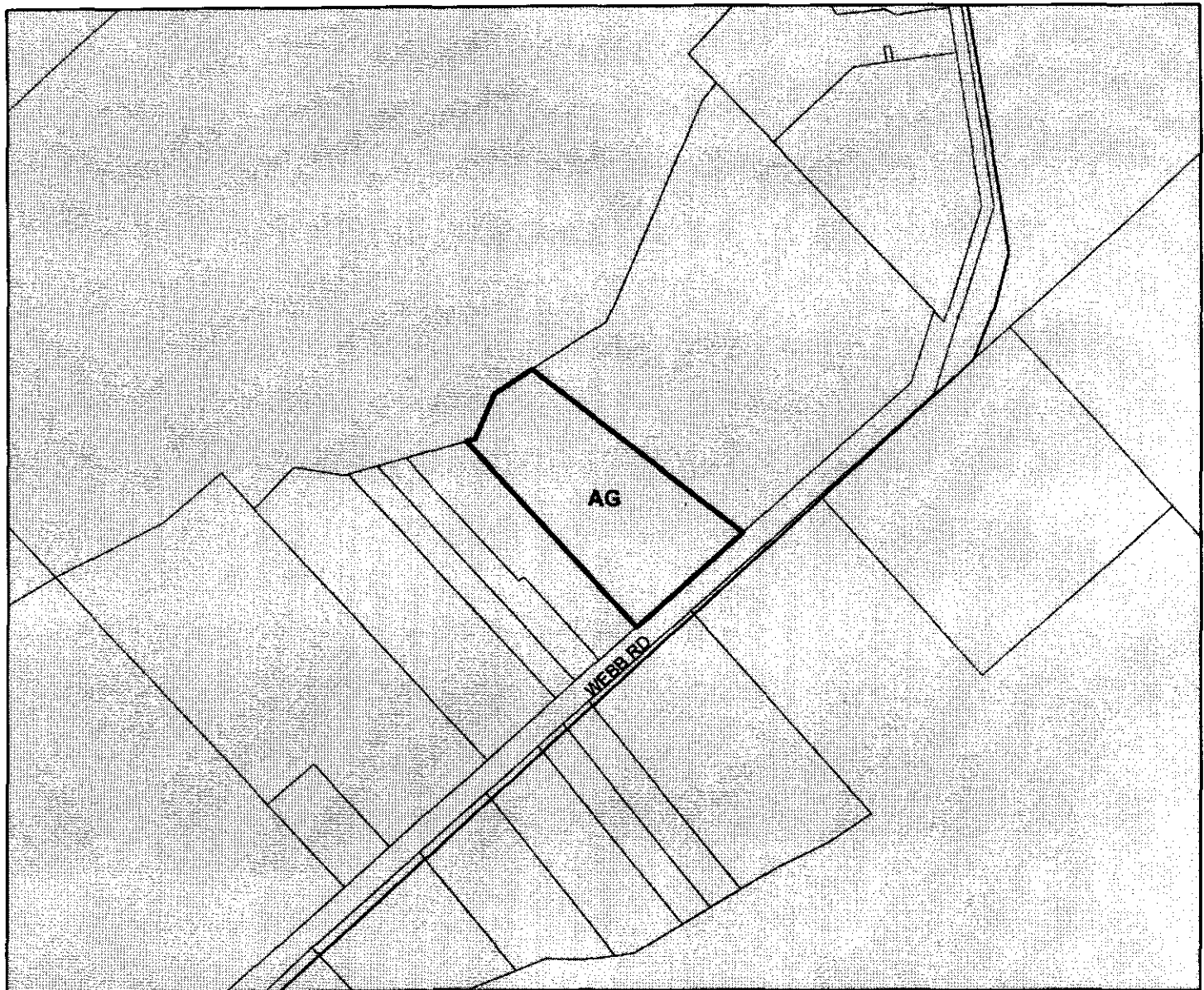
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Map Created by
County of Santa Cruz
Planning Department
March 2007





EXHIBIT F-1

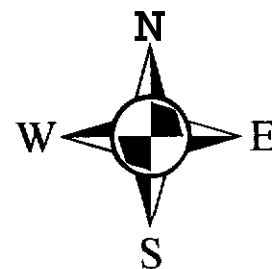


General Plan Designation Map



Legend

-  APN 110-041-06
-  Assessors Parcels
-  Streets
-  Agriculture (AG)



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EXHIBIT E

