



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **07-0090**

Applicant: Chuck Burket
Owner: Jose Trinidad Ramirez
APN: 052-201-10

Date: September **20,2007**
Agenda Item #: **6**
Time: 1:30 p.m.

Project Description: Proposal to construct a 3679 square foot single-family dwelling.

Location: Property located on the northeast side of San Andreas Road about 750 feet northwest of the intersection with Dairy Road, between 222 and 244 San Andreas Road, Watsonville. Access is via an unnamed right of way extending approximately 620 feet southeast from its intersection with San Andreas Road, which is about 250 feet northwest of the subject property.

Permits Required: Agricultural Policy Advisory Commission review consists of an Agricultural Buffer Determination. Other approvals to be considered by the Zoning Administrator are a Coastal Development Permit, a Residential Development Permit for a right-of-way less than 40 feet wide, and Design Review.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0090, 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. | Site photographs |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

Parcel Size:	35,980 square feet (0.83 acre)
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Single-family residential to northwest and southeast, Commercial Agriculture to northeast and southwest
Project Access:	San Andreas Road
Planning Area:	San Andreas

Land Use Designation: AG (Agriculture) and Agricultural Resource
Zone District: CA (Commercial Agriculture)
Supervisory District: Second (District Supervisor: Pine)
Within Coastal Zone: X Inside ___ Outside

Environmental Information

Geologic Hazards: None mapped
Soils: Elder Sandy Loam
Fire Hazard: Not a mapped constraint
Slopes: 2 – 9 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: Yes, mapped resource
Drainage: Existing drainage adequate
Archaeology: Mapped, but no physical evidence on site. Archaeological Reconnaissance Survey completed March 12, 2007.

Services Information

Inside Urban/Rural Services Line: ___ Yes X No
Water Supply: Private Well
Sewage Disposal: On-site septic system
Fire District: CDF
Drainage District: Zone 7 Flood Control/Water Conservation District

Analysis and Discussion

The proposed project is to reduce the required Agricultural Buffer from 200 feet to 20 feet to facilitate the construction of a 3679 square foot, single story, single-family residence on a 35,980 square foot parcel zoned Commercial Agriculture. The project is located between 222 and 244 San Andreas Road. The proposed house location is approximately 215 feet from the CA zoned land to the rear of the property, which distance exceeds the required 200-foot buffer. However, the house is proposed to be located much closer to CA land on the southeast side (20 feet) and northwest side (30 feet). The house would be 112 feet from and 18 feet below the CA land across San Andreas Road to the southwest. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 20 feet from APN 052-201-07, to 30 feet from APN 052-201-09, and to 112 feet from APN 052-191-08.

The subject property is characterized by relatively flat topography and lies about 8 feet below San Andreas Road. The CA zoned parcel across San Andreas Road is about 10 feet above San Andreas Road, or about 18 feet above the subject parcel. The parcel is not located within the Urban Services Line and maybe characterized as a **rural** residential enclave surrounded by much larger commercial agricultural parcels. The subject parcel carries an Agriculture (A) General Plan designation and the implementing zoning is (CA) Commercial Agriculture.

A reduced agricultural buffer is recommended for several reasons, including the relatively small size and dimensions of the subject parcel. The 0.8-acre parcel size would not allow sufficient building area if the required 200-foot setbacks were maintained from the adjacent Commercial Agriculture zoned properties. At its widest, the subject parcel measures 127 feet and it extends back from San Andreas Road 349 feet, so that nowhere on the parcel is 200 feet or more from CA zoned land. The applicant's plans show holly oak (*Quercus silex*) and *Pittosporum* planting along San Andreas Road, but no planting or fencing is shown elsewhere on the property.

The property to the northwest, APN 052-201-09, received approval of reduced agricultural buffer setbacks in 1992 of 160 feet from the CA zoned parcels to the northeast and southwest and 33 feet from the CA zoned parcels (including the subject parcel) to the northwest and southeast, essentially locating the house on that parcel in the center of the parcel. The distance on that parcel from San Andreas Road to the house is 120 feet. The 60-foot right-of-way of San Andreas Road means the house on that parcel is in fact 180 feet from the CA land across San Andreas Road. Fencing and vegetation was required along the southeast and northwest property lines for a distance of 70 feet, the length of the house and associated outdoor area, and at 40 feet to the northeast of the house across the width of the parcel, excepting for the 20 foot wide driveway on the southeast property line.

The house proposed for the subject parcel would be located 52 feet from San Andreas Road, or 112 feet from the CA zoned land across the road, 214 feet from the CA zoned land to the northeast, 20 feet from the CA zoned land to the southeast, and 30 feet from the CA zoned land to the northwest. An effective buffer can be established between the proposed residential use and the abutting CA zoned land on either side by installing and maintaining a 6 foot tall solid wood board fence and vegetative barrier along the southeast property line for a distance of 153 feet as shown on Exhibit A and by maintaining a 6 foot tall solid wood board fence and vegetative barrier along the northwest property line for a distance of 120 feet as shown on Exhibit A. No barrier is needed between the proposed house and the CA zoned land to the rear because the distance between the two is over 200 feet, the minimum required buffer distance. Because the house site is some 18 feet below the agricultural land across San Andreas Road, there is no way to establish an effective barrier such as a fence between the house site and that CA land. A fence and vegetative barrier would have to be at least 18 feet tall and, assuming it should be 6 feet above the level of the CA land to be effective (6 foot tall fences are the standard), then a fence would have to be 24 feet above the grade of the house site to be effective. Such a fence would then extend to about 18 feet above the grade of San Andreas Road. Given that the site is in a scenic corridor, such a fence would not be approved. However, the topographical difference between the CA land across San Andreas Road and the house site in and of itself eliminates the need for a 200 foot setback, as allowed by County Code Section 15.50.095(b)1 (see Findings).

The applicant is also 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.

If your Commission approves the project, it will then be forwarded to the Zoning Administrator for action on the Coastal Development Permit, a Residential Development Permit for a less than 40-foot right of way, and Design Review.

Recommendation


- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of the Agricultural Buffer Reduction as described in this report to the single-family dwelling from the adjacent CA zoned properties known as APN 052-201-07 and 09, and APN 052-191-08, proposed under Application # 07-0090, 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

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Report Reviewed By:



Paia Levine
Principal Planner
Development Review
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

There is an approximate 18-foot difference in elevation between the agricultural use across San Andreas Road and the proposed residential use on the subject property. That difference in elevation is such that a 200-foot setback is not needed.

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 house proposed for the subject parcel would be located 52 feet from San Andreas Road, or 112 feet from the CA zoned land across the road. As discussed above, there is also an 18-foot difference in elevation between that CA land and the house site that eliminates the need for a 200-foot horizontal separation between the two uses. The house is proposed to be located 214 feet from the CA zoned land to the northeast, 20 feet from the CA zoned land to the southeast, and 30 feet from the CA zoned land to the northwest. An effective buffer can be established between the proposed residential use and the abutting CA zoned land to the southeast (20 feet) and the northwest (30 feet) by installing and maintaining a 6 foot tall solid wood board fence and vegetative barrier along the southeast property line for a distance of 153 feet as shown on Exhibit A and by maintaining a 6 foot tall solid wood board fence and vegetative barrier along the northwest property line for a distance of 120 feet as shown on Exhibit A.

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.

At its widest, the subject parcel measures 127 feet and it extends back from San Andreas Road 349 feet, so that the nowhere on the parcel is 200 feet or more from CA zoned land. Imposition of the required 200-foot agricultural buffer would preclude building on the parcel.

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 and all abutting parcels are commercial agricultural land. In 1992, the Agricultural Policy Advisory Commission determined that APN 052-201-09, the parcel abutting the subject parcel on the north, to be not viable for commercial agricultural uses due to its small size, about 45,000 square feet. The subject parcel is smaller, at about 35,980 square feet. 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.

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.

Due to the relatively small size of the parcel, 0.83 acres, and its location between two existing residences, the subject property has not been in agricultural production in the recent past. The parcel configuration and access have existed from at least 1968. The establishment of a single-family residence on the property will not have a significant impact on the operation of adjacent commercial agriculture as conditions of project approval shall require the installation and maintenance of an approved agricultural buffer and the owner shall be required to record an Agricultural Statement of Acknowledgement prior to the issuance of any Building Permit.

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 use of the property for agriculture will still be possible as the proposed location of the residence is between two existing residences on the two abutting parcels to the southeast and northwest. Although the parcel is 0.83 acres in size, the establishment of a residence on the parcel would not prevent the land from being farmed on a small scale, although at less than one acre, the size of the parcel renders commercial agricultural operations infeasible.

3. The use consists of an interim public use which does not impair long-term agricultural viability; and

N/A

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.

With the establishment of the required fencing and vegetative barriers, agricultural-residential use conflicts on-site and in the area will be minimized and there are no agricultural activities on site. In addition, the property owner shall be required to record an Agricultural Statement of Acknowledgement as required by General Plan policy 5.13.32.

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.

Due to the small size of the parcel, 0.83 acres, the project site has not been farmed in recent years

EXHIBIT B

The project, to construct a 3679 square foot, single story, single-family residence, will remove as little land as possible from production by locating toward one end ~~of~~ the parcel and utilizing the existing access road from 244 San Andreas Road. This results in removing as little land as possible from potential production.

Required Findings for Residential Development on Land Zoned Commercial Agriculture
or Agricultural Preserve in the Coastal Zone
County Code Section 13.10.314(b)

1. The parcel is less than one acre in size; or the parcel has physical constraints (such as adverse topographic, geologic, hydrologic, or vegetative conditions) other than size which preclude commercial agricultural use; or that the residential use will be ancillary to commercial agricultural use of the parcel based upon the fact that either:
 - (i) The farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography, and climate of the area; or
 - (ii) The owners of the subject parcel have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

The subject parcel is less than one acre. Assessor's records indicate that the area is **0.83** acres or 35,980 square feet.

2. The residential use will meet all the requirements of section 16.50.095 pertaining to, agricultural buffer setbacks.

Regarding the CA land across San Andreas Road from the subject parcel, there is no need for a 200-foot separation from that parcel to the proposed residential use because of an 18-foot difference in elevation between the two uses. Regarding the CA land to the rear of the subject parcel, the distance between that land and the location of the house is more than the minimum required 200 feet. The project is conditioned so that an agricultural buffer of 6-foot solid board fencing and evergreen vegetative barriers be installed between the proposed residential use and the CA parcels that abut the subject parcel on either side, prior to building permit issuance. In addition, the property owner is required to record an Agricultural Statement of Acknowledgement.

3. The owners of the subject parcel have executed binding hold-harmless covenants with the owners and agricultural operators of adjacent agricultural parcels. Such covenants shall run with the land and shall be recorded prior to the issuance of the permit for the proposed development.

As required by County Code Section 16.50.095 and General Plan Policy 5.13.32, an Agricultural Statement of Acknowledgement is required to be recorded on the property deed prior to issuance of a building permit.

Conditions of Approval

Exhibit A: Project Plans, 1 Sheet by The Final Draft, Revision 1 dated 7/25/7

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to 20 feet to APN 052-201-07, to 30 feet to APN 052-201-09, and to 112 feet to APN 052-191-08. 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
11. 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 to APN 052-201-07, a minimum of 30 feet to APN 052-201-09, and a minimum of 112 feet to APN 052-191-08 from the proposed single-family dwelling.
 - 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 and six foot tall solid wood board fence shall be installed as follows:

1. A **6** foot tall solid wood board fence and vegetative barrier along the southeast property line for a distance of 153 feet as shown on Exhibit A,
2. A **6** foot tall solid wood board fence and vegetative barrier along the northwest property line for a distance of 120 feet as shown on Exhibit A, and

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 and fence have 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, barrier and fencing shall be permanently 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: September 20, 2007

Effective Date: October 5, 2007

Expiration Date: October 5, 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: 07-0090

Assessor Parcel Number: 052-201-10

Project Location: Northeast side of San Andreas Road about 750 feet northwest of the intersection with Dairy Road, between 222 and 244 San Andreas Road, Watsonville. Access is via an unnamed right of way extending approximately 620 feet southeast from its intersection with San Andreas Road, which is about 250 feet northwest of the subject property

Project Description: Proposal to construct a 3679 square foot single-family dwelling

Person or Agency Proposing Project: Chuck Burket

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).
E. ☒ **Categorical Exemption**

Specify type: Class 3: CEQA Guidelines Section 15303: New Construction of Conversion of Small Structures

F. Reasons why the project is exempt:

Project is construction of a single-family dwelling.

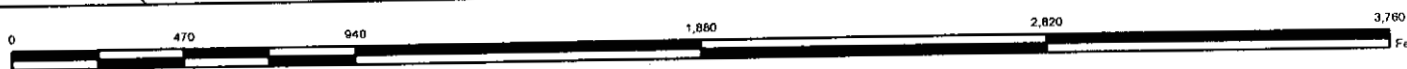
In addition, none of the conditions described in Section 15300.2 apply to this project.

Steven Guiney
Steven Guiney, AICP, Project Planner





Date: 04 September 2007

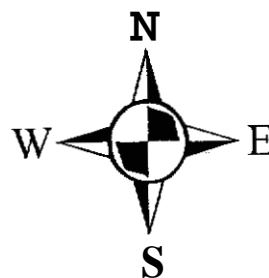


Location Map



Legend

-  APN 052-201-10
-  Assessors Parcels
-  PERENNIAL STREAM
-  Streets



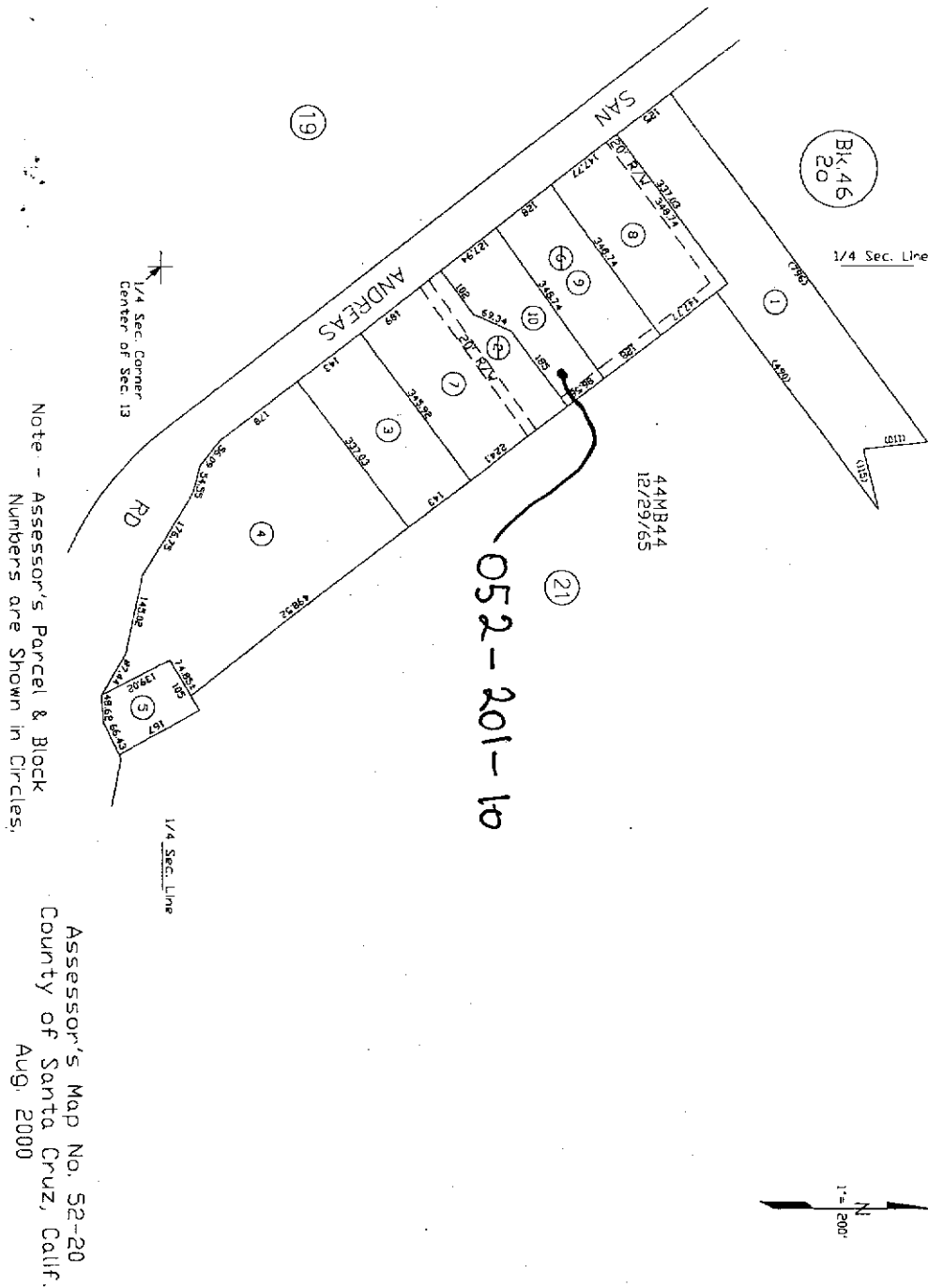
Map Created by
County of Santa Cruz
Planning Department
February 2007

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POR. SAN ANDREAS RANCHO
SEC. 13, T.12S., R.1E., M.D.B. & M.

Tax Area Code
69-262

52-20



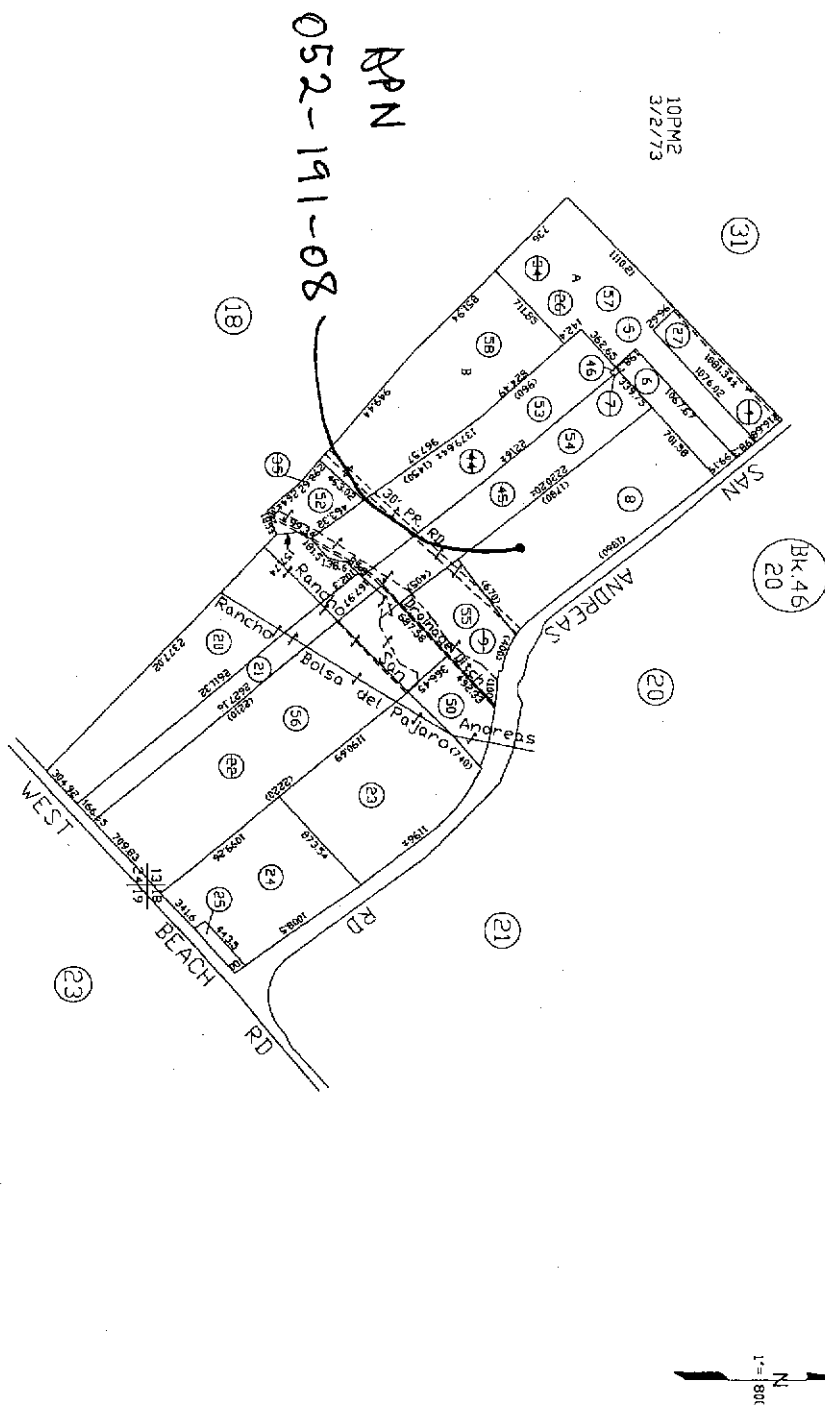
Note - Assessor's Parcel & Block
Numbers are Shown in Circles.

Assessor's Map No. 52-20
County of Santa Cruz, Calif.
Aug. 2000

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POR. SAN ANDREAS & PAJARO RANCHOS
 SECS. 13 & 24 T.12S, R.1E., M.D.B.&M.

Tax Area Code 52-19
 69-262

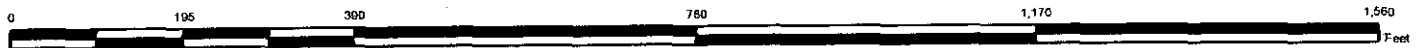
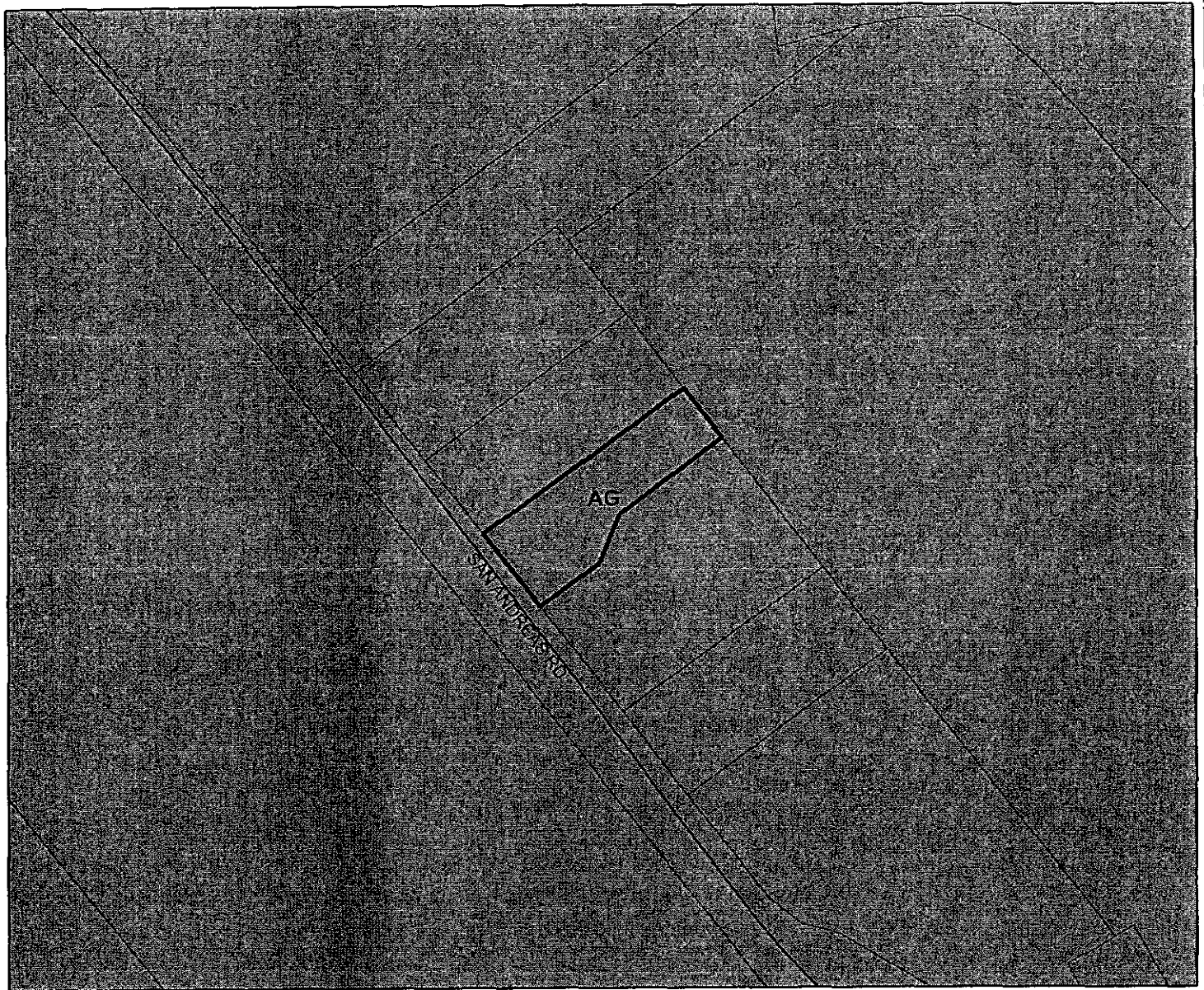


Note - Assessor's Parcel Block &
 Lot Numbers Shown in Circles.

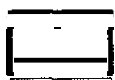
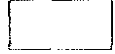


Assessor's Map No. 52-19
 County of Santa Cruz,
 Aug. 1951

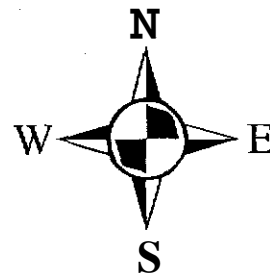


General Plan Designation Map



Legend

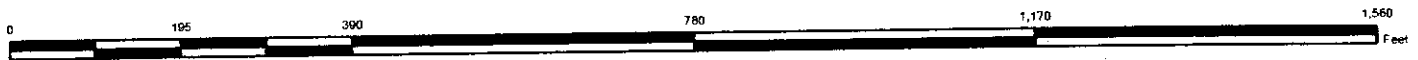
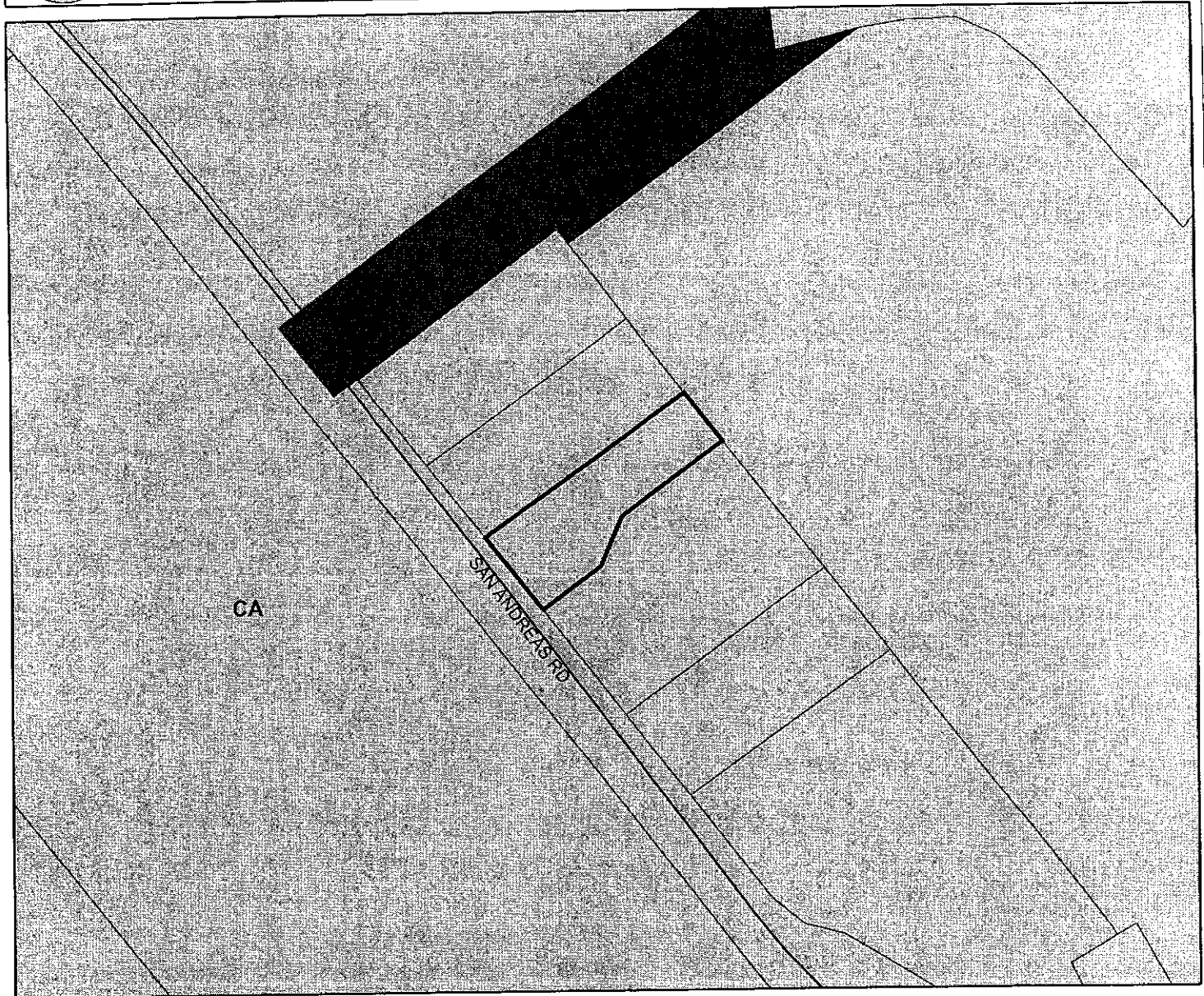
-  APN 052-201-10
-  Assessors Parcels
-  Streets
-  Agriculture (AG)








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Planning Department
February 2007

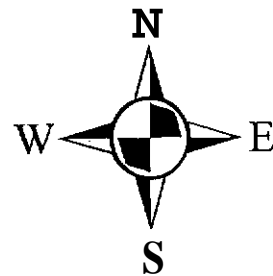


Zoning Map

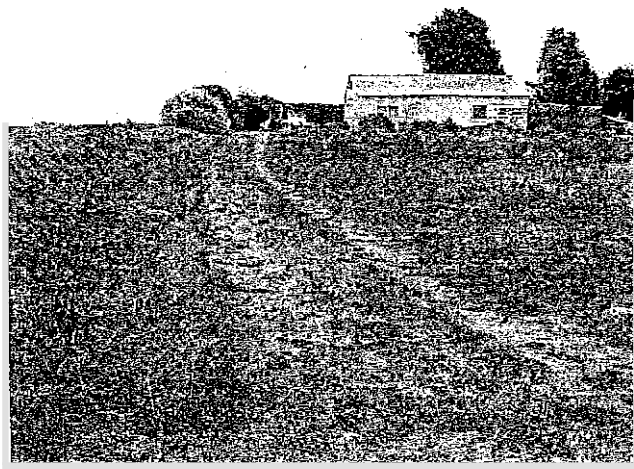


Legend

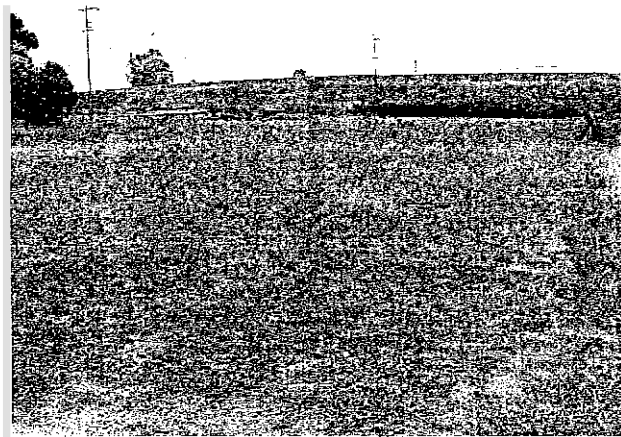
-  APN 052-201-10
-  Assessors Parcels
-  Streets
-  AGRICULTURE (A)
-  AGRICULTURE COMMERCIAL (CA)



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County of Santa Cruz
Planning Department
February 2007



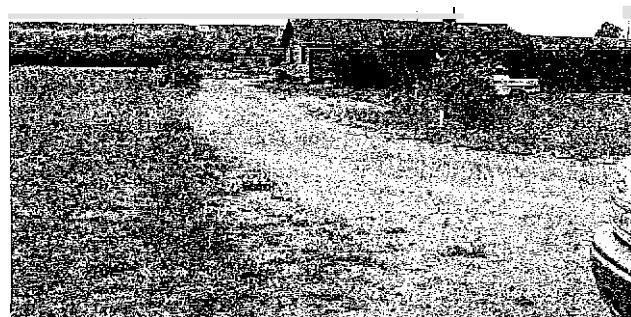
View entering property facing South East
Existing home on adjoining parcel
APN 052-201-09



View facing SW from NE end of parcel.
The SW side abuts San Andreas Road.



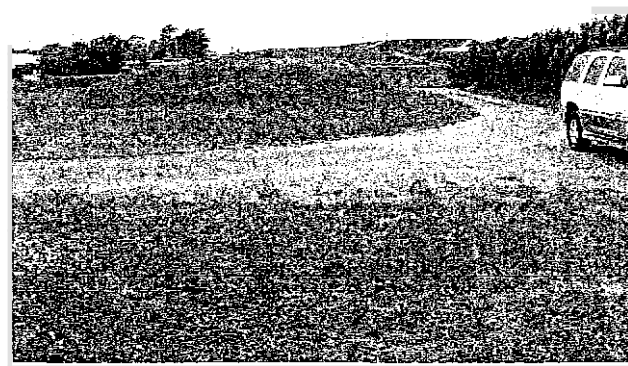
View facing ~~SE~~ looking at adjoining parcel
with existing home APN 052-201-09



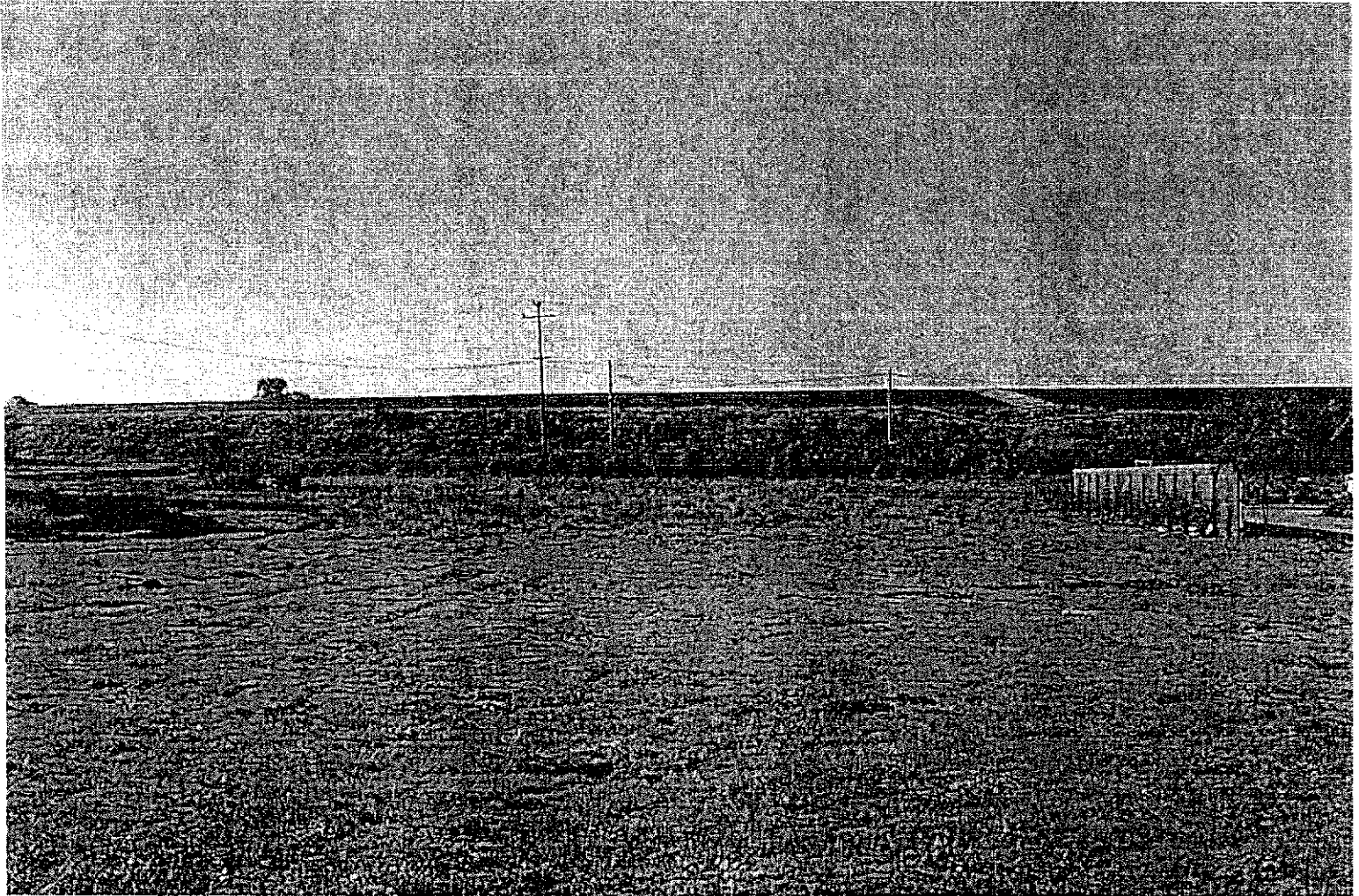
View entering property facing SW property
line.



View facing **NNE** of property. This abuts
the agricultural fields.

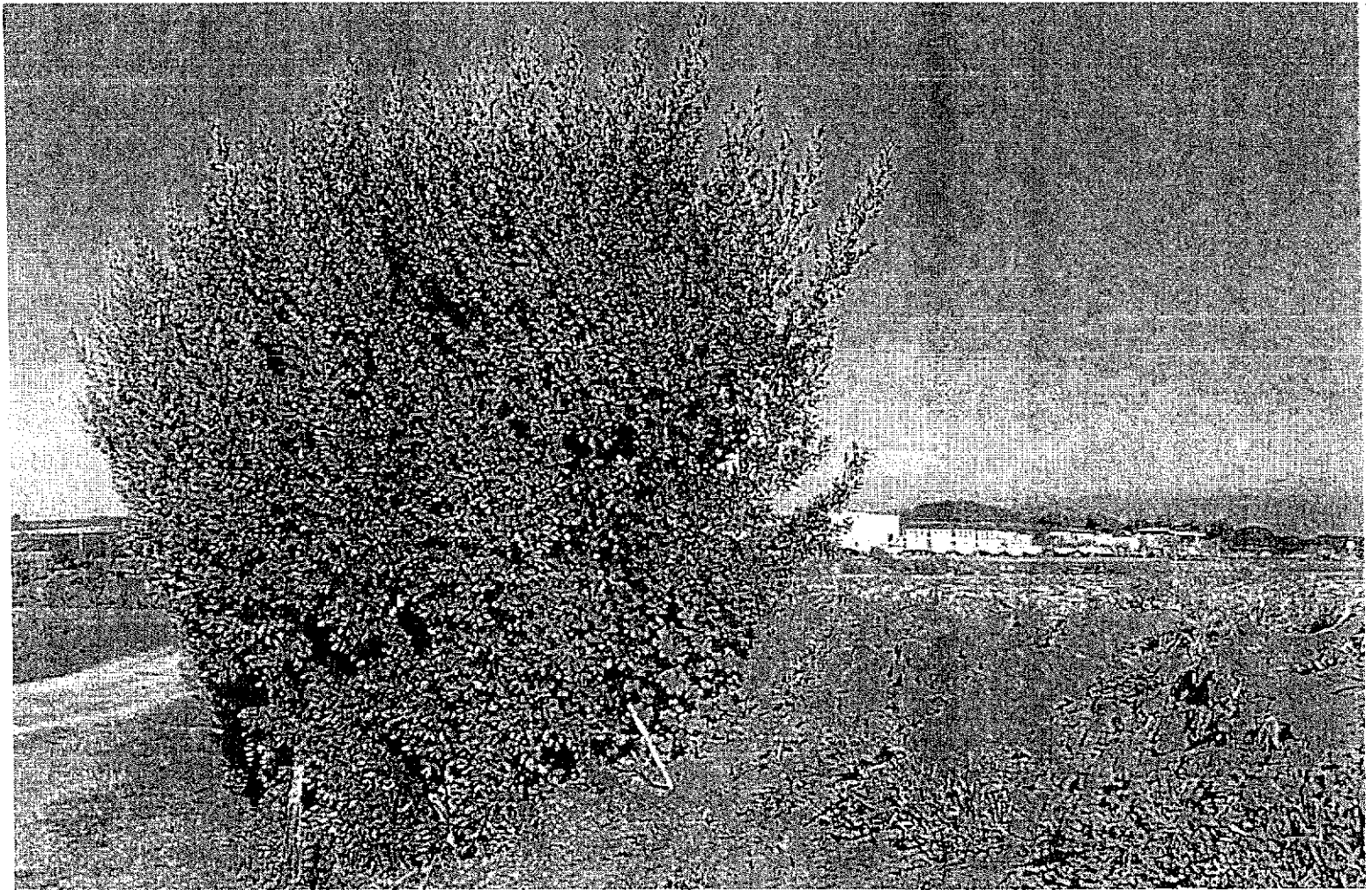


View facing NW and looking at access of
20' Right of Way Easement to property.



VIEW TO SAN ANDREAS ROAD
SCENIC CORRIDOR

EXHIBIT G



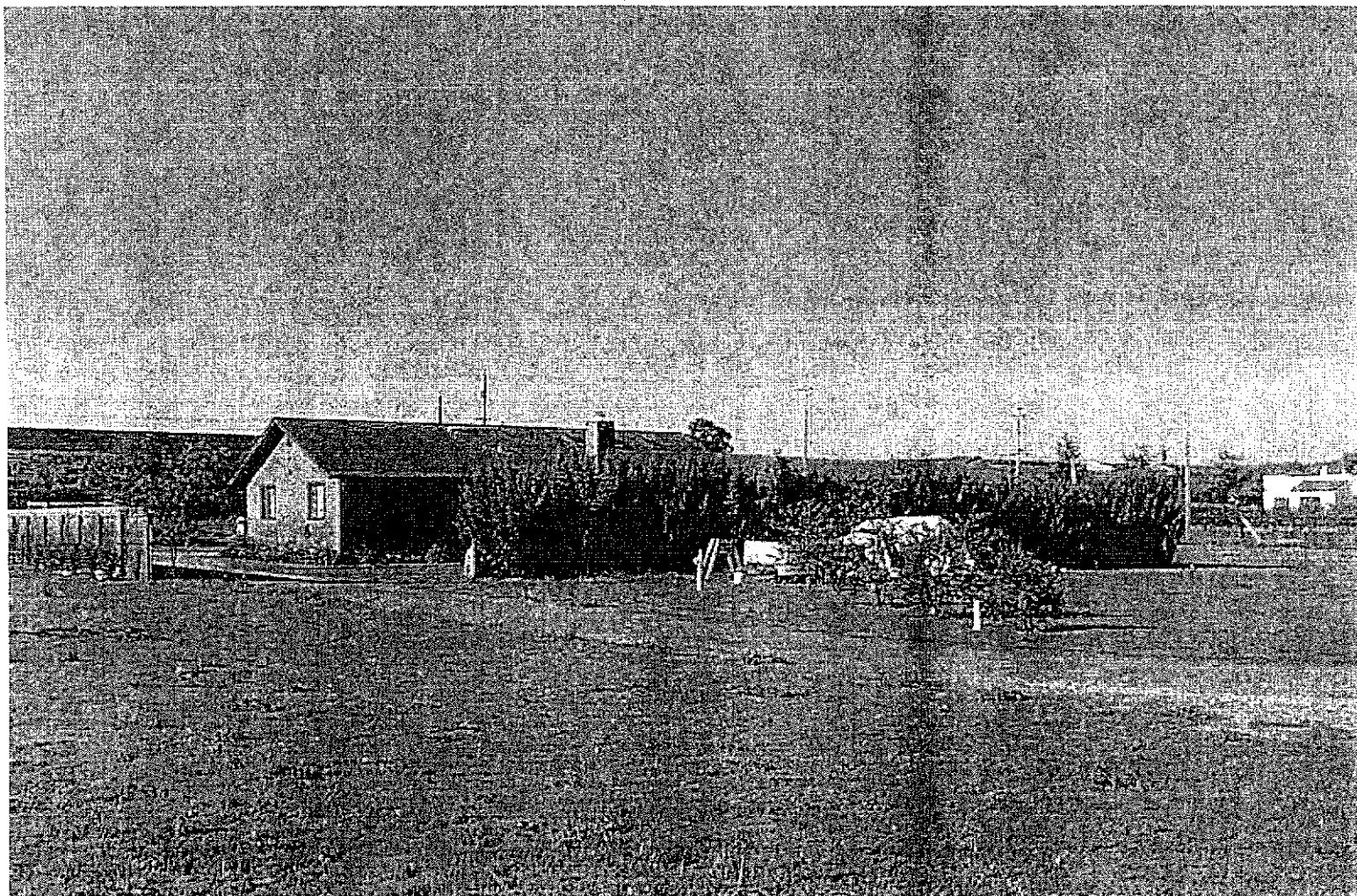
EXISTING AG BUFFER
ON ADJACENT PARCEL
APN 052-201-09



ADJACENT RESIDENCE

052-201-07

222 SAN ANDREAS



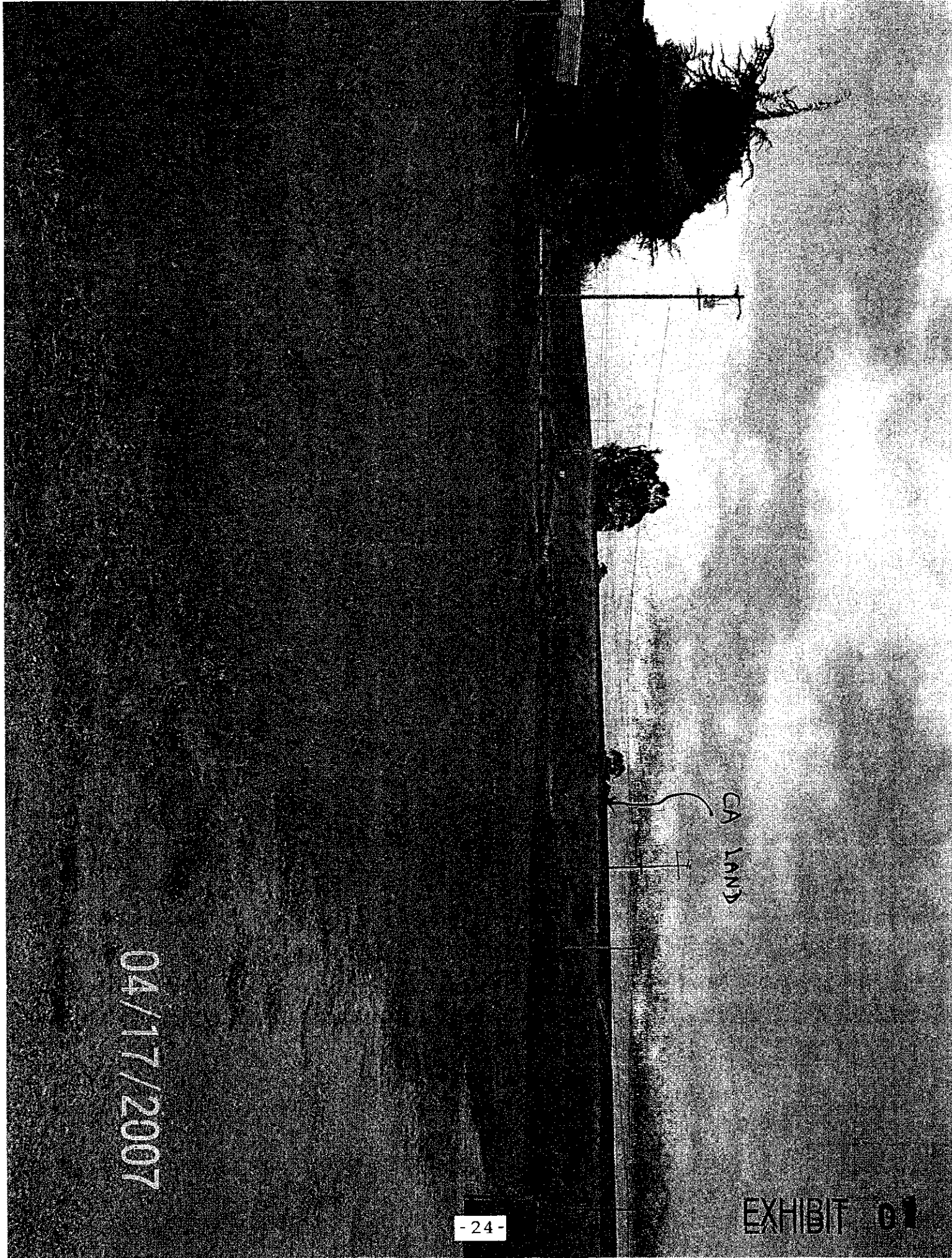
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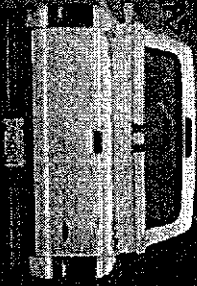
244 SAN ANDREAS

04/17/2007

CA LAND



CA LAND ACROSS SAN
ANDREWS ROAD



04/17/2007

04/17/2007