



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **07-0215**

Applicant: Robert Goldspink
Owner: Berkshire Investments LLC
APN: 110-141-08

Date: October **18,2007**
Agenda Item #: **7**
Time: 1:30 p.m.

Project Description: Proposal to install two 14 feet wide by 64 feet long mobile office buildings for temporary office use for a period not to exceed 3 years to be used for offices at **an** existing agricultural research facility.

Location: Property located at the northwest side of Silliman Road at 151 Silliman Road about 1500 feet north from Riverside Road (Highway 129).

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 07-0215, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--|----|-------------------------------------|
| A. | Project plans | E. | Location and Assessor's parcel maps |
| B. | Findings | F. | General Plan and Zoning maps |
| C. | Conditions | G. | Aerial Photo |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

| | |
|------------------------------------|---|
| Parcel Size: | 2 acres |
| Existing Land Use - Parcel: | Agricultural research facility |
| Existing Land Use - Surrounding: | Agricultural research facility and commercial agricultural production |
| Project Access: | Silliman Road |
| Planning Area: | Salsipuedes |
| Land Use Designation: | AG (Agriculture) |
| Zone District: | CA (Commercial Agriculture) |
| 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 |

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Conejo loam
Fire Hazard: Not a mapped constraint
Slopes: 2 – 9 percent
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Within Highway 129 scenic viewshed
Drainage: Existing drainage adequate
Archeology: Is within a mapped archaeological resource area, but site is greatly disturbed and no grading is proposed.

Services Information

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

Project Description

The proposed project is to install two 14 feet wide by 64 feet long mobile office buildings **for** temporary office use for a period not to exceed 3 years. The temporary offices are to be located on a site currently used for agricultural research focusing on berry production. Approval of a reduction in the required 200 foot agricultural buffer setback by your Commission to 20 feet to the temporary offices from the adjacent CA zoned property known as APN 110-141-07 and to about 150 feet from the adjacent CA zoned property known as APN 110-141-06 is required to facilitate a staff-level review of a minor variation to previous Development Permits 03-0195 and 01-0422 to allow the temporary office use.

Project Setting

The subject property is characterized by gently sloping topography and is developed with offices associated with the agricultural research. The subject parcel, **all** abutting parcels, and all other parcels within 200 feet of the subject parcel carry an AG (Agriculture) General Plan designation and are zoned CA (Commercial Agriculture). The subject parcel is used mainly for agricultural support and research facilities. The subject parcel does contain an area of about 4,000 square feet **of** production agriculture along the south edge of the parcel, 100 feet from and 30 feet below the proposed location of the temporary offices. A row of trees is on the slope between the temporary office location and the production agriculture area on the subject **parcel**.

Analysis and Discussion

The subject parcel is approximately 497 feet long with a maximum width of approximately 263 feet. Because it is surrounded on all sides by CA zoned land, no point on the subject parcel is more than 200 feet from CA zoned land. If the required 200-foot setbacks were maintained from the adjacent CA zoned properties, there would not be sufficient land on the subject parcel to allow for the proposed development. Further, the proposed location of *the* temporary offices is adjacent to the existing offices in an already disturbed area and will not take any agricultural land out of production. No fencing or vegetative barriers are proposed or recommended for the following reasons:

- The first 200 feet of APN 110-141-07, the parcel that abuts the subject parcel on the north, is developed with additional offices and greenhouses used for the propagation of berry plants.
- The CA zoned parcels to the east and west are more than 200 feet from the proposed location of the temporary offices
- APN 110-141-06 abuts the subject parcel on the west and south. The portion of APN 110-141-06 to the south of the subject parcel has some land in row crop production and also contains the access road to the subject parcel and is about 30 feet below the elevation of the temporary office location. Additionally, there are trees along the southern property line of the subject parcel that buffer the proposed temporary location from the active farming on that parcel.

No Statement of Acknowledgement is required to be recorded, because one was previously recorded in 1986.

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 20 feet to the temporary offices from the adjacent CA zoned property known as APN 110-141-07 and to about 150 feet **from** the adjacent CA zoned property known as APN 110-141-06, proposed under Application # 07-0215, 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
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor

Santa Cruz CA 95060
Phone Number: (831) 454-3172
E-mail: pln950@co.santa-cruz.ca.us

Report Reviewed **By:** Paia Levine
Principal **Planner**
Development Review

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

Significant topographical differences exist between the proposed location of the temporary offices and the farmed area on the subject parcel and the portion of APN 110-141-06 that abuts the subject parcel on the south (elevation difference of about 30 feet). This is a large enough change in grade to allow for a reduction in the required setback to about 150 feet. The change in grade also eliminates the need for additional landscaping and solid fences.

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 20 feet from the adjacent Commercial Agriculture zoned parcel APN 110-141-07. Because that parcel and the subject parcel are under the same ownership and the agricultural research use occurs on both parcels without regard to the parcel boundaries, any barrier would prevent ready and easy access among the various buildings comprising the research facility and would therefore hinder the agricultural use more than it would help it.

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.

Required Finding for Non-agricultural Development on Commercial Agricultural Land
County Code Section 16.50.095(e).

Any non-agricultural development proposed to be located on type 1, type 2 or type 3 agricultural land shall be sited so as to minimize possible conflicts between agriculture in the area and non-agricultural uses, and where structures are to be located on agricultural parcels, such structures shall be located so as to remove as little land as possible from production or potential production.

The subject parcel is zoned CA (Commercial Agriculture) and carries an Agriculture (AG)

EXHIBIT B

General Plan designation. The proposed temporary offices are to be located adjacent to existing offices in an area previously disturbed and devoted to agricultural research offices and facilities. No land will be removed from production and by locating the temporary offices adjacent to the existing offices, the least amount of land possible would be removed from potential production.

Conditions of Approval

Exhibit A: Project Plans, 1 sheet by Robert J. Goldspink Architects, dated 4.4.07; and 1 sheet by Pacific Mobile Structures, Inc., dated 3/27/07.

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed temporary office use to about 20 feet from the adjacent CA zoned property known as APN 110-141-07 and to about 150 feet from the adjacent CA zoned property known as APN 110-141-06. Prior to exercising any rights granted by this permit, including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit 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 20 feet from the temporary offices to the adjacent Commercial Agriculture zoned parcel APN 110-141-07 and a minimum of 150 feet to **the** adjacent Commercial Agriculture zoned parcel AFN 110-141-06.
- 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. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.

IV. Operational Conditions

- A. All required Agricultural Buffer Setbacks shall be maintained.
- B. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, up to and including permit revocation.

V. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney’s fees and costs; and
 - 2. COUNTY defends the action in good faith
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. “Development Approval Holder” shall include the applicant and the successor’(s) in interest, transferee(s), and assign(s) of the applicant.

Minor Variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

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

Approval Date: October 18, 2007

Effective Date: November 02, 2007

Expiration Date: November 02, 2009

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy **Advisory** Commission under the provisions of County Code Chapter 16.50; may appeal the **act** or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 07-0215

Assessor Parcel Number: 110-141-08

Project Location: Property located at the northwest side of Silliman Road at 151 Silliman Road about 1500 feet north from Riverside Road (Highway 129).

Project Description: Proposal to reduce the required 200 foot Agricultural Buffer to about 20 feet to two temporary offices from the adjacent CA zoned *property* known as APN 110-141-07 and to about 150 feet from the adjacent CA zoned property known as APN 110-141-06 and to install two 14 feet wide by 64 feet long mobile office buildings for temporary office use for a period not to exceed 3 years to be used for offices at an existing agricultural research facility

Person or Agency Proposing Project: Robert Goldspink

Contact Phone Number: (831) 688-8950

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

F. Reasons why the project is exempt:

Installation of two temporary offices on a parcel zoned CA (Commercial Agriculture) where the parcel is currently devoted to offices related to agricultural research and berry propagation.

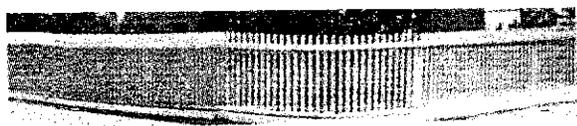
Reduction of standard 200 foot Agricultural Buffer where the requirements for plantings and fencing would hinder the agricultural uses more than such plantings and fencing would protect the agricultural uses and there will be no adverse impact on the agricultural uses.

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

Steven Guiney
Steven Guiney, AICP, Project Planner

Date: 29 August 2007

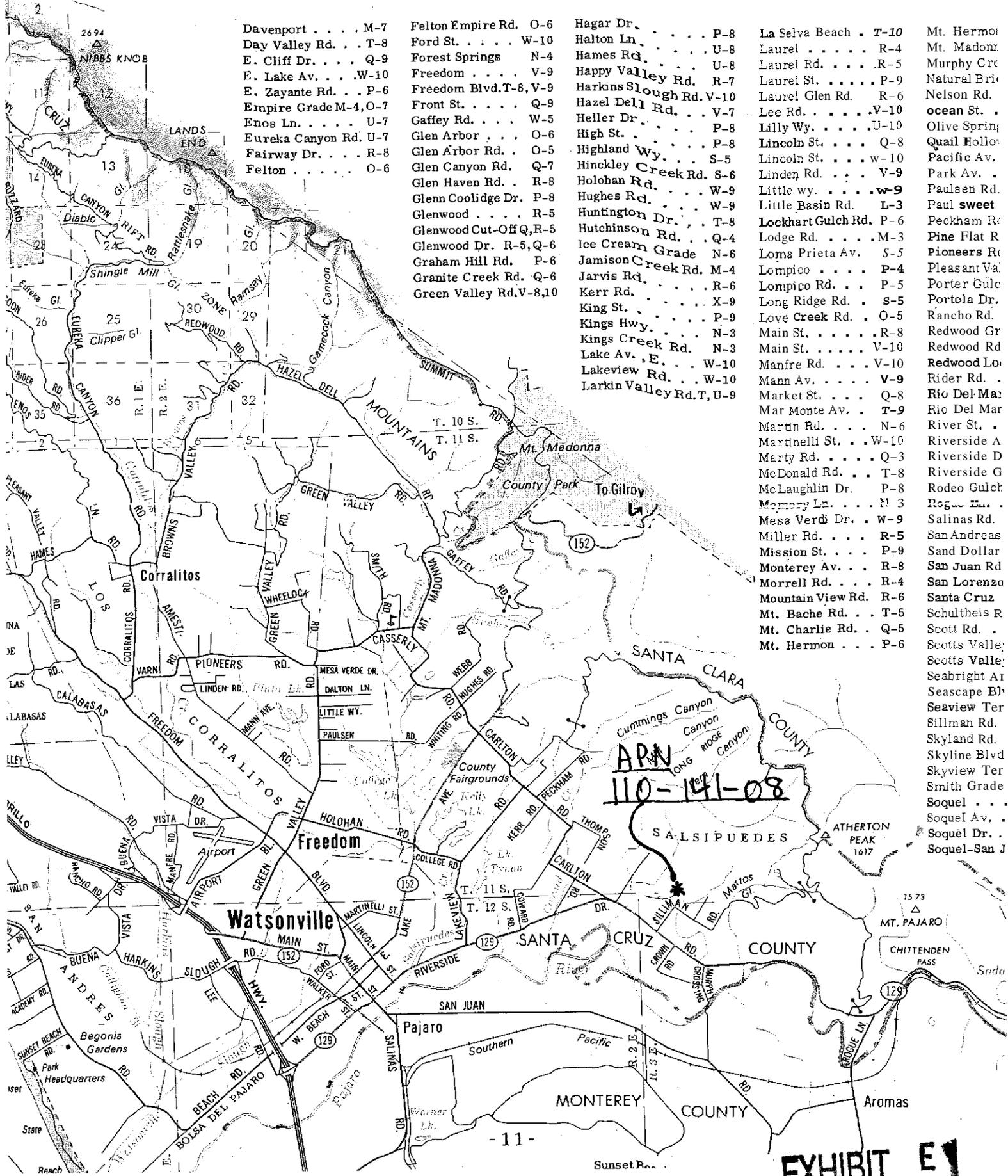
- Coward Rd. . . . X-10
- Cox Rd. . . . T-8
- Craig Rd. . . . O-1
- Crest Dr. . . . U-10
- Crown Rd. . . . X-10



A Santa Cruz Victorian mansion



Santa Cruz County Governmental Center



- | | | | | |
|--------------------------|--------------------------|--------------------------|------------------------|------------------------|
| Davenport M-7 | Felton Empire Rd. O-6 | Hagar Dr. P-8 | La Selva Beach . T-10 | Mt. Hermon P-6 |
| Day Valley Rd. . . T-8 | Ford St. W-10 | Halton Ln. P-8 | Laurel R-4 | Mt. Madonna |
| E. Cliff Dr. Q-9 | Forest Springs N-4 | Hames Rd. U-8 | Laurel Rd. R-5 | Murphy Cr. |
| E. Lake Av. W-10 | Freedom V-9 | Happy Valley Rd. R-7 | Laurel St. P-9 | Natural Bric |
| E. Zayante Rd. . . P-6 | Freedom Blvd. T-8, V-9 | Harkins Slough Rd. V-10 | Laurel Glen Rd. R-6 | Nelson Rd. |
| Empire Grade M-4, O-7 | Front St. Q-9 | Hazel Dell Rd. . . V-7 | Lee Rd. V-10 | ocean St. |
| Enos Ln. U-7 | Gaffey Rd. W-5 | Heller Dr. P-8 | Lilly Wy. U-10 | Olive Spring |
| Eureka Canyon Rd. U-7 | Glen Arbor O-6 | High St. P-8 | Lincoln St. . . . Q-8 | Quail Hollow |
| Fairway Dr. R-8 | Glen Arbor Rd. . O-5 | Highland Wy. . . . S-5 | Lincoln St. . . . w-10 | Pacific Av. |
| Felton O-6 | Glen Canyon Rd. Q-7 | Hinckley Creek Rd. S-6 | Linden Rd. V-9 | Park Av. |
| | Glen Haven Rd. . R-8 | Holohan Rd. . . . W-9 | Little wy. w-9 | Paulsen Rd. |
| | Glenn Coolidge Dr. P-8 | Hughes Rd. W-9 | Little Basin Rd. L-3 | Paul sweet |
| | Glenwood R-5 | Huntington Dr. . . T-8 | Lockhart Gulch Rd. P-6 | Peckham Rd. |
| | Glenwood Cut-Off Q, R-5 | Hutchinson Rd. . . Q-4 | Lodge Rd. M-3 | Pine Flat R |
| | Greenwood Dr. R-5, Q-6 | Ice Cream Grade N-6 | Loma Prieta Av. S-5 | Pioneers Rd. |
| | Graham Hill Rd. P-6 | Jamison Creek Rd. M-4 | Lompico P-4 | Pleasant Va |
| | Granite Creek Rd. Q-6 | Jarvis Rd. R-6 | Lompico Rd. . . . P-5 | Porter Gule |
| | Green Valley Rd. V-8, 10 | Kerr Rd. X-9 | Long Ridge Rd. . S-5 | Portola Dr. |
| | | King St. P-9 | Love Creek Rd. . O-5 | Rancho Rd. |
| | | Kings Hwy. N-3 | Main St. R-8 | Redwood Gr. |
| | | Kings Creek Rd. N-3 | Main St. V-10 | Redwood Rd |
| | | Lake Av. . E. . . . W-10 | Manfre Rd. . . . V-10 | Redwood Lo |
| | | Lakeview Rd. . . W-10 | Mann Av. V-9 | Rider Rd. |
| | | Larkin Valley Rd. T, U-9 | Market St. . . . Q-8 | Rio Del Mar |
| | | | Mar Monte Av. . T-9 | River St. |
| | | | Martin Rd. N-6 | Riverside A |
| | | | Martelli St. . . W-10 | Riverside D |
| | | | Marty Rd. Q-3 | Riverside G |
| | | | McDonald Rd. . . T-8 | Rodeo Gulch |
| | | | McLaughlin Dr. P-8 | Rogus Ea. |
| | | | Memory Ln. N-3 | Salinas Rd. |
| | | | Mesa Verde Dr. . W-9 | San Andreas |
| | | | Miller Rd. R-5 | Sand Dollar |
| | | | Mission St. . . . P-9 | San Juan Rd |
| | | | Monterey Av. . . R-8 | San Lorenzo |
| | | | Morrell Rd. . . . R-4 | Santa Cruz |
| | | | Mountain View Rd. R-6 | Schultheis R |
| | | | Mt. Bache Rd. . . T-5 | Scott Rd. |
| | | | Mt. Charlie Rd. . Q-5 | Scotts Valley |
| | | | Mt. Hermon P-6 | Scotts Valley |

EXHIBIT E

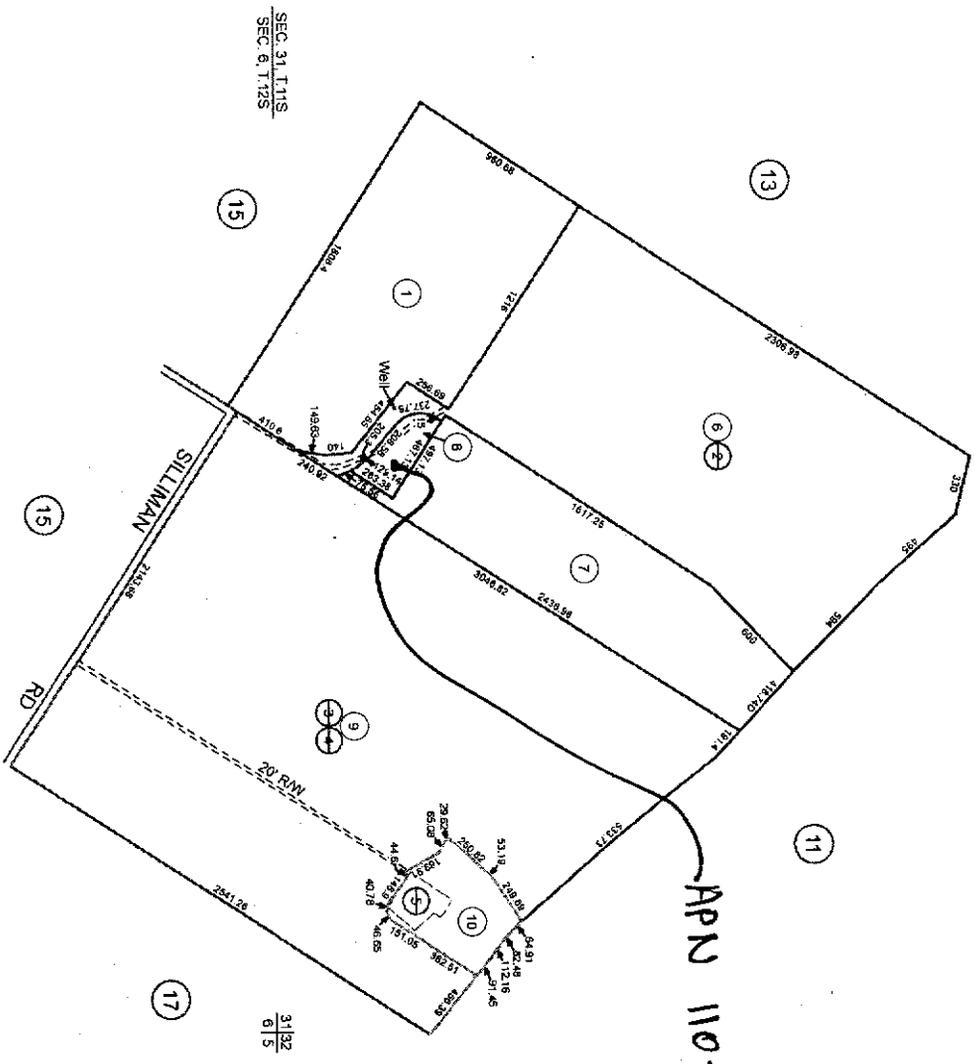
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SALSIPUEDES RANCHO
 FOR SEC. 31, T.11S. & SEC. 6, T.12S., R.3E. M.D.B. & M.

18X 1125 LXXX
 69-258

110-14

Historically drawn 9/17/97 KSA
 1/4" = 435'68" CG (Tax Consideration)
 1/8" = 175'07" mm (S.0056585, LBA 1-09 & 10)



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

Assessor's Map No. 110-14
 County of Santa Cruz, Calif

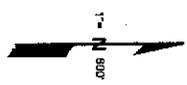


EXHIBIT E

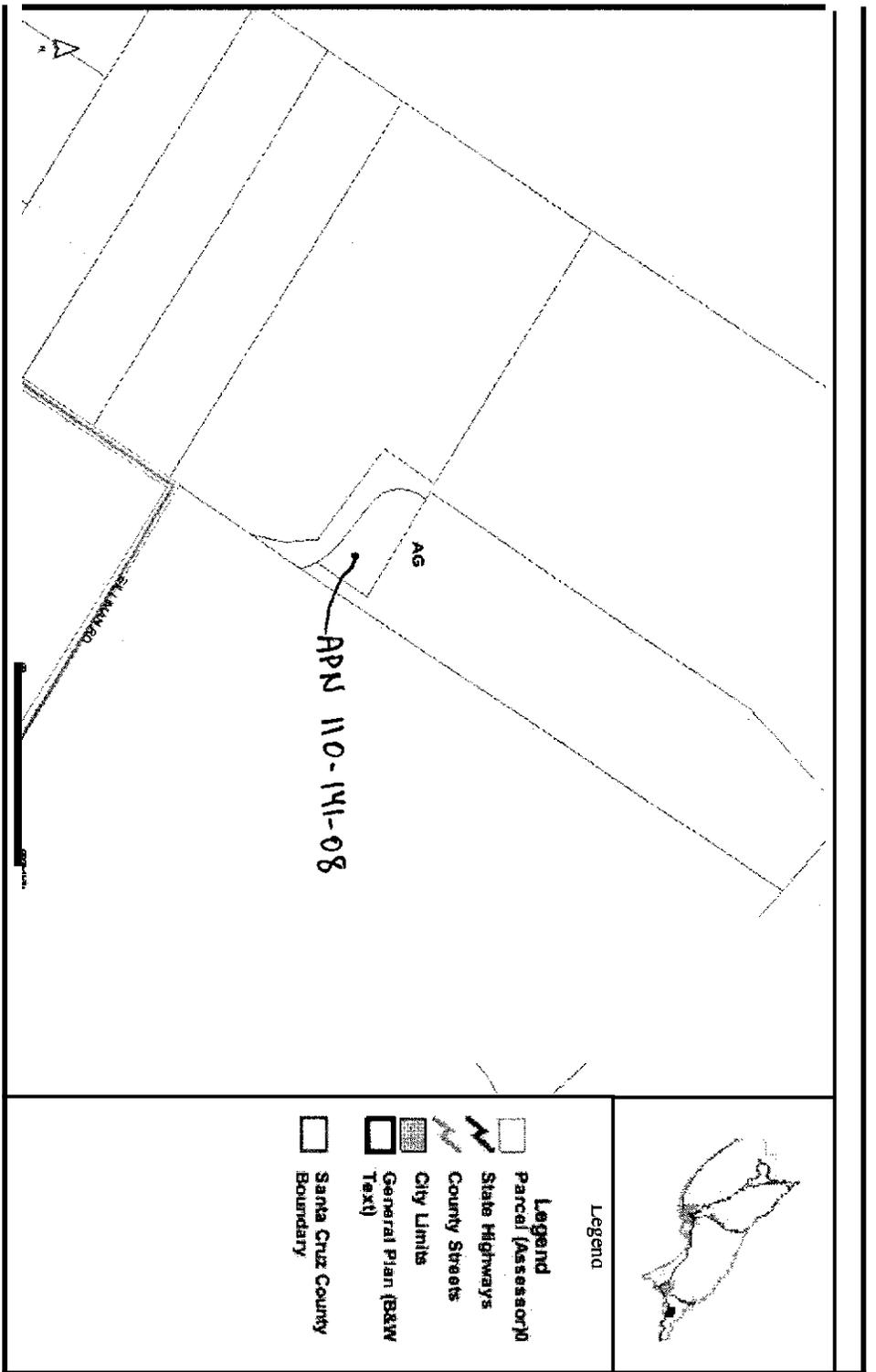


EXHIBIT F

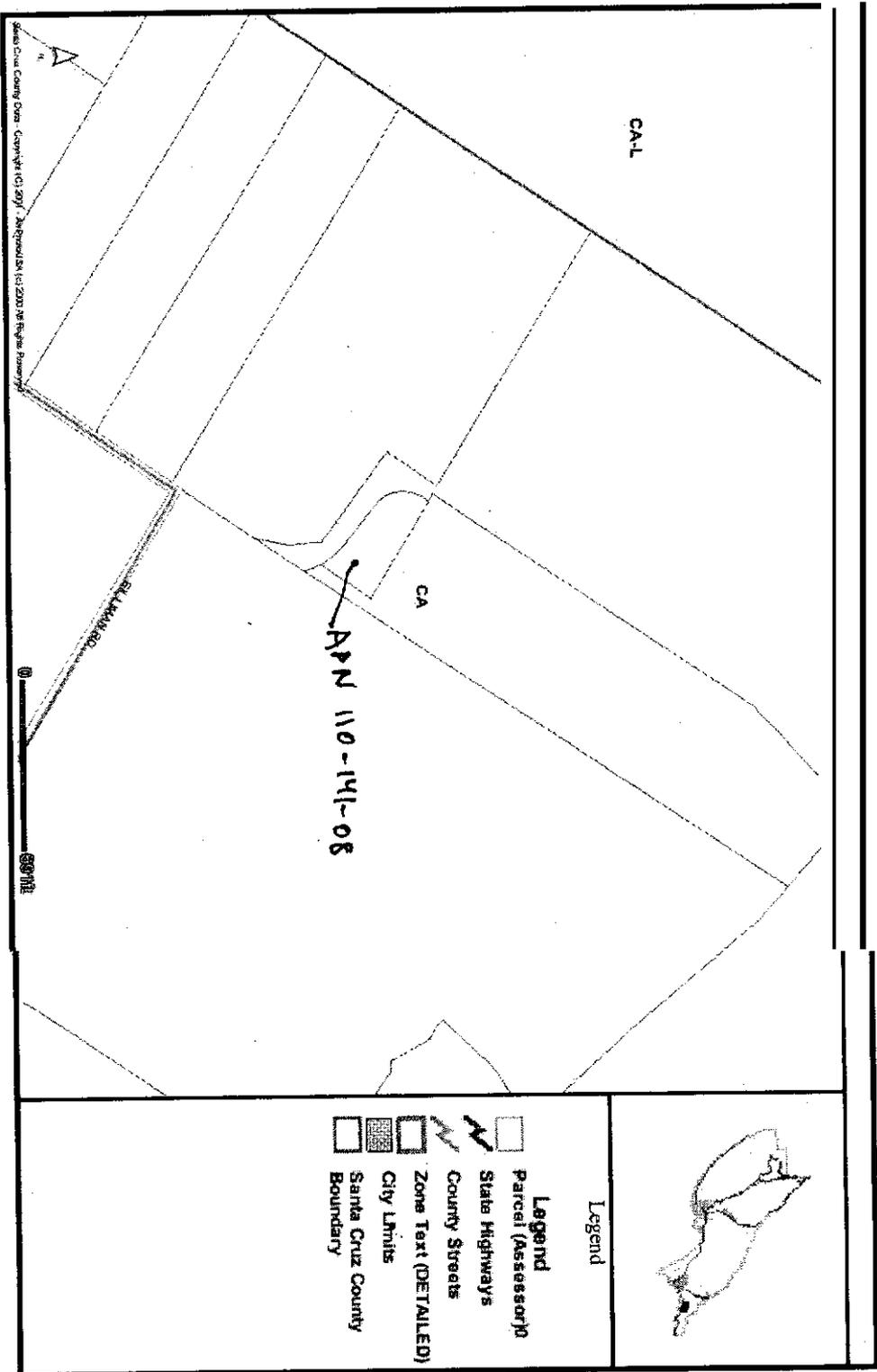


EXHIBIT F

Enter Map Title Here



Overview

Legend

- Parcel (Assessor)
- State Highways
- City Limits
- Santa Cruz County Boundary
- 2Ft Pixel