



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **06-0361**

Applicant: Michael Radu
Owner: Santiago and Oma Gutierrez
APN: 110-051-06

Date: September 20, 2007
Agenda Item #: 7
Time: 1:30 p.m.

Project Description: Proposal to recognize an as-built 988 square foot, 2 bedroom second dwelling unit.

Location: Property located at 130 Webb Road about 0.5 miles northeast from the intersection with Casserly Road in rural Watsonville.

Permits Required: Requires Agricultural Policy Advisory Commission action on an Agricultural Buffer Determination to approve existing reductions in the required 200 foot setback to 20 feet from the south west side of the property line and about 185 feet from the southeast property line to facilitate the recognition of a second dwelling unit constructed without permits.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0361, 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:	3.997 acres
Existing Land Use - Parcel:	Single-family residence and livestock stalls and corral
Existing Land Use - Surrounding:	Commercial agriculture and single-family residential
Project Access:	Webb Road
Planning Area:	Salsipuedes
Land Use Designation:	Agriculture
Zone District:	Agriculture
Supervisory District:	Fourth (District Supervisor: Campos)

Within Coastal Zone: Inside ☒ Outside

Environmental Information

Geologic Hazards:	Mapped fault zone
Soils:	Pinto 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:	Not a mapped resource
Drainage:	Existing drainage adequate
Archaeology:	Mapped, but not in area of disturbance and 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:	On-site disposal
Fire District:	Pajaro Valley Fire Protection District
Drainage District:	Zone 7 Flood Control/Water Conservation District

Analysis and Discussion

The 2nd dwelling unit that exists on the site was constructed without benefit of permits. This proposal is to recognize (legalize) the as-built 988 square foot, 2 bedroom second dwelling unit on a site with an existing single-family residence, livestock stalls and a livestock corral, and a storage building. Your Commission is requested to recognize existing reductions in the required 200-foot agricultural buffer to 20 feet and 185 feet. The analysis, findings, and your Commission's action are all to be conducted as if the 2nd unit did not exist.

The parcel is zoned A, Agriculture, carries an Agriculture General Plan land use designation, but is not designated as Agricultural Resource land (if it were designated as Agricultural Resource land, then it would be expected that it would be zoned CA). The parcel abuts land zoned CA, Commercial Agricultural, on three sides. The land across Webb Road, to the west, is zoned RA, Residential Agriculture, a residential zoning that allows limited agricultural uses. The subject property is characterized by topography that slopes gently from the northeast to the west.

Agricultural Buffer Determination

The building site is within 200 feet of CA land to the southwest and southeast. The CA land to the northeast is over 300 feet away; no reduction in the buffer from that property line is needed. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 20 feet from the southwest property line and to 185 feet from the southeastern property line. Both of the requested

reductions are from APN 110-051-07, which abuts the subject parcel on both its southwest and southeast sides. Berry growing is the current agricultural production on APN 110-051-07 adjacent to the subject parcel.

A reduced buffer from both the southwest and southeast property lines is appropriate in order to allow the second dwelling to be located near (approximately 67 feet away from) the existing dwelling in an already developed area of the parcel. The subject parcel is square with each side 417 feet long. Given the depth of the parcel (417 feet) and because the parcel across Webb Road is not CA land, there is room to locate the second unit 200 feet or more from the southeast property line. However, to locate it 200 feet from the southwest property line would require placing it in the middle of the parcel. Given the width of the parcel (417 feet) and the fact that the land to the northeast is CA land, the second dwelling could only be 17 feet wide. Because the existing area of disturbance on the subject parcel is all limited to within 120 feet from the southwest property line, even though that area is less than 200 feet from CA land, good planning dictates that additional development be located in that area. Further, the northeastern two-thirds of the parcel is open and available to be farmed. This opportunity for agriculture, in the A zone district, would be diminished if the 2nd unit were to be located in that area.

The location of the second dwelling unit is currently effectively buffered from the agricultural use abutting the southeast property line by existing livestock stalls, so no new buffering is needed along the southeast property line. There is currently no effective buffer between the residential use and the CA land abutting the southwest property line. There is an existing 48-inch high metal fence and miscellaneous low growing shrubs. The applicant's plans propose installation of California lilac for buffering along the southwest property line from the front of the subject parcel, at Webb Road, back to the existing livestock stalls, approximately 24 feet beyond the second dwelling.

California lilac is one of the plants in the Recommended Agricultural Buffer Planting List and so is acceptable. However, given the proposed reduction to 20 feet, the planting and the existing metal fence are insufficient to provide an effective buffer. Therefore, a condition is included requiring both the lilac planting and installation of a solid wood board fence along the southwestern property line from the front of the subject parcel to the existing livestock stalls. For vehicle site safety reasons, the planting shall begin 20 feet back from the front property line, while the fence shall be no more than 3 feet tall for the first 20 feet back from the front property line and then shall be six feet tall for the rest of its length. The combination of the fence and the planting will provide an adequate buffer between the CA use and the residential use. Finally, the applicant shall 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.
- **APPROVE** the Agricultural Buffer Reduction along the southwest property from 200 feet to about 20 feet to the second dwelling unit and along the southeast property line

from 200 feet to about 185 feet from the abutting CA zoned property known as APN 110-051-07, 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: 
Paula Levine
Principal Planner
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

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 second dwelling unit is proposed to be setback 20 feet from the southwestern property line and to 185 feet from the southeastern property line. An effective barrier consisting of California lilac and a solid wood board fence is 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, shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic along Webb Road.

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.

Conditions of Approval

Exhibit A: Project Plans, 2 Sheets by Pacific Blue Developments, dated 05/01/06.

I. This permit authorizes the following:

An Agricultural Buffer Setback reduction to 20 feet from the proposed residential use to the southwest property line of the subject parcel and to 185 feet from the proposed residential use to the southeast property line of the subject parcel, both setbacks being from APN (110-051-07), a CA zoned parcel.

II. 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.

III. Prior to issuance of a Building Permit the applicant/owner shall:

A. 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.

IV. 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. California lilac shall be planted along the southwest property line from 20 feet back from the front property line to the livestock stalls, a distance of 230 feet.

C. A solid wood board fence shall be installed from the front property line along the southwest property line to the livestock stalls, a distance of 230 feet. The fence shall be no more than 3 feet tall for the first 20 feet back from the front property line and shall then be 6 feet tall for the remainder of the distance.

D. 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 vegetative barrier and fence have been completed.

- E. 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.
- F. 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.

V. Operational Conditions

- A. All required Agricultural Buffer Setbacks shall be maintained and the required vegetative screening and fencing shall be maintained in good condition to maintain an effective buffer between the residential use and the adjoining agricultural use.
- 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.

VI. 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 05, 2007

Expiration Date: October 05, 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: 06-0361

Assessor Parcel Number: 110-051-06

Project Location: 130 Webb Road, Watsonville CA 95076

Project Description: Agricultural Buffer Setback Determination and Approval of Second Dwelling Unit

Person or Agency Proposing Project: Michael Radu

Contact Phone Number: (408) 358-6773

- 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 or Conversion of Small Structures

F. Reasons why the project is exempt:

Construction of a second dwelling unit.

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

FOR TAX PURPOSES ONLY

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PDR, SECS. 14,15,22, & 23, T.11S., R.2E., M.D.B. & M.

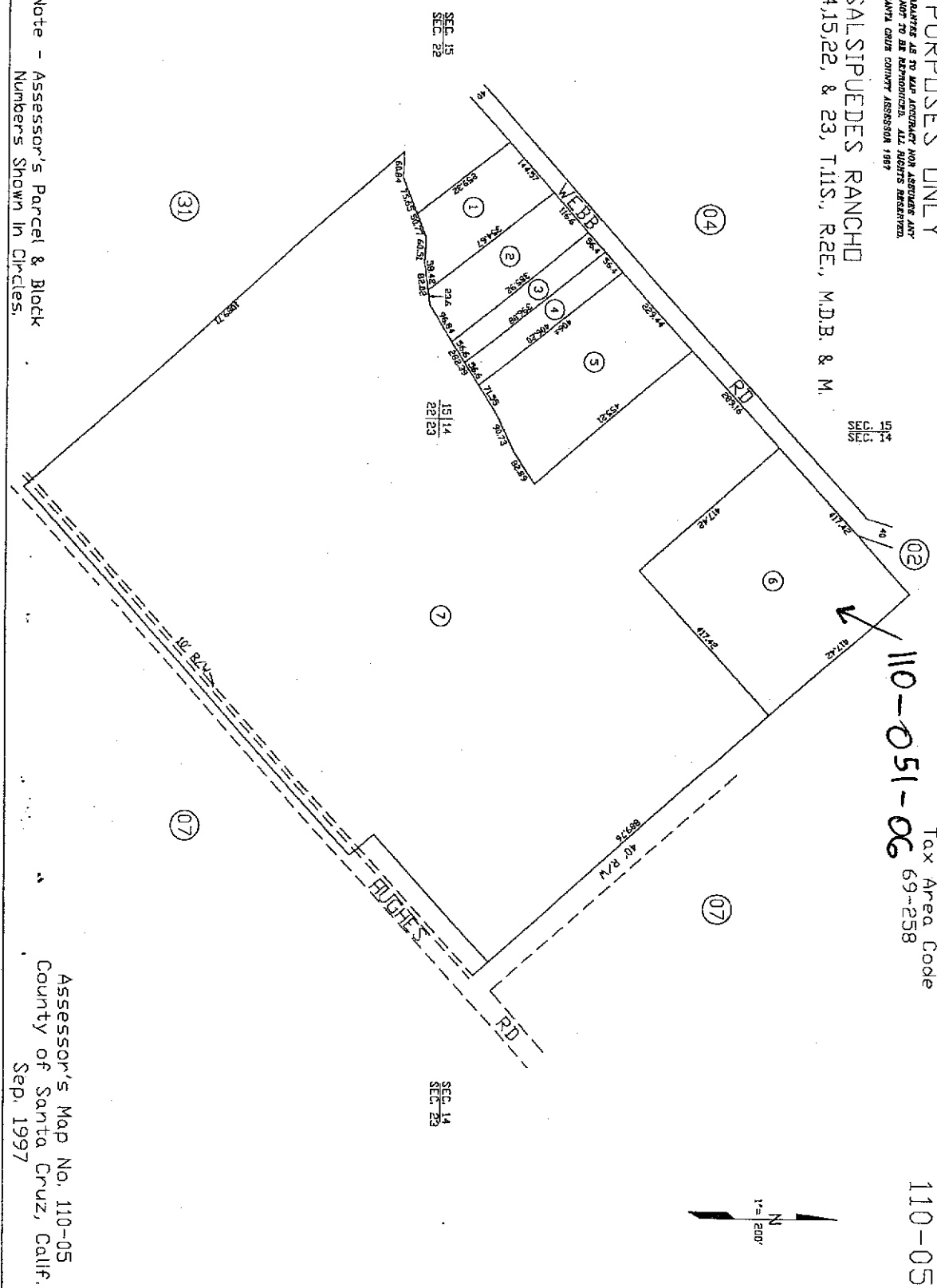
110-051-06 Tax Area Code 69-258

110-05

Electronically drawn 9/7/97 KSA
Rev 4/8/98 CB (Tax Consolidation)
Rev 10/15/01 num (changed page refs)

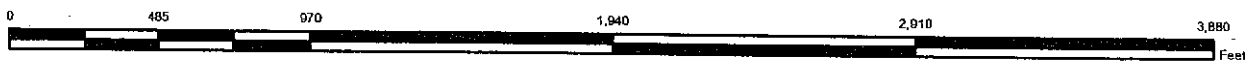
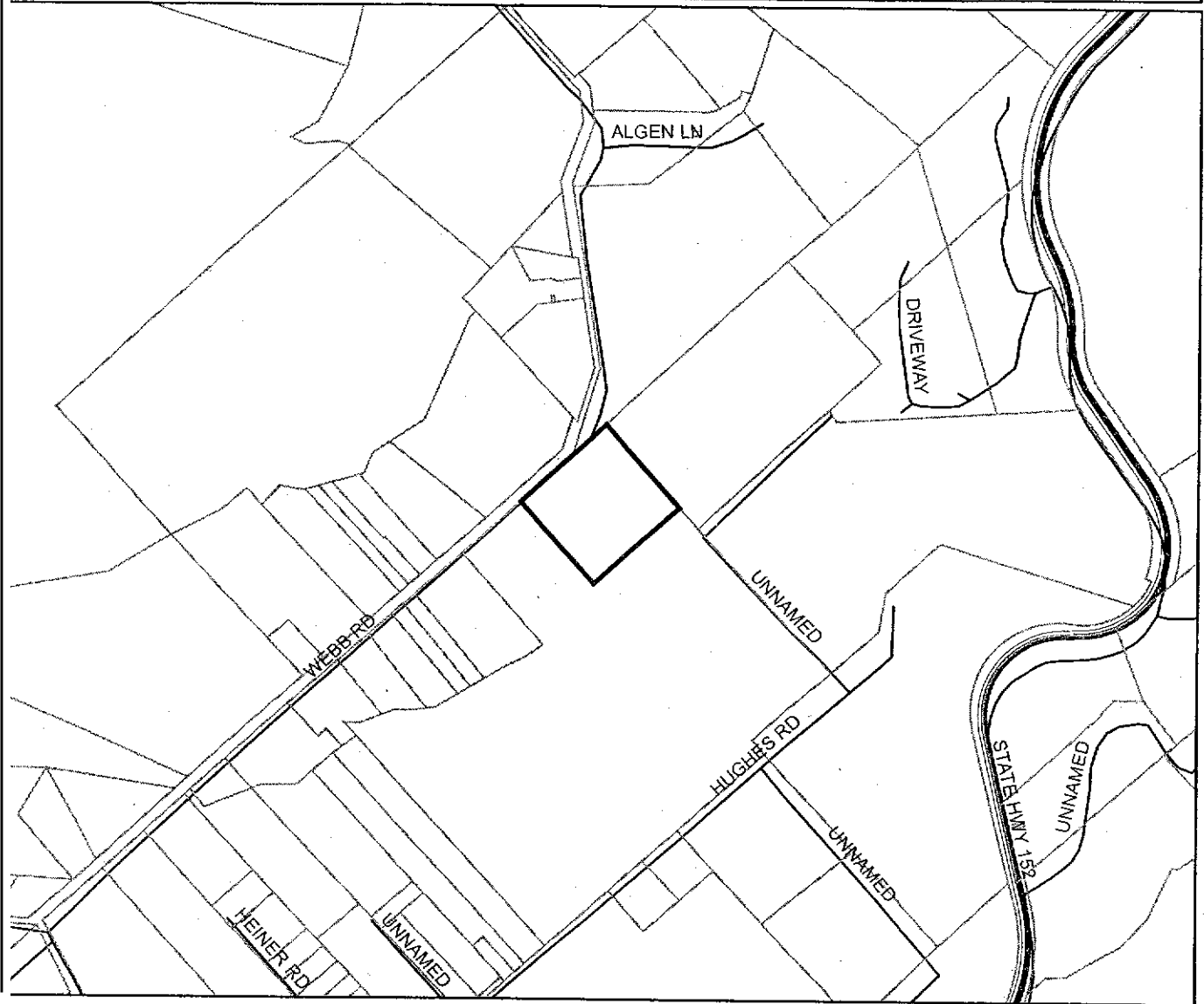
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Assessor's Map No. 110-05
County of Santa Cruz, Calif.
Sep. 1997







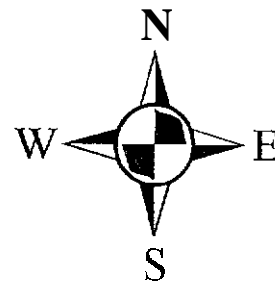


Location Map



Legend

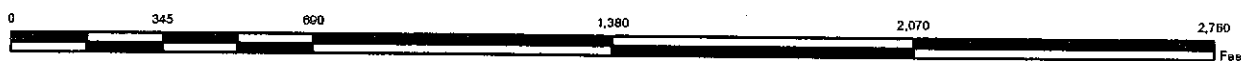
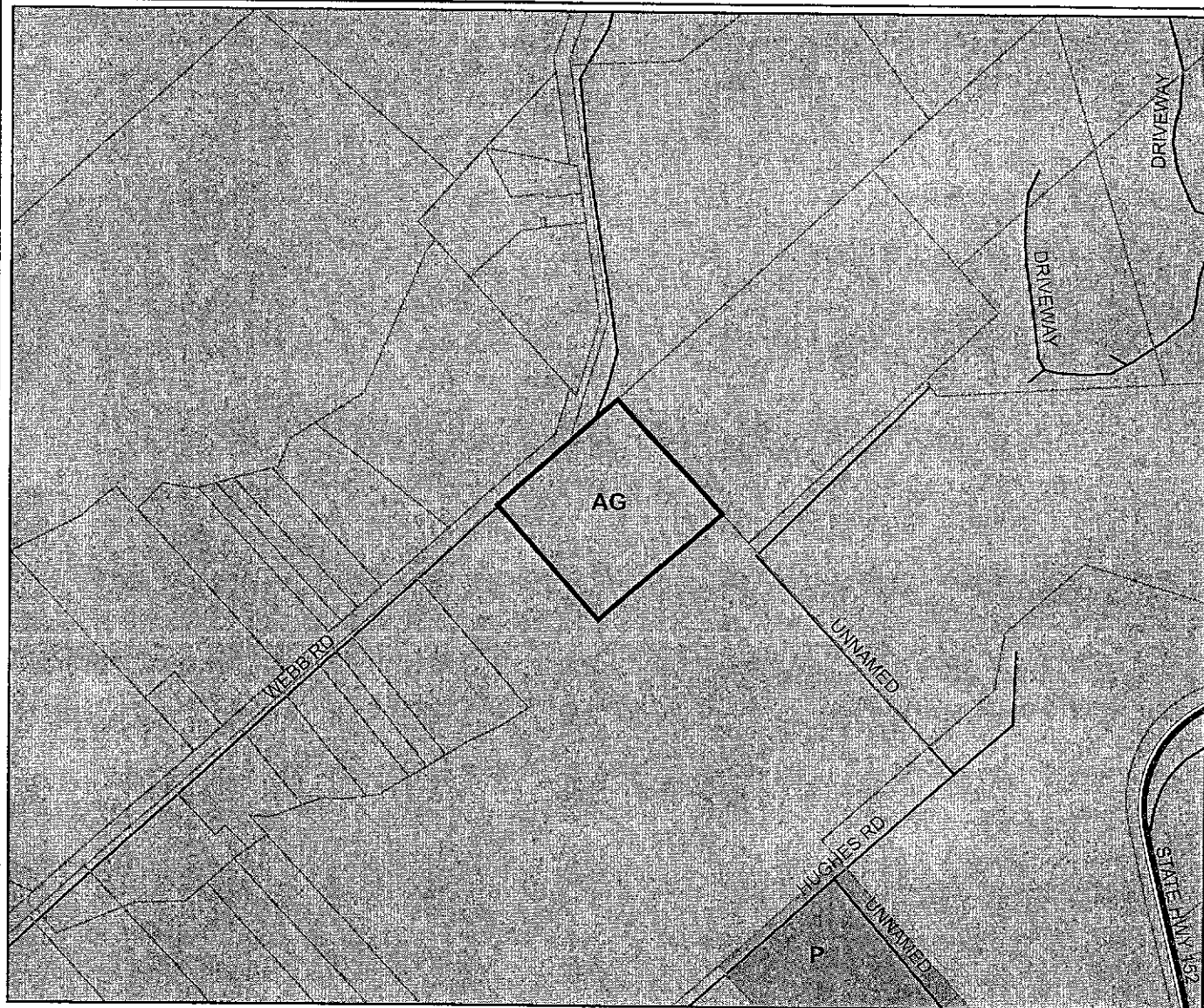
-  APN 110-051-06
-  Assessors Parcels
-  State Highways
-  Streets





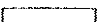



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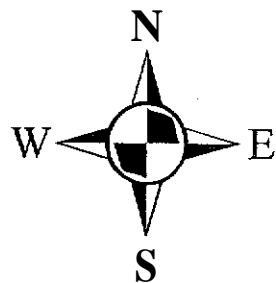


General Plan Designation Map



Legend

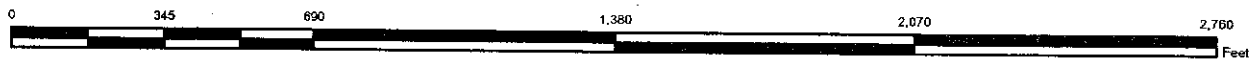
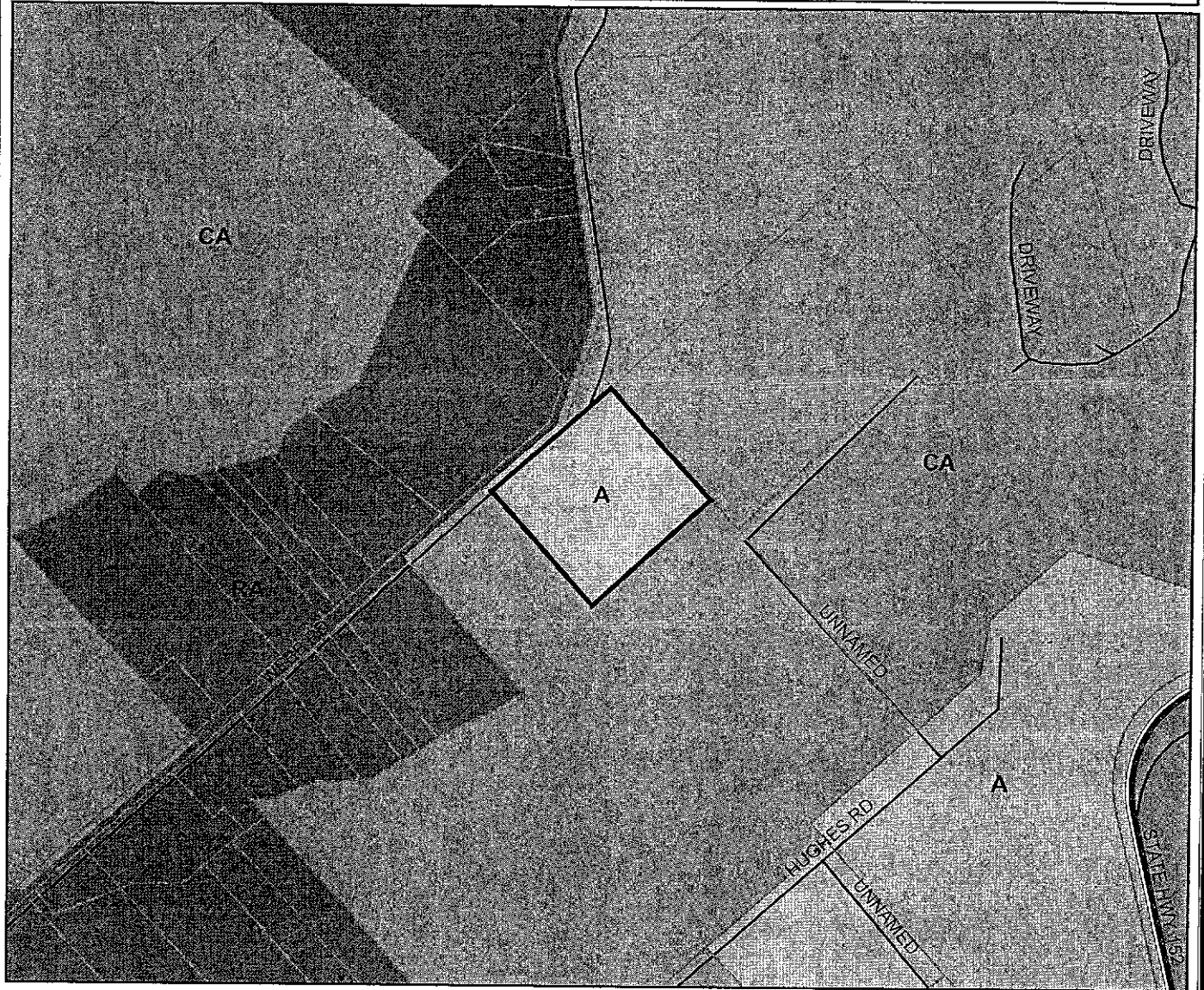
-  APN 110-051-06
-  State Highways
-  Assessors Parcels
-  Streets
-  Agriculture (AG)
-  Public Facilities (P)



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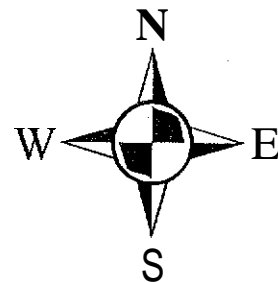


Zoning Map



Legend

-  APN 110-051-06
-  State Highways
-  Assessors Parcels
-  Streets
-  AGRICULTURE (A)
-  AGRICULTURE COMMERCIAL (CA)
-  AGRICULTURE RESIDENTIAL (RA)



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