



Staff Report to the Agricultural Policy Advisory Commission

Application Number: 07-0722

Applicant: Eldon Sherwood
Owner: Gloria and Leopoldo Amaya
APN: 109-281-19

Date: 8/21/08
Agenda Item #: 7
Time: 1:30 p.m.

Project Description: Proposal to convert an existing single family dwelling to a second unit with nonhabitable storage and to construct a new 5,272 square foot primary dwelling with an attached 528 square foot garage.

Requires an agricultural buffer determination to reduce the required 200 foot agricultural buffer to about 118 feet, an archaeological review, and a geologic report review.

Location: Property located on the north side of Smith Road at the intersection with Casserly Road at 714 Casserly Road.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Denial of Application 07-0722, based on the attached findings and conditions.

Exhibits

- | | |
|---|--------------------------------------|
| A. Project plans | E. Zoning map |
| B. Findings | F. Comments & Correspondence |
| C. Categorical Exemption (CEQA determination) | G. Alternative Site Location (Staff) |
| D. Assessor's parcel map | |

Parcel Information

Parcel Size:	4.062 acres (176,974 square feet)
Existing Land Use - Parcel:	Single Family Residential
Existing Land Use - Surrounding:	Commercial Agriculture and Single Family Residential
Project Access:	Via Smith Road and Casserly Road
Planning Area:	Eureka Canyon
Land Use Designation:	AG (Agriculture)
Zone District:	CA (Commercial Agriculture)

Supervisory District: Fourth (District Supervisor: Tony Campos)
Within Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Mapped county fault zone; geologic hazards assessment accepted by County Geologist
Soils: Geotechnical report review required at building permit submittal
Fire Hazard: Not a mapped constraint
Slopes: Primarily flat topography that slopes gently upwards to the northeast.
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Proposed grading of approximately 389 cubic yards of earth; detailed grading review required prior to building permit issuance.
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: New drainage system for proposed single family residence to include catch basins in exposed slabs to drain to trench drains, surface drains at the perimeter of the residence, and a lined drainage swale along the rear property line which will drain toward the front of the property towards the County maintained drainage ditch along Casserly Road.
Archeology: Mapped archaeological resource; reconnaissance revealed no physical evidence at site.

Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No
Water Supply: City of Watsonville
Sewage Disposal: Septic
Fire District: Pajaro Valley Fire District
Drainage District: Zone 7

Parcel Description

The subject parcel is approximately 176,974 square feet (4.062 acres) and is zoned CA (Commercial Agriculture) and has a General Plan designation of A (Agriculture). The parcel has a General Plan Agricultural Resource Designation of Type 2B (Commercial Agricultural Land that is Geographically Isolated with Limiting Factors) as per County Code Section 16.50.040. This designation, in accordance with the General Plan designation and Zone District is further analyzed below.

The subject property is located at the Casserly Road -- Smith Road intersection and is therefore bound by Smith Road on the west and south sides of the property, defining the parcel as a corner lot under County Code Section 13.10.700-L. The site has two access points from the west and south.

There is an existing single family dwelling of about 980 square feet located on the northwest portion of the parcel that was built in 1873, according to Assessor's records. There is an existing

detached "agricultural building" of about 800 square feet located about 12.5 feet east of the existing single family dwelling and a tool shed of about 247 square feet located about 38 feet northeast of the agricultural building.

An area of approximately 1.6 acres on the west side of the parcel is currently planted with fruit trees. The east side of the parcel, approximately 1.7 acres, is currently open, vacant land.

The adjacent parcel to the east is zoned CA (Commercial Agriculture) and is developed with a single family dwelling. The adjacent parcels to the west and south across Smith Road, are also zoned CA (Commercial Agriculture) and are currently planted and used as such. The adjacent parcel to the north is zoned RA (Residential Agriculture) and is developed with a single family dwelling.

The existing single family dwelling meets the current 200 foot agricultural buffer requirements from the east and south adjacent CA zoned parcels and is within the 200 foot setback from the CA parcel adjacent to the west.

There is an existing fence that surrounds the existing fruit trees that is over three feet in height and is located within the front and street side yard setback. This fence can be defined as Agricultural Fencing, under County Code Section 13.10.521 in that it is located on a parcel within an agricultural zone district (CA) that it is not located adjacent to Highway One and it is constructed of horizontal wooden members spaced a minimum of one foot apart.

Project Scope

The property owner and applicant are proposing to convert the existing single family dwelling to a second unit and storage area, remove the existing 800 square foot agricultural building, re-locate the existing 247 square foot storage shed, and construct a two story residence of approximately 5,272 square feet with an attached 528 square foot garage. The majority of the square footage proposed will be on the first story which includes an interior courtyard with concrete and tile flooring and a swimming pool.

The residence is proposed to be located on the east portion of the property and would remove approximately 12,000 square feet of currently open Commercial Agriculture (CA) zoned land. The proposed house would be located 118 feet from the CA zoned property to the east, thereby requiring an Agricultural Buffer Setback reduction from the required 200-feet.

Analysis

The Santa Cruz County Code identifies and designates agricultural land through the use of zone districts and through agricultural land types. The subject parcel has a General Plan designation of A (Agriculture) and is zoned CA (Commercial Agriculture). The parcel is further classified in the General Plan as a Type 2B Agricultural Resource (Geographically Isolated Agricultural Land with Limiting Factors) as described in the County Code. These designations are described below (as summarized below with emphasis added):

- General Plan Objective 5.13: (Commercial Agricultural Land)
To maintain for exclusive agricultural use those lands identified on the County

Agricultural Resources Map as best suited to the commercial production of food, fiber and ornamental crops and livestock and to prevent conversion of commercial agricultural land to non-agricultural uses. **Agriculture is a priority land use and policy conflicts should be resolved in favor of preserving and promoting agriculture on designated commercial agricultural lands.**

- County Code Section 13.10.311(a): (Commercial Agriculture Zone District)
The purpose of the Commercial Agriculture Zone District is to preserve the commercial agricultural lands within Santa Cruz County which are a limited and irreplaceable natural resource, to maintain the economic integrity of the economic farm units comprising the commercial agriculture areas of the County, to implement the Santa Cruz County Code, and to maintain and enhance the general welfare of the county as a whole by preserving and protecting agriculture, one of the County's major industries. **Within the "CA" Commercial Agriculture Zone District, commercial agriculture shall be encouraged to the exclusion of other land uses which may conflict with it.**
- County Code Section 16.50.040 (Criteria for Designation):
Type 2 lands would be considered as Type 1A (viable agricultural land of known high productivity) except for one or more limiting factors such as parcel size, topographic conditions, soil characteristics or water availability or quality which may adversely affect continued productivity or which restrict productivity to a narrow range of crops. **Despite such limitations, these lands are considered suitable for commercial agriculture use.** Type 2B lands are further described as geographically isolated agricultural lands (isolated from other agricultural areas).

Based on the General Plan agricultural resource designation, and the descriptions and definitions in the County Code described above, the subject parcel is designated as Type 2B Commercial Agricultural (CA) land due to the current or past existence of prime agricultural soils and/or usage as commercial agricultural land. The County Code and General Plan clearly state that lands zoned Commercial Agriculture and that are a designated Agricultural Resource (Type 2B for the subject parcel) shall be reserved for agricultural uses and structures built on such lands shall be primary agricultural structures.

The County General Plan addresses Agricultural land uses in Chapter 5 under Objective 5.13 Agriculture. The following General Plan policies (summarized with emphasis added) are relevant to this project and emphasize the need to preserve Commercial Agricultural zoned lands:

- General Plan Policy 5.13.5: (Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land)
Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are **intended to be maintained exclusively for long-term commercial agricultural uses.** Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, fiber crops, raising of animals, and livestock production.

- General Plan Policy 5.13.6: (Conditional Uses on Commercial Agricultural (CA) Zoned Lands)
All conditional uses shall be subject to standards which specify siting and development criteria including size, location and density. **Allow conditional uses on CA zoned lands based upon the condition that the use is sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production.**
- General Plan Policy 5.13.7: (Agriculturally Oriented Structures)
Allow only agriculturally oriented structures or dwellings on Commercial Agricultural Land and **prohibit non-agricultural residential land use when in conflict with the fundamental objective of preserving agriculture.**

There are four specific findings that must be made for projects requesting a reduction to the required 200 foot Agricultural Buffer Setback (County Code Section 16.50.095(d)) which address topography, vegetation and other characteristics of the property to support a lesser setback. For parcels that are zoned CA (Commercial Agriculture), one additional finding must be made:

- 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 the agricultural use on the subject parcel; **and the non-agricultural development shall be located so as to remove as little land as possible from production or potential production.** (Emphasis added)

The subject parcel is zoned Commercial Agriculture and is approximately 4 acres total. Almost 1 acre in the center of the parcel is currently disturbed due to two existing driveways, an extensive grass area and the existing structures. Approximately 1.7 acres (approx. 74,052 square feet) on the east side of the parcel is currently open, undisturbed potential planting area, which, according to the above ordinances and policies, should be reserved for agricultural purposes. The area of the proposed residence, including the proposed interior courtyard, is approximately 12,000 square feet; thereby reducing this planting area to about 1.4 acres or 60,984 square feet.

It appears that there are other locations for the proposed residence on the property that would minimize the removal of commercial agricultural land. For example, the proposed residence may be moved west (about 65 feet) toward the existing residence where the land is already partially disturbed. In this alternative location, the proposed residence would encroach less into the potential planting area, thereby minimizing the removal of land from agricultural production.

It is possible that limiting factors could exist which would curtail the economic viability of commercial agriculture on a parcel with an Agricultural Resource designation. For those situations, the County Code provides direction for amending (adding, removing, or changing) the parcel designation where, "*new information has become available regarding the appropriateness of specific designations...*" (County Code Section 16.50.050). The Board of Supervisor's is the reviewing body for designation amendments and must be provided with evidence in the form of

one or more of the following in order to justify an amendment: a detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses.

The proposed single family residence is a permitted use on the subject property, however, the proposed location is out of compliance with the County Code and General Plan requirements to minimize the removal of land from potential commercial agricultural production (CA (Commercial Agriculture) zoned land with a General Plan designation of A (Agriculture) and an Agricultural Resource Type of 2B). The property owner and applicant have chosen not to pursue a designation amendment to remove the Type 2B classification from the parcel, which would eliminate the requirement to preserve the land for commercial agricultural use. In addition, the property owner and applicant are unwilling at this time to explore relocating the proposed residence to an area of the parcel that is already partially disturbed and that minimizes removal of potential commercial agricultural land. Therefore, all of the required findings for an agricultural buffer setback reduction cannot be met and the proposed project is out of compliance with County Code Section 13.10.311 (Purposes of Agricultural Districts), County Code Chapter 16.50 (Agricultural Land Preservation and Protection), and General Plan Objective 5.13 (Commercial Agricultural Land) and associated General Plan Policies 5.13.5 (Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land; 5.13.6 (Conditional Uses on Commercial Agricultural (CA) Zoned Land; and 5.13.7 (Agriculturally Oriented Structures), as discussed above.

Recommendation

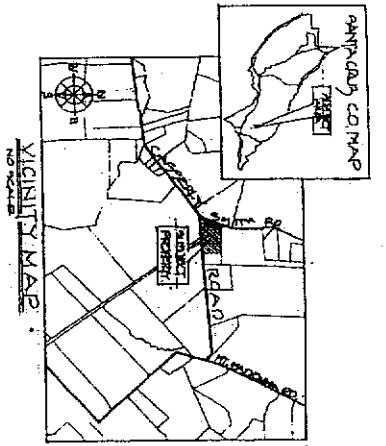
- Staff recommends that your Commission **DENY** the Agricultural Buffer Reduction from 200 feet to 118 feet from APN 109-281-17 feet to the single-family dwelling from the adjacent CA zoned property known as APN 109-281-17 proposed under Application #07-0722, based on the attached findings.

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



PROJECT GENERAL INFORMATION

OWNER:
LBO & GARY AMAYA
174 CALLE DEL SOL
SAN JOSE, CA 95128
PHONE: 408-734-1114

ADDRESS:
174 CALLE DEL SOL
SAN JOSE, CA 95128

APPROXIMATE AREA:
4.5 ACRES ON 31.44 AC. TRACT

GENERAL PLAN & ZONING DESIGNATION:
THE GENERAL PLAN DESIGNATION IS RESIDENTIAL SINGLE-FAMILY (RS-1) ZONED.

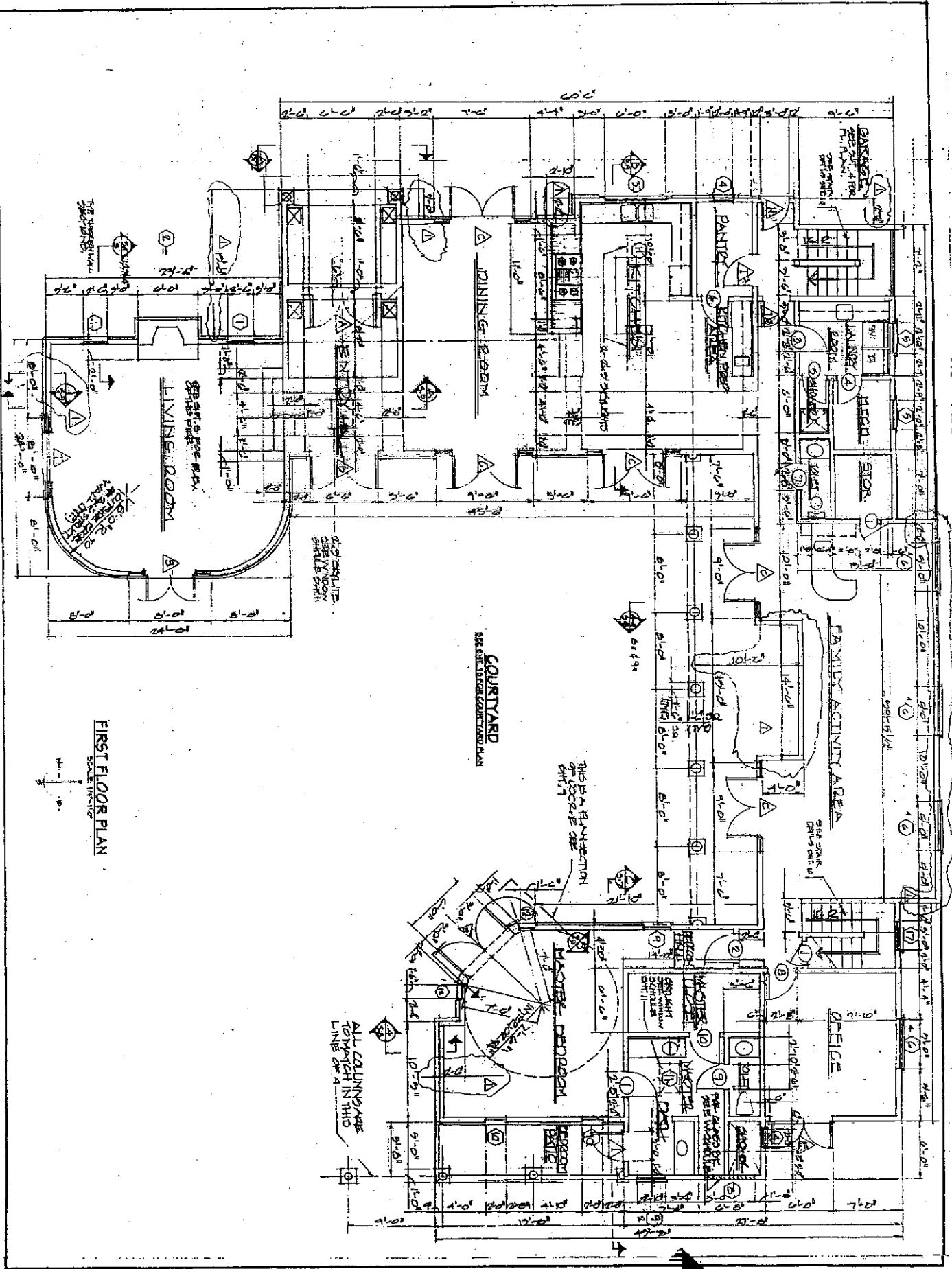
SERVICES:
WATER - ON SITE WELL
SEWER - ON SITE TANK
ELECTRIC - PUEBLO GAS & ELECTRIC - PUEBLO GAS & ELECTRIC

EXISTING USE:
THERE IS ONE 1,200 SQ. FT. HOME, CONTAINING 3 BEDROOMS, 2 BATHS, AND A KITCHEN. THE HOME IS CONSIDERED TO BE IN POOR CONDITION AND IS BEING DEMOLISHED. THE EXISTING HOME IS BEING DEMOLISHED TO MAKE WAY FOR THE NEW HOME.

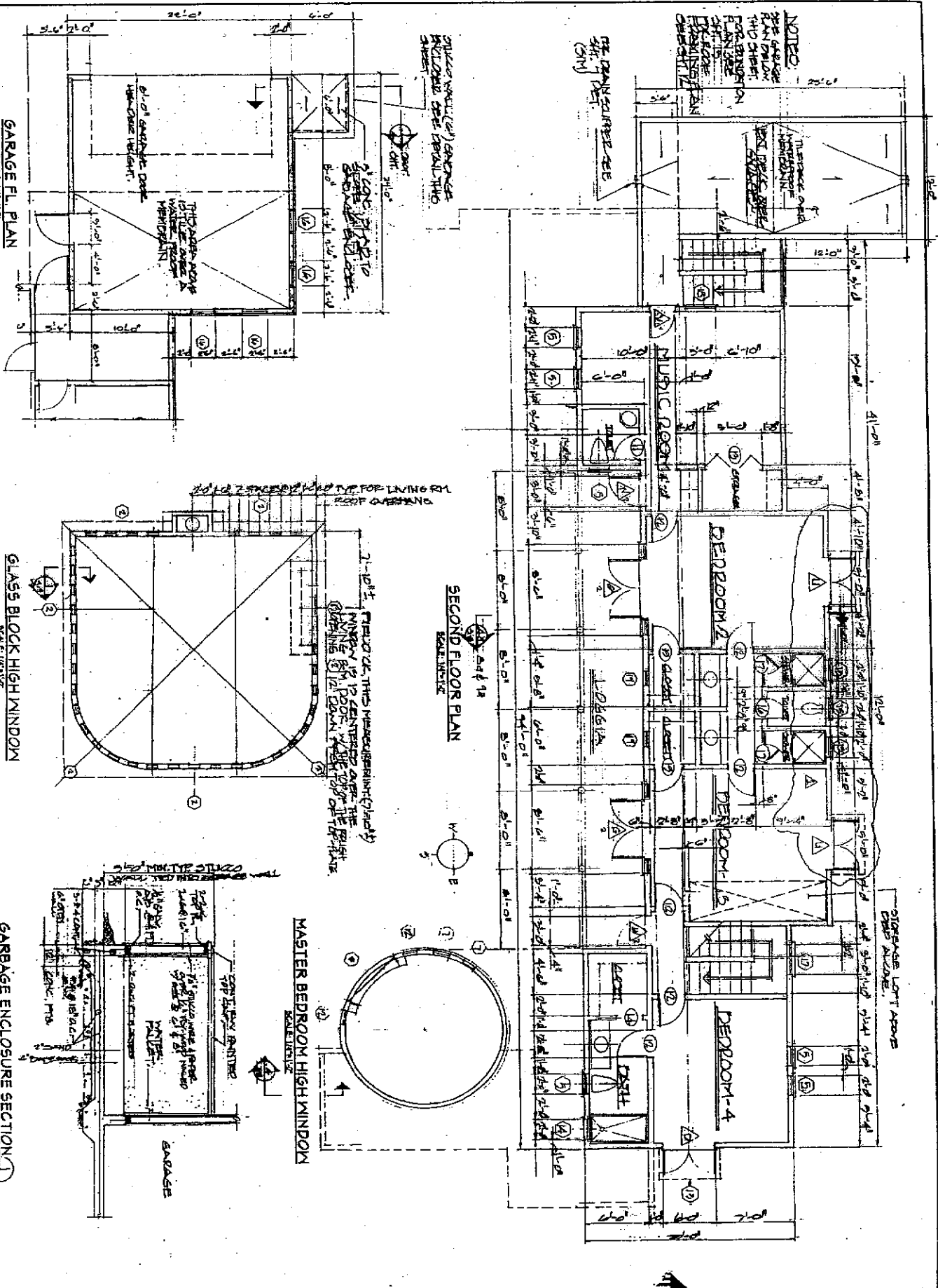
DESIGN USE:
THE DESIGN USE OF THE TRACT WILL BE A SINGLE-FAMILY RESIDENTIAL HOME, WITH A POOL, AND A GARDEN.

ABBREVIATIONS

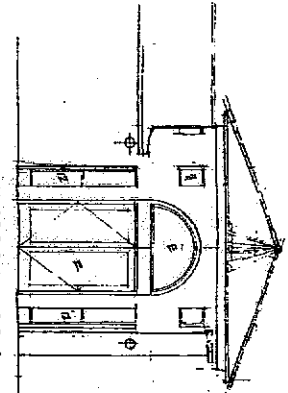
AB	ANCHOR BOLT	INSUL	INSULATION
AC	ADJUSTABLE CONCRETE	LAB	LABORER
AD	ADJUSTABLE	LANE	LANE
AE	ANGLE	LA	LA
AF	AT	MA	MA
AG	BLOCK	MB	MB
AH	BLOCK	MC	MC
AI	BLOCK	MD	MD
AJ	BLOCK	ME	ME
AK	BLOCK	MF	MF
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CB	BLOCK	PZ	PZ
CC	BLOCK	QA	QA
CD	BLOCK	QB	QB
CE	BLOCK	QC	QC
CF	BLOCK	QD	QD
CG	BLOCK	QE	QE
CH	BLOCK	QF	QF
CI	BLOCK	QG	QG
CJ	BLOCK	QH	QH
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CL	BLOCK	QJ	QJ
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CQ	BLOCK	QO	QO
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CF	BLOCK	RA	RA
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FIRST FLOOR PLAN

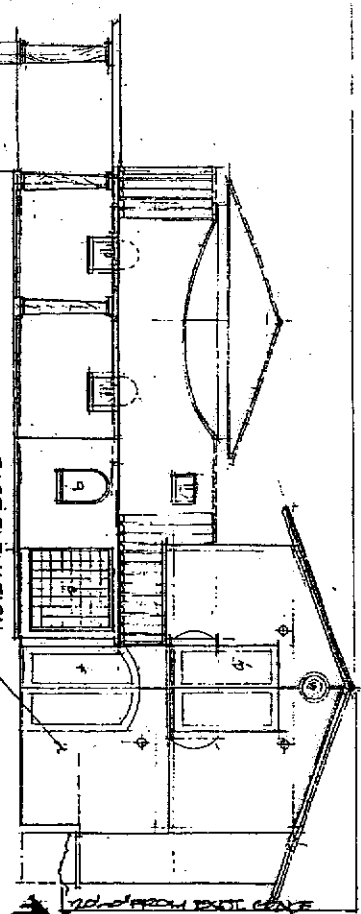


MASTER BEDROOM
SOUTH ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"

MASTER BEDROOM
GARDEN WALL, SEE
SECTION 1-1



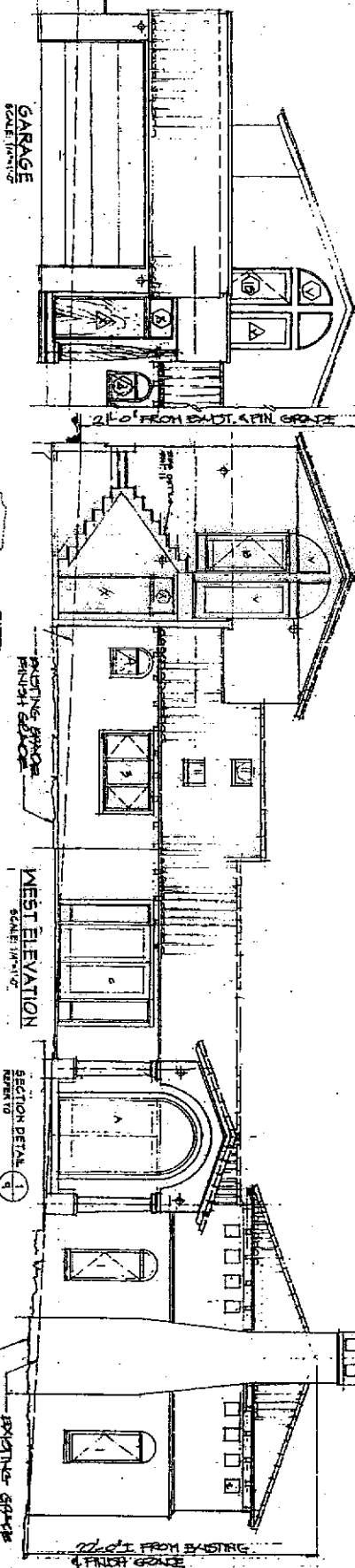
GARAGE
SCALE 1/8" = 1'-0"

PORCH
SCALE 1/8" = 1'-0"

WEST ELEVATION
SCALE 1/8" = 1'-0"

SECTION DETAIL
REFER TO
SECTION 1-1

PORCH
SCALE 1/8" = 1'-0"

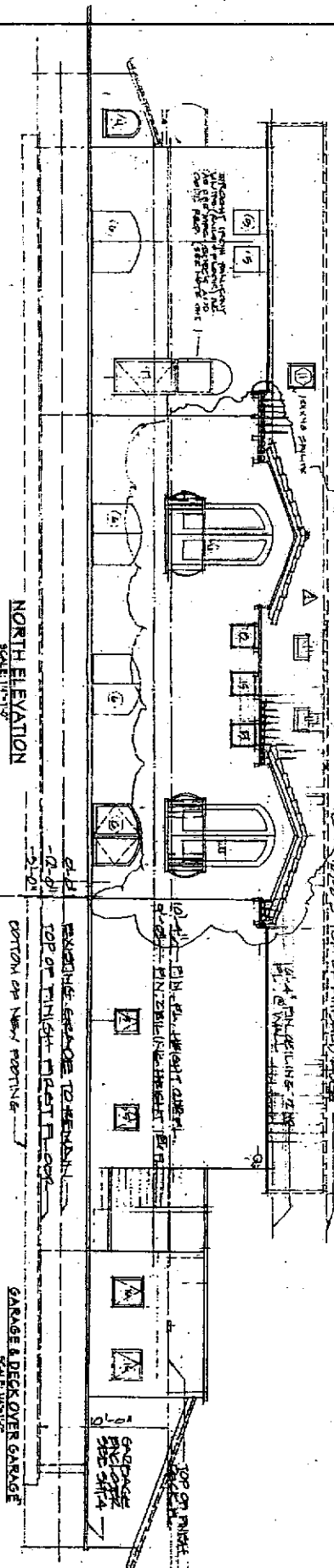


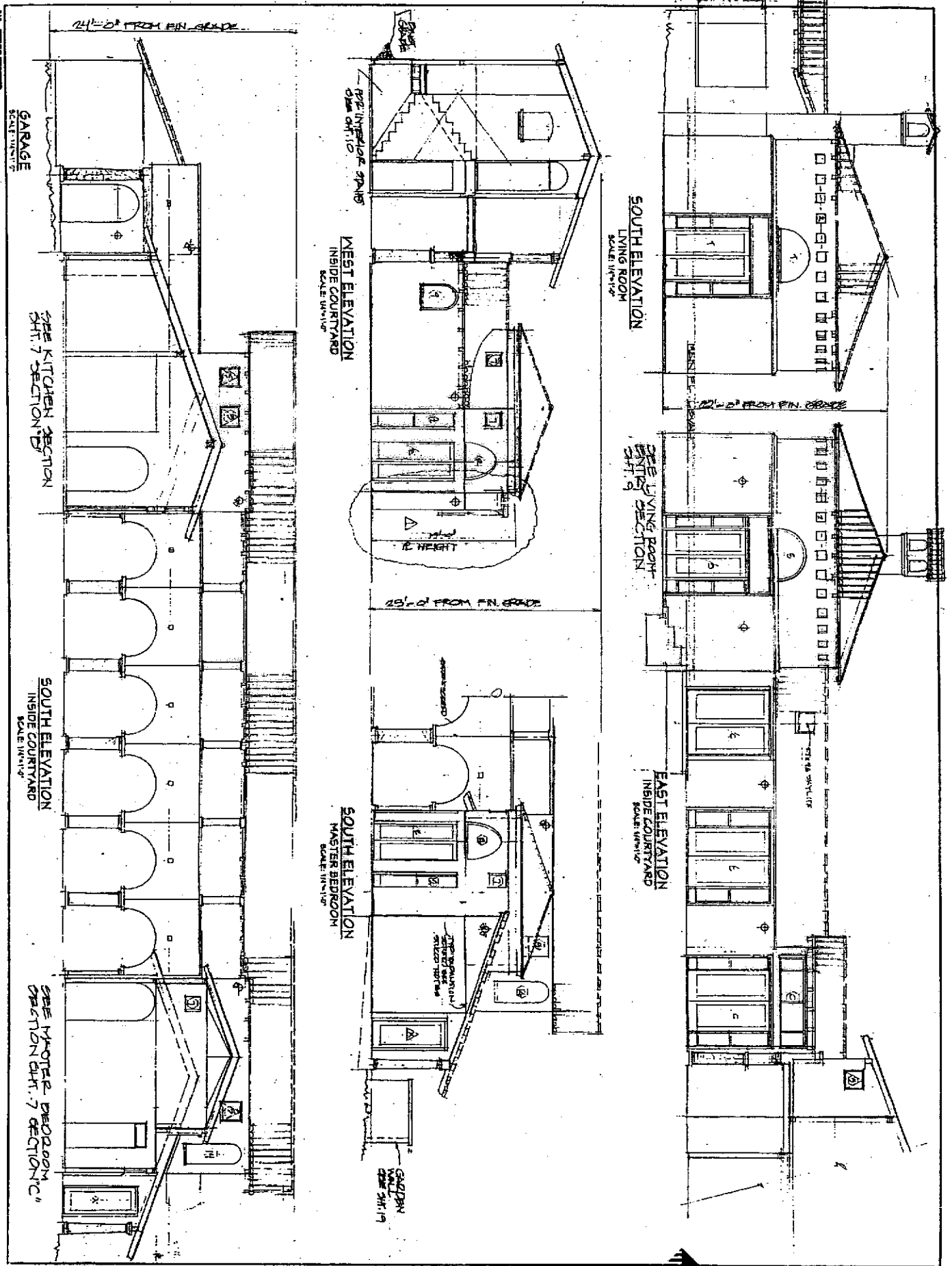
NORTH ELEVATION
SCALE 1/8" = 1'-0"

2'-0"

2'-0"

GARAGE & DECK OVER GARAGE
SCALE 1/8" = 1'-0"





6

DATE: 07/20/07
BY: [Signature]
CHECKED: [Signature]

THE AMAYA FAMILY RESIDENCE
714 CARROLLY RD. WATSONVILLE, CA 95076
TEL: 831-724-2548 APN: 109-231-19

ELEVATIONS

SHERWOOD
EXHIBIT A

DATE: 07/20/07
BY: [Signature]
CHECKED: [Signature]

****There must be a positive finding associated with each of the criteria listed below to support approval of an agricultural setback reduction; however, only one finding is required to support denial of an application, which is shown in bold italic type below.**

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

1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminates or minimizes the need for a 200 foot agricultural buffer setback; or
2. Permanent substantial vegetation (such as a Riparian Corridor or Woodland protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which eliminate or minimize the need for a two hundred (200) foot agricultural buffer setback; or
3. A lesser setback is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural development and the adjacent agricultural land, 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) or the existence of some other factor which effectively supplants the need for a two hundred (200) foot agricultural buffer setback; or
4. The imposition of a two hundred (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 (e.g. solid fencing and/or vegetative screening) to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

**Required Finding for Agricultural Buffer Setback Reduction on Commercial Agriculture
(CA) Zoned 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 the agricultural use on the subject parcel; and the non-agricultural development shall be located so as to remove as little land as possible from production or potential production.

This finding cannot be made in that the subject parcel is zoned CA (Commercial Agriculture) and carries an Agriculture (AG) General Plan designation and an Agricultural Resource classification of Type 2B; therefore, the parcel is designated for agricultural production. The proposed development is not sited so as to remove as little land as possible from potential production in that the residence is to be located on the east portion of the parcel which is about 1.7 acres (approx. 74,052 square feet) of currently open, undisturbed, potential planting area. The proposed development would reduce this area to about 1.4 acres (approx. 60,984 square feet). Staff has determined that there are other areas on the parcel that would support

EXHIBIT B

a single family dwelling without removing as much commercial agricultural land as the proposed building location; therefore, the proposed project does not meet this criterion and staff cannot recommend that your Commission approve the proposed agricultural buffer setback reduction.

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: 07-0722

Assessor Parcel Number: 109-281-19

Project Location: 714 Casserly Road, Watsonville

Project Description: Agricultural Buffer Setback Reduction

Person or Agency Proposing Project: Eldon Sherwood

Contact Phone Number: (831) 457-0353

- 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 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Proposal to construct a new single family dwelling and convert the existing single family dwelling to a second unit and storage.

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


Samantha Haschert, Project Planner

Date: 6/13/08

Electronically drawn 10/27/97 KSA
 Rev 4/8/98 CB (Tax Consolidation)
 Rev 10/12/01 nve (changed page refs.)
 Rev 10/24/02 CB 002H526

FOR TAX PURPOSES ONLY

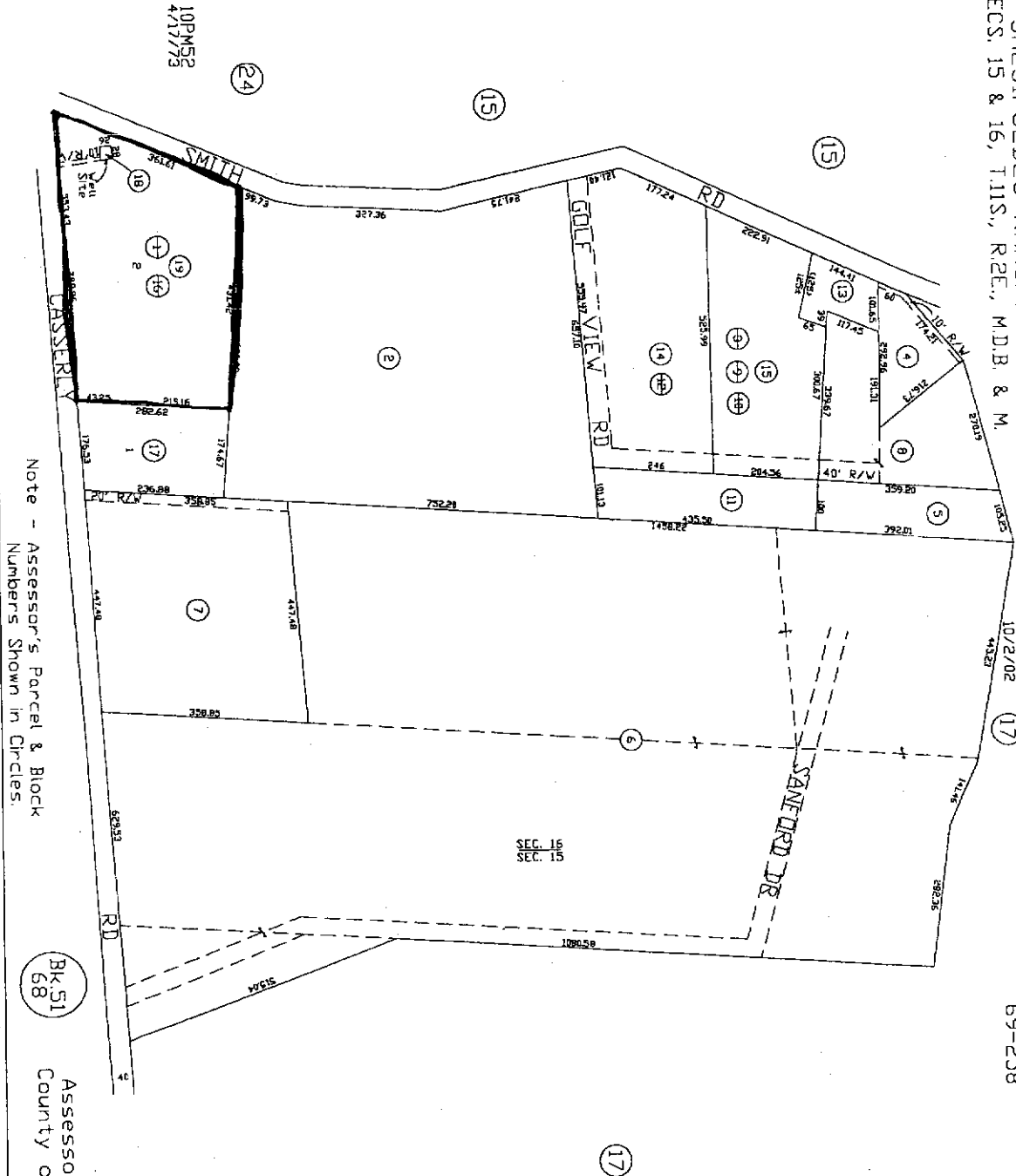
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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SALSIPUEDES RANCHO
 POR. SECS. 15 & 16, T.11S., R.2E., M.D.B. & M.

102R526
 10/2/02

Tax Area Code
 69-258

109-28



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

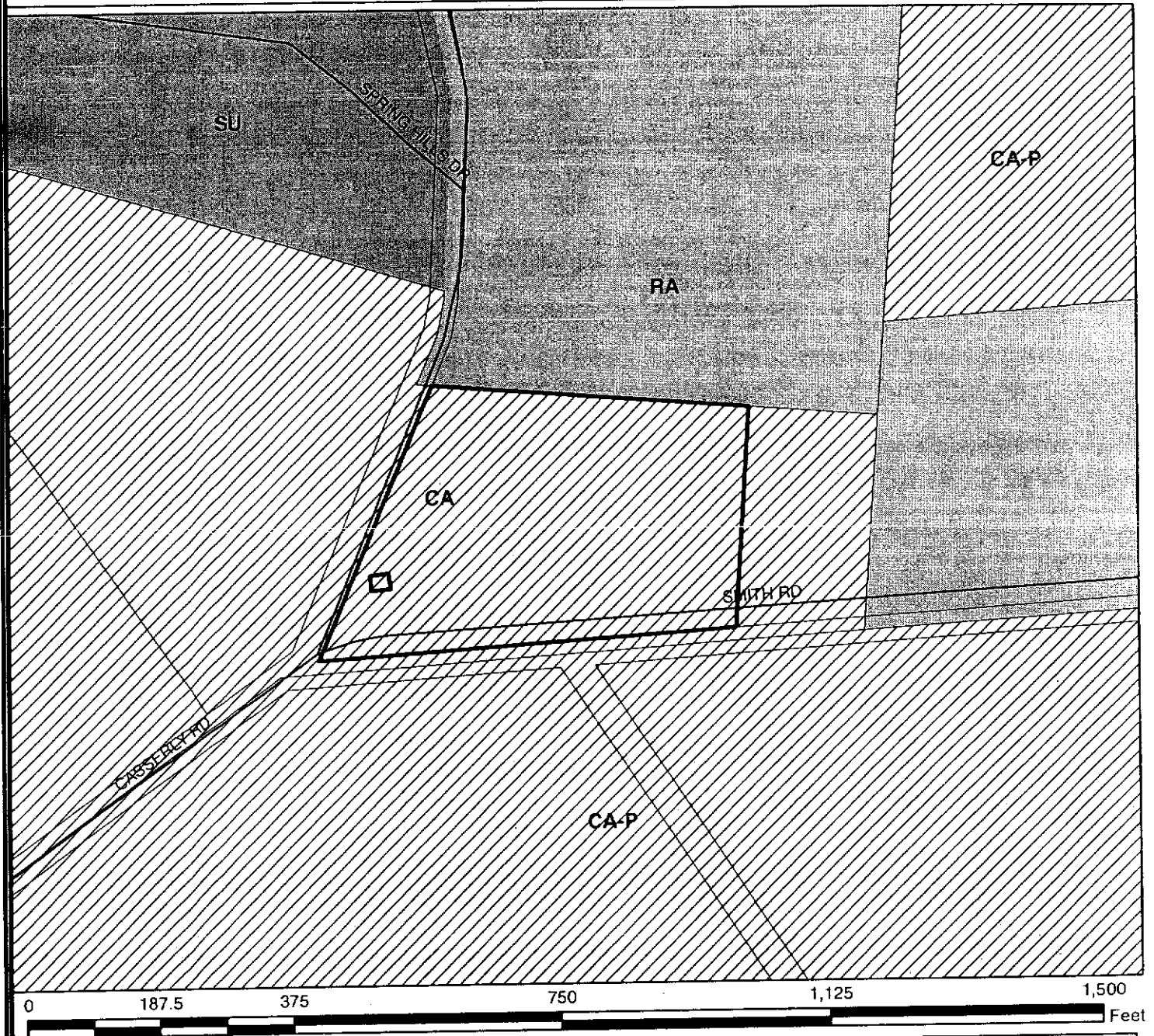
Bk. 51
 68

Assessor's Map No. 109-28
 County of Santa Cruz, Calif.
 Oct. 1997






EXHIBIT D

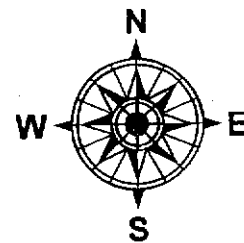


Zoning Map



LEGEND

-  APN: 109-281-19
-  Assessors Parcels
-  Streets
-  AGRICULTURE RESIDENTIAL
-  AGRICULTURE COMMERCIAL



Map created by
County of Santa Cruz
Planning Department
December 2007

EXHIBIT E

Samantha Haschert
Project Planner
Development Review
Santa Cruz County Planning Department
701 Ocean Street – 4th Floor
Santa Cruz, CA 95060

July 8, 2008

**RE: APPLICATION # 07- 0722; SINGLE FAMILY HOME FOR THE
AMAYA FAMILY LOCATED ON PARCEL: 109-281-19**

Dear Ms. Haschert:

I have been working with the Amaya family for over twelve years. the first ten in trying to find a new home site in the Watsonville area for their immediate and extended family. When they found a site they were interested in, whether in North Monterey County or in the Watsonville area, they called me to check the site as to buildability but more importantly, the difficulty of obtaining a building permit. The problems they have encountered in the ten years property searching were unbelievable, from real estate agents not taking them seriously to plain old discrimination which I experienced with them firsthand.

Approximately, three years ago, after investigating the current 714 Casserly Road site with the staff at the county planning department we found that there may be agricultural setback requirements and there may be a need for a Geologic Hazards Assessment. There were no other issues as determined by the county planning department counter staff. After a set of preliminary drawings were finished, we returned to the planning department and still there were no additional issues other than the two mentioned. Geologists were retained and working drawings were begun. As soon as there was enough of the working drawings prepared, a Structural Engineer was retained to assist with the required calculations. County Environmental Health required an Engineered Septic System so a Sanitation Engineer was hired to prepare the new Engineered Septic System. Two other consultants were hired to assist with the project and it appeared the project was scheduled to move forward after a site visit from the District Supervisor and his aide.

It now appears that we are being asked to change the entire approach to this project simply because???

As to your concerns in your June 13 letter, which is difficult to understand:

It is my understanding the only current reviewing body for this project is the Agricultural Policy Advisory Commission [APAC] And it is my further understanding that your staff report to APAC will be for denial based upon the location of the home and its size. The last sentence in paragraph 5 of your letter is not based in fact. If you would have researched the property file, you would have found that the County took this property out of the Viable Agricultural Production category in 1973 when they approved the minor land division into its current size. I do not know of any economically viable crops that can be raised on five acres or less that are not contiguous regardless of soil type. Therefore, the agricultural concern about this property in question is moot based on fact. Knowing the family as well as I know them, all of the useable growing area will be used by their family for years to come.

Agricultural Viable knowledge is based on the research developed when preparing the Agricultural Preservation Ordinance for the Napa Valley 1977-1978, This was the first Agricultural Preservation Ordinance in the USA.

We wish to stand strong in support of what we have submitted and see no constructive reasoning for any changes at this time.

Respectfully submitted,



Eldon D. Sherwood

SHERWOOD BUILDERS
URBAN PLANNING, DESIGN &
CONSTRUCTION SERVICES

EXHIBIT F

Samantha Haschert

From: Ken Corbishley
Sent: Tuesday, July 08, 2008 3:24 PM
To: Samantha Haschert; 'Jess Brown (jessbrown@sbcglobal.net)'
Cc: Steven Guiney
Subject: RE: Minimum parcel size for commercial Ag

Samantha,

I wish there was a clear cut answer. Some growers may have multiple locations consisting of small acreage. A person could potentially grow on one acre and sell the produced commodities at farmers market and generate an income. Questions such as how much of a persons income needs to come from the grown commodities and the value of the crops produced may help to answer the question. Growers here grow high value commodities that are capable of grossing up to \$52,000 per acre per year. I believe the 4 to 5 acres is a good minimum however there may be situations where someone could grow on less acreage.

If I come across additional information I will forward that to you.

Ken

EXHIBIT F



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

July 17, 2008

Eldon Sherwood
121 National Street
Santa Cruz, CA 95060

Subject: Application # 07-0722; Assessor's Parcel #: 109-281-19
Owner: Gloria and Leopoldo Amaya

Dear Mr. Sherwood and Mrs. Amaya:

The purpose of this letter is to clarify some outstanding issues with this project as discussed at our meeting on July 8th, 2008. Those present at the meeting were: Samantha Haschert, Project Planner; Steve Guiney, Previous Project Planner; Gloria Amaya, Property Owner; and Eldon Sherwood, Land Use Consultant.

Fence Regulations

The completeness letter dated June 13, 2008 references the existing fence on the property as requiring a Residential Development Permit for being over 3-feet in height and located within the front and street side yard setbacks. Planning staff has determined that this fence falls under the category of an agricultural fence, which is permitted in these setback areas up to six feet in height because it is constructed of horizontally oriented wooden members spaced a minimum of 1 foot apart and used for agricultural purposes. (County Code Section 13.10.525 (c)(3)) In addition, the temporary backboard structure will not require a Residential Development permit because it is a movable structure.

Separation between Buildings

The completeness letter dated June 13, 2008 discussed a 20-foot separation requirement between dwelling units located in agricultural zone districts, which was provided for general information should the proposed home be relocated closer to the existing residence. This section of the County Code was recently amended to reduce the required 20-foot separation between dwelling units to 10-feet. (Ord. No. 4836)

Staff Recommendation

As discussed in detail in the completeness letter, staff feels that without further information, such as an agricultural viability report prepared by an agricultural consultant, it is not possible to make the following required finding:

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 located so as to remove as little land as possible from production or potential production."

The applicant has not submitted enough information for staff to support the determination that the parcel is too small to be viable commercial agricultural land. In addition, the County Agricultural Commissioner's office has stated that there are crops grown in Santa Cruz County that can provide up to \$52,000.00 per acre income, indicating that growing crops on small parcels or portions of parcels can be economically feasible. Finally, the General Plan agricultural designation of Type 2B is currently in place and staff must observe this designation in reviewing the project because lands with this designation are considered suitable for commercial agricultural use. It is worth noting that the current Type 2B designation was placed on the parcel in 1978 or later as part of the Measure J implementation process, well after the 1973 land division (and "determination" that the parcel was too small for agricultural use) referenced in Mr. Sherwood's letter of July 8, 2008. If you feel that this designation is incorrect, there is a process for amending the designation that requires APAC, Planning Commission, and Board of Supervisors approval. Please contact me if you would like more information about this process.

APAC will make the final decision on this project so staff would encourage the applicant to attend the APAC meeting and speak before the Commission. Prior to the APAC meeting, the applicant and property owner will receive a copy of the staff report in the mail.

APAC Meetings

The next two APAC meetings are scheduled for August 21st and September 18th and are held at 1:30 p.m. To assist in scheduling, please let me know as soon as possible if you are unable to attend either of these days. After staff prepares the staff report, a meeting reservation will be submitted for one of the above two meeting dates. Staff will contact the applicant regarding the final scheduled meeting date. Please also be aware that although APAC is scheduled to meet once per month, meetings are occasionally cancelled due to a lack of quorum.

Neighborhood Notification Sign

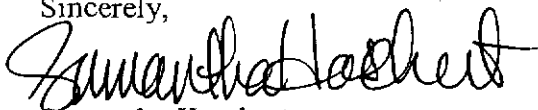
This project is a Level 5 review which requires the placement of a sign on the property prior to a public hearing. Please place a sign on the property according to the enclosed *Guidelines for Earlier Notification*. You must install 1 sign on your parcel on the south property line clearly visible from Smith Road. You must use the following text on the sign(s). You must take a photograph of the sign(s) as installed, attach it to the installation certificate (found in the *Guidelines for Earlier Notification*), and complete and return the certificate to your Project Planner.

Application #:	07-0722
Description:	Proposal to convert an existing single family dwelling to a second unit with nonhabitable storage and to construct a new 5272 square foot primary dwelling with an attached 528 square foot garage. Requires an Agricultural Buffer Determination to reduce the

	required 200 foot agricultural buffer, an archaeological review, and a geologic review.	
Location:	Property located on the north side of Smith Road at the intersection with Casserly Road at 714 Casserly Road.	
APN:	109-281-19	
<u>Applicant:</u> Eldon Sherwood 121 National Street Santa Cruz, CA 95060 (831) 457-0353	<u>Project Planner:</u> Samantha Haschert Planning Department 701 Ocean Street, 4 th Floor Santa Cruz, CA 95060 (831) 454-3214	

Should you have further questions concerning this application, please contact me at:
(831) 454-3214 or e-mail: samantha.haschert@co.santa-cruz.ca.us

Sincerely,



Samantha Haschert
Project Planner
Development Review

TYP.
U.O.N.
VERT.
V.G.
W.
W.
W.C.
W.D.
W.H.
WIND.
W.W.F.

TYPICAL
UNLESS OTHERWISE NOTED
VERTICAL
VERTICAL GRAIN
WITH
WASHER
WATER CLOSET
WOOD
WATER HEATER
WINDOW
WELDED WIRE FABRIC

MISCELLANEOUS DET.	
14	MAIN FLOOR FRAMING
15	SECOND FLOOR FRAMING
16	OPEN FOR FUTURE
17	FIRE ROOF & DRAINAGE
18	COURTYARD PLAN
19	PROPOSED LANDSCAPE FEZ
20	ALTERNATIVE ON-SITE WASTEWATER DESIGN
E1	MAIN FLOOR ELECTRICAL
E2	SECOND FLOOR ELECTRICAL
T-24	ENERGY COMPLIANCE DOGUME
H-1	HYDRONIC HEATING PLAN

