

Staff Report to the Agricultural Policy Advisory Commission

Application Number: 08-0245

Applicant: Ray Schmitt

Owner: Paul and Kathleen Robins

APN: 109-051-05

Date: 10/16/08

Agenda Item #: 8

Time: 1:30 p.m.

Project Description: Proposal to install a single family manufactured home and to construct a

1350 square foot barn on a vacant parcel.

Requires an Archaeological Site Review and an Agricultural Buffer Determination to reduce the required 200' setback to about 95' from APN 109-051-10, about 160' from APN 109-061-02, and about 15' from existing Commercial Agriculture on the subject parcel.

Location: Property located on the south side of Green Valley Road just east of the intersection of Apple Valley Road.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

• Approval of Application 08-0245, based on the attached findings and conditions.

Exhibits

A. Project plans

B. Findings

C. Conditions

D. Categorical Exemption (CEQA

determination)

E. Assessor's parcel map

F. Location map

G. Zoning map

H. Ag Designation map

I. Comments & Correspondence

Parcel Information

Parcel Size:

7.874 acres (343,004 square feet)

Existing Land Use - Parcel:

Commercial Agriculture (Fruit trees)

Existing Land Use - Surrounding:

Commercial Agriculture & SFD's built at rural densities

Project Access:

Via Green Valley Road

Planning Area:

Eureka Canyon

Land Use Designation:

AG (Agriculture)

Owner: Paul and Kathleen Robins

Zone District:

CA-P (Commercial Agriculture with an Agricultural

Preservation Contract)

Supervisorial District:

Fourth District (District Supervisor: Tony Campos)

Within Coastal Zone:

___ · Inside X Outside

Appealable to Calif. Coastal Comm.

X No

Environmental Information

Geologic Hazards:

Site subject to liquefaction; soils report required with building permit.

Soils:

Not a mapped constraint Not a mapped constraint

Fire Hazard: Slopes:

Site slopes slightly downward to the south and west property lines.

Env. Sen. Habitat:

Riparian area identified along the west, south and east property lines;

structures not encroaching into required setback; therefore, no

additional technical reports required.

Yes

Grading:

About 357 cubic yards of grading for overexcavation/recompaction

proposed; grading plans required at building permit stage.

Tree Removal:

About 17 fruit trees proposed for removal.

Scenic:

Not a mapped resource

Drainage:

Drainage to be reviewed with building permit.

Archeology:

Mapped Archaeological resource; reconnaissance found no evidence

X No

of prehistoric artifacts.

Services Information

Inside Urban/Rural Services Line:

Yes

Water Supply:

Well Septic

Sewage Disposal: Fire District:

Pajaro Valley Fire District

Drainage District:

Zone 7

Analysis and Discussion

The proposed project is to install a single story manufactured single family dwelling of approximately 3,437 square feet and a 1350 square foot barn on a 343,004 square foot (7.874 acre) parcel. The building site of the habitable single family dwelling is within 200 feet of Commercial Agricultural land to the north and south. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 95' from APN 109-051-10, about 160' from APN 109-061-02, and about 15' from existing commercial agriculture on the subject property.

The subject property is characterized by primarily flat topography that slopes slightly downwards towards Green Valley Creek which runs along the west and south property lines. The parcel is not located within the Urban Services Line and may be characterized as rural, commercial agricultural area. The parcel carries an Agriculture (AG) General Plan designation and the implementing zoning is (CA-P) Commercial Agriculture with an Agricultural Preservation Contract. The existing Agricultural Preservation Contract (AP 1-68) on the subject parcel allows for structures to be erected which are directly related to and are compatible with the agricultural use and for residential buildings for such individuals as may be engaged in the management of

Owner: Paul and Kathleen Robins

said land and their families; therefore, the proposed single family dwelling and barn are allowed uses in the existing Agricultural Preserve Contract.

A reduced agricultural buffer is recommended due to the fact that the proposed location of the structures is the most desirable building site on the parcel in that it removes as little land from agricultural production as possible, it does not conflict with riparian areas on the parcel and therefore does not require a Riparian Exception, and it is located close to the roadway which minimizes the amount of impervious surface from driveways.

The applicant will be required to provide a six foot tall, solid wood board fence with vegetation along a portion of the north property line to protect the commercial agricultural interests on the north adjacent Commercial Agriculture zoned parcel. The applicant shall further be required to record a Statement of Acknowledgement regarding the issuance of a county building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts.

Recommendation

• Staff recommends that your Commission APPROVE the Agricultural Buffer Reduction from 200 feet to about 95' from APN 109-051-10, about 160' from APN 109-061-02, and about 15' from commercial agriculture on the subject parcel as proposed under Application # 08-0245, 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: Samantha Haschert

Santa Cruz County Planning Department

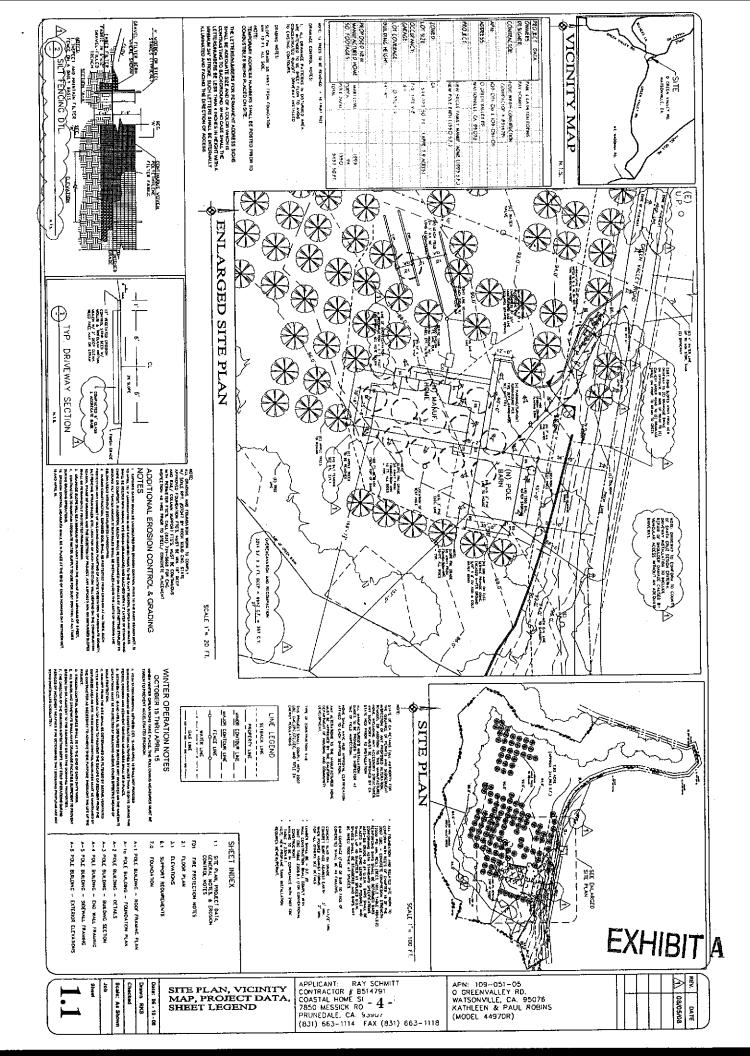
701 Ocean Street, 4th Floor Santa Cruz CA 95060

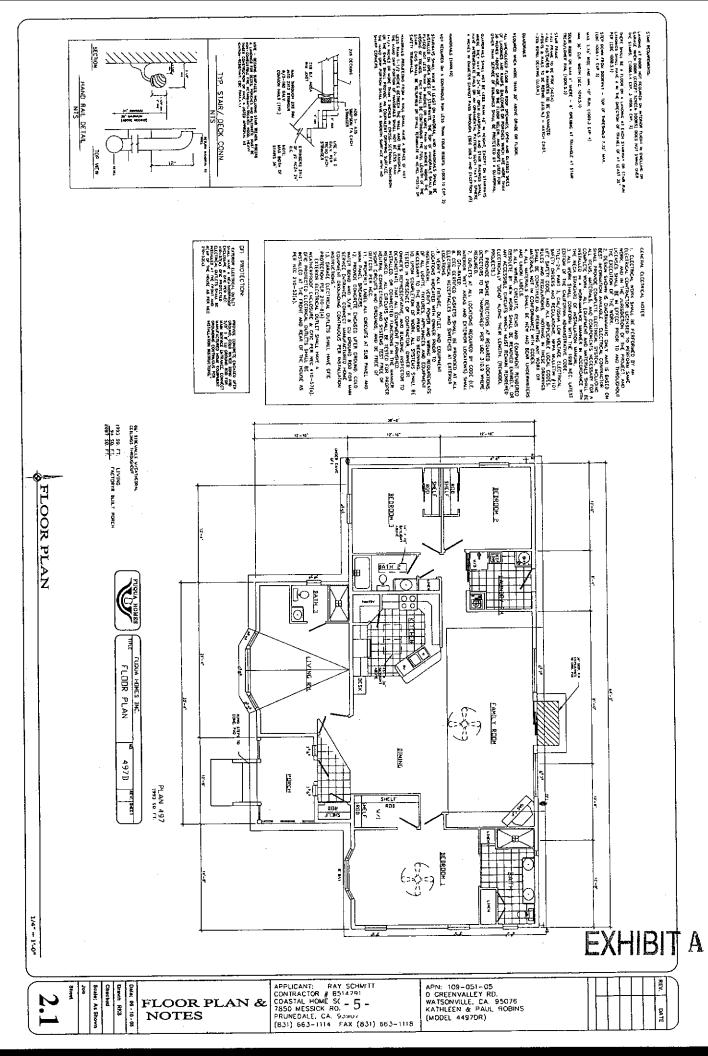
Phone Number: (831) 454-3214

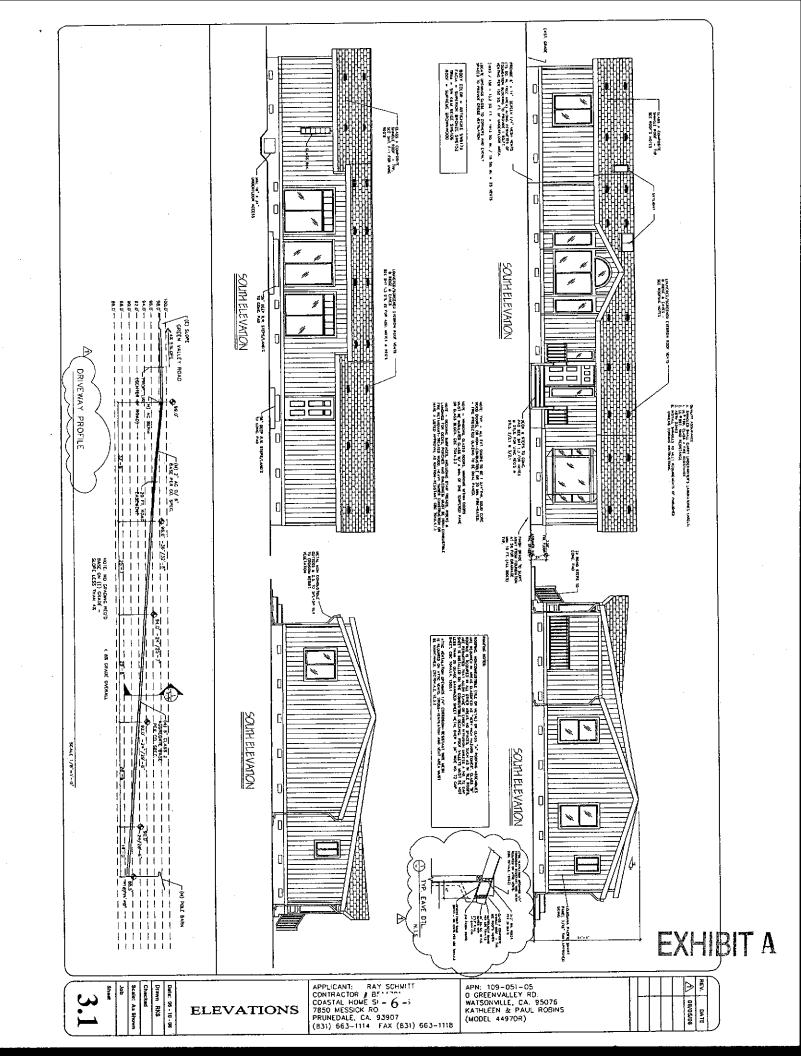
E-mail: samantha.haschert@co.santa-cruz.ca.us

Report Reviewed By: Paia Levine

Principal Planner Development Review







INDEXES

	A-6	A-5	A-A	K-A	A-2	A-	A-la	77.77	
	ELEVATIONS	SIDE WALL FRAMING	END FRAMING	INTERIOR FRAMING ELEVATION	DETAILS	ROOF FRAMING PLAN	FOUNDATION PLAN	TITLE .	SHEETS
		on		UI ·		1, 2, 6		ITEM REFERENCE	

REVISIONS/COMMENTS

SEE ATTACHED SHEET CONTRACT POLE BARN FLOOR PLAN DARN %" = 1 30,0



COPYRIGHT & 2002-2007 HANSEN POLE BUILDINGS, LLC ALL BUTH'S RESERVED. 08-27-08 080164 11.4

DESIGN NOTES: TRUE LINE LAND (PUBLINS) - 21 and GRIUHO SNOW LAAD: 17 - 21 at 18 STILLING LAND.

SPÉRIU - ATPROON : () (REVUNANCY LATERINK) ASCE | 15 - 15 at 18 and LYPINSTREE . 5.

SPÉRIU - ATPROON : () (REVUNANCY LATERINK) ASCE | 15 - 15 at 18 at 11 at 12 at 18 stilling LAND.

GHOUND SNOW LOAD: Py - U.PH C - CHEE

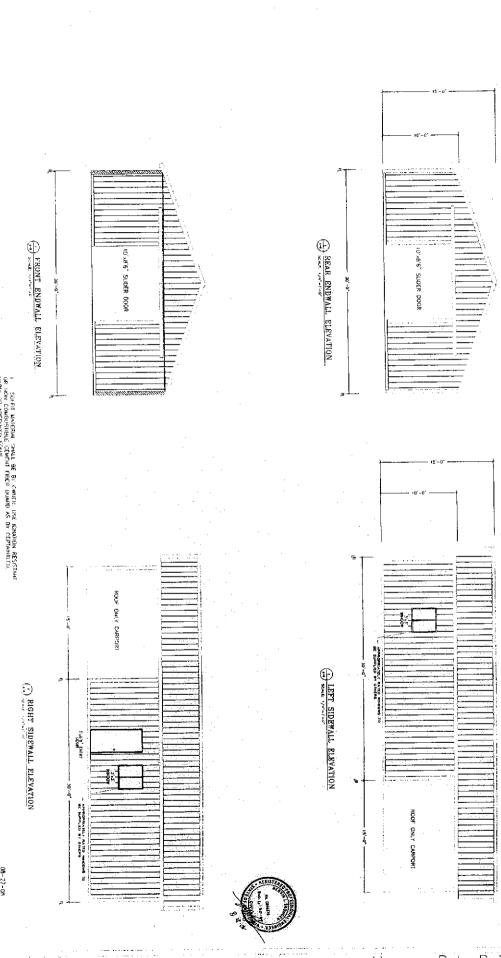
JOB SITE AUDRESS: New IDENSIOS: MATSONWALL CA

DATE:

SNOWDEN ENGINEERING INC. 8128 East 63rd Tulso, OK 74133 (918) 252-4557

Hansen Pole Buildings, LLC 46891 CHAMBERS ROAD Browns Volley, MN 56219-4064 Ph (605) 694-2805 FAX (605) 694-2806

EXHIBIT A



CHEMICADA ARMA LOB SITE ADDRESS. AND MICHAEL AND MICHAEL AND MICHAEL ROOF LIVE COAD (TURKINS). And GROUND SNOW LOAD: 14-530 AC-5448 AGDRESS AND MICHAEL AND MICHAEL ROOF LIVE COAD (TRAINS). JOB STITE ADDRESS: APIL TORISTON WARSONWALL CA

Operation of the Shall be provided.
 Operation of the Shall be shall be supplied.
 Operation of the Shall be shall be supplied.

Consideration and independent and some some property of the

O€⊌161 11 4

EXHIBIT A

SNOWDEN ENGINEERING INC. 8128 Eost 63rd Tulso, OK 74133 (918) 252-4557

- 8 - lansen Pole Buildings, LLC 46891 Chambers Road Browns Valley, MN 56219-4064 Ph (605) 694-2805 FAX (605) 694-2806

Owner: Paul and Kathleen Robins

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

This finding can be made in that significant topographical differences exist between the subject parcel and APN 109-061-02, to allow for a reduction in the required 200 foot setback to about 160°. The proposed building site is about 170 feet below the elevation of the area on the south adjacent Commercial Agriculture (CA) zoned parcel that is currently used for commercial agriculture. In addition, there are about 1000 feet between the proposed building site and the existing agricultural uses on the south adjacent parcel, which is at about a 45% slope and is heavily wooded; therefore, no addition fencing or vegetation is required along the south property line.

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

This finding can be made in that there is a Riparian Area located along the east, south, and west property lines of the subject parcel that create a vegetative buffer, and further south there is a heavily wooded area between the proposed residence and the commercial agricultural uses, which eliminates the need for a 200 foot setback and for additional buffering requirements such as a six foot fence.

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

This finding can be made in that, as a condition of approval, the property owner will be required to construct a six foot tall solid wood board fence with vegetation along a portion of the north property line to buffer the proposed residence from the north adjacent CA zoned parcel (APN 109-051-10), which effectively supplants the need for a 200 foot agricultural buffer setback. The fence is required to be 6 feet tall and setback at least three feet from the edge of the right of way to provide room for landscaping and to ensure that it does not conflict with vehicular site distance along Green Valley Road.

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.

Owner: Paul and Kathleen Robins

Required Finding for Agricultural Buffer Setback Reduction on Commercial Agriculture (CA) Zoned Land County Code Section 16.50.095(e)

1. 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 can be made in that the subject parcel has an Agricultural Resource Designation of Type 1A and the proposed building site has been located in the northwestern corner of the parcel, as close to the Riparian Area as possible without conflicting with or encroaching into the Riparian Area, and will only remove about 17 fruit trees and about 12,600 square feet from production (about 1/3 of an acre) which leaves about 4 acres of undisturbed, arable land at the center of the parcel for production.

Owner: Paul and Kathleen Robins

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN's (109-051-10, 109-061-02, and commercial agriculture on the subject parcel). This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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.
 - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- 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. Maintain development setbacks of a minimum of 95' from APN 109-051-10, 160' from APN 109-061-02, and about 15' from commercial agriculture on the subject property.
 - 2. Final plans shall show a maximum 6 foot tall solid wood board fence along the north property line setback at least three feet from the edge of the right of way. The fence shall start at the eastern side of the proposed driveway and shall run for about 100'east along the northern property line.
 - 3. Final plans shall show the location of a vegetative buffering barrier which shall be composed of drought tolerant shrubbery and shall be located on the outside of the fence and not within the Green Valley Road right of way. The shrubs utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.

Owner: Paul and Kathleen Robins

- 4. The note on the final plans shall be revised to show only 17 fruit trees to be removed.
- 5. Submit a detailed grading/drainage plan.
- 6. Submit a detailed erosion/sediment control plan.
- 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. Pay the current fees for Parks and Child Care mitigation for 3 bedroom(s). Currently, these fees are, respectively, \$578 and \$109 per bedroom.
- D. Submit three copies of a soils report completed by a California licensed geotechnical engineer.
- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
 - B. The required vegetative and/or physical barrier shall be installed. The applicant/owner shall contact the Planning Department's Agricultural Planner, a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.

IV. Operational Conditions

- A. The vegetative and physical barrier shall be permanently maintained.
- B. All required Agricultural Buffer Setbacks shall be maintained.
- C. The project must comply with all recommendations of the approved soils reports.
- D. 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.

Owner: Paul and Kathleen Robins

- 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, it 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "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.

Owner: Paul and Kathleen Robins

Please note: This permit expires two years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date:	
Effective Date:	
Expiration Date:	

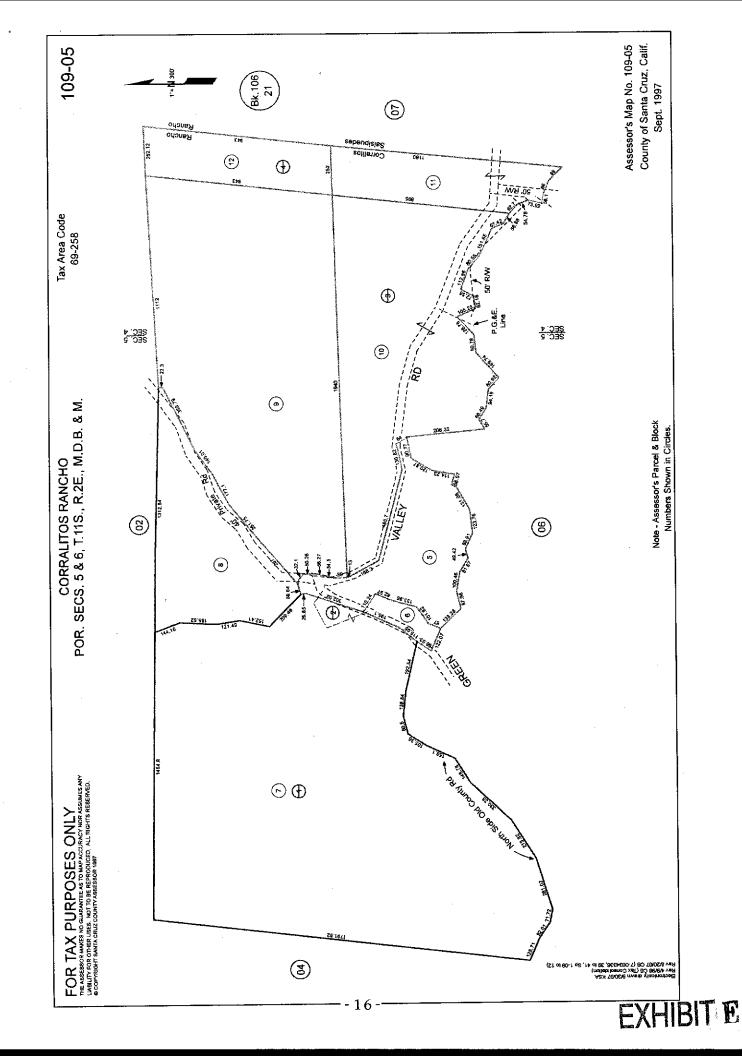
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors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

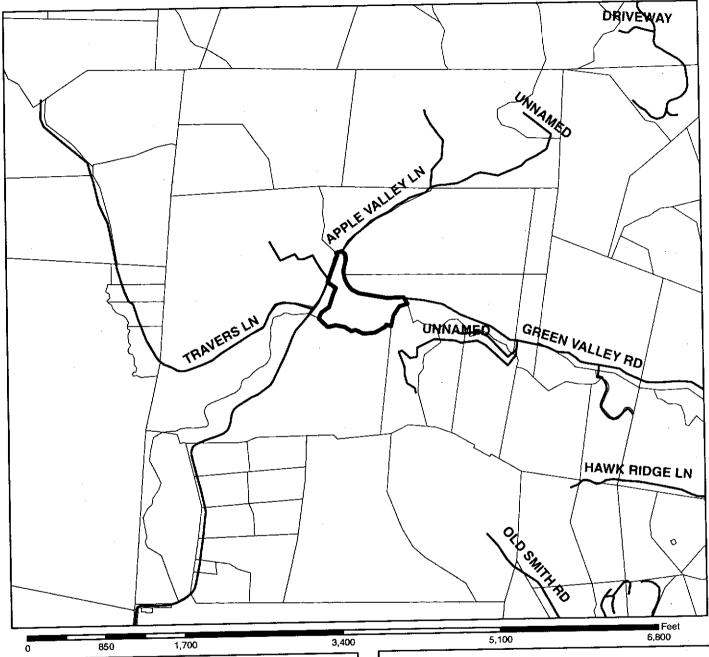
Application Number: 08-0245

Assessor Parcel Number: 109-051-05 Project Location: 1800 Green Valley Road
Project Description: Agricultural Buffer Setback Reduction
Person or Agency Proposing Project: Ray Schmitt
Contact Phone Number: (831) 663-1114
 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. X Categorical Exemption
Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)
F. Reasons why the project is exempt:
Proposal to install a single family manufactured home and construct a barn within the required 200 foot agricultural buffer setback.
In addition, none of the conditions described in Section 15300.2 apply to this project.
Samantha Haschert, Project Planner Date: 9/2008





Location Map



LEGEND

APN: 109-051-05

Assessors Parcels

Assessors Parcels
Streets



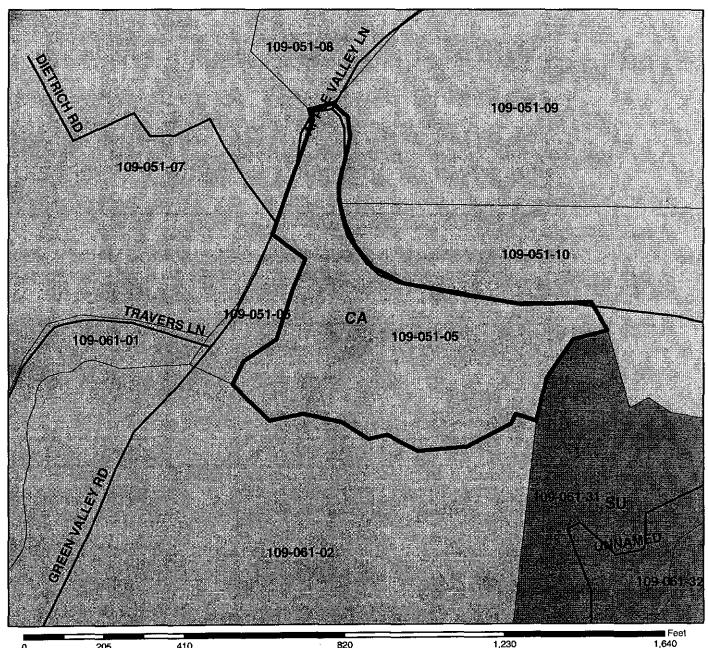
Map Created by County of Santa Cruz Planning Department June 2008

EXHIBIT F

- 17 -



Zoning Map



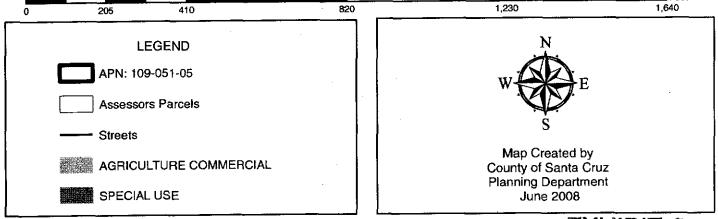
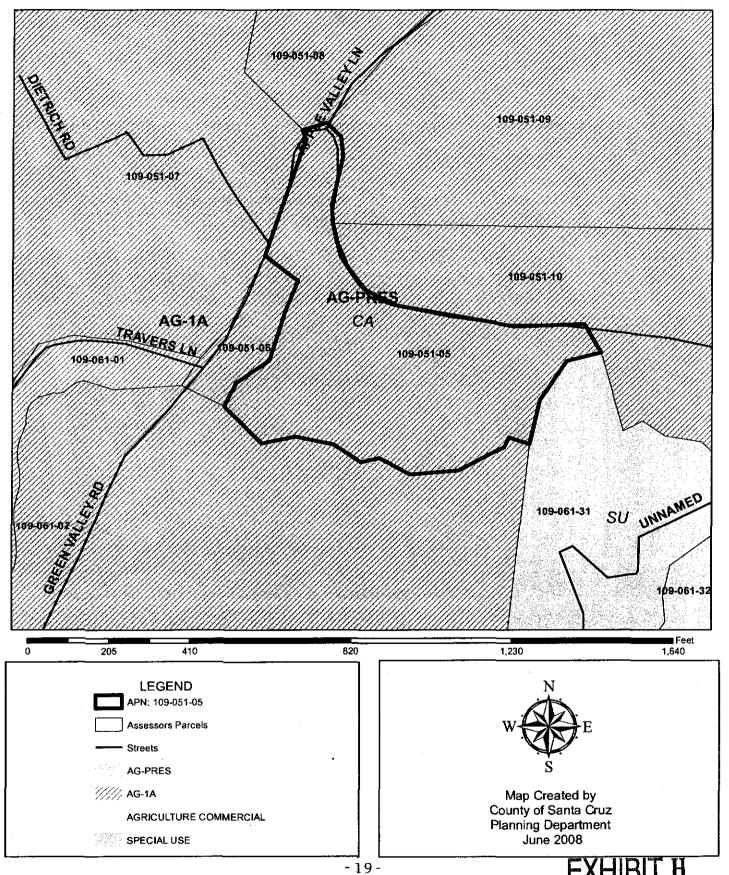


EXHIBIT G



Ag Designation Map



COUNTY OF SANTA CRUZ DISCRETIONARY APPLICATION COMMENTS

Project Planner: Samantha Haschert

Application No.: 08-0245

APN: 109-051-05

Date: September 25, 2008

Time: 13:11:01

Page: 1

Environmental Planning Completeness Comments

Environmental Planning Miscellaneous Comments

====== REVIEW ON JULY 11, 2008 BY ROBERT S LOVELAND ========

There is a 100 foot setback identified on the site plan. There is a well established riparian area lower down the slope on this property. The proposed structures are not located within the riparian buffer. A riparian exception would not be required for this project as proposed.

Conditions of Approval:

- 1. Submit a soils report (3 copies) completed by a California licensed geotechnical engineer for review and approval.
- 2. Submit a detailed grading/drainage plan for review and approval.
- 3. Obtain a grading permit if required.
- 4. Submit a detailed erosion/sediment control plan for review and approval.