



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **05-0062**

Applicant: Hamilton Swift Land Use
Consultants

Date: 10/16/08

Owner: Dennis Williams

Agenda Item #: 9

APN: 052-511-06

Time: 1:30 p.m.

Project Description: Proposal to establish a tree service operation. Requires an Agricultural Buffer Determination to reduce the required 200-foot setback to about 140' from the southwest adjacent CA zoned parcel.

Location: Property location on the north side of Ranport Road about 1,000 feet from the Airport Blvd. exit in Watsonville.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Approval of Application 05-0062, based on the attached findings and conditions.

Exhibits

- | | |
|--------------------------|-----------------|
| A. Project plans | E. Location Map |
| B. Findings | F. Zoning map |
| C. Conditions | |
| D. Assessor's parcel map | |

Parcel Information

Parcel Size:	3.279 acres (142,855 square feet)
Existing Land Use - Parcel:	Commercial tree service (operating w/o permits)
Existing Land Use - Surrounding:	Agricultural
Project Access:	Via Ranport Road
Planning Area:	San Andreas
Land Use Designation:	AG (Agriculture)
Zone District:	A-W (Agriculture (Watsonville Utility Prohibition Combining District))
Supervisory District:	2 nd District (District Supervisor: Ellen Pirie)

Within Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Soils Report required with building plans.
Fire Hazard: Not a mapped constraint
Slopes: Parcel slopes upwards (about 20%) to the north west and slightly downwards towards the riparian area on the east side of the parcel.
Env. Sen. Habitat: Mapped biotic resource; riparian area currently under review by Environmental Planning staff; partially within mapped floodplain.
Grading: Detailed grading plan to be reviewed with building permit plans.
Tree Removal: No trees proposed to be removed
Scenic: Located within the Highway 1 scenic corridor
Drainage: Drainage plans currently under review.
Archeology: Archaeological reconnaissance completed; no evidence of prehistoric artifacts on site.

Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No
Water Supply: Well
Sewage Disposal: Septic
Fire District: Santa Cruz County/CDF
Drainage District: None

Analysis and Discussion

The proposed project is to recognize an existing tree service business that includes the use of existing buildings: a 3,300 square foot warehouse, a 1,230 square foot storage building, a 672 square foot office building and five storage trailers varying in size. The project also includes an equipment parking area located on the north side of the parcel and several outdoor mulch/chipping piles. In addition to an agricultural buffer reduction, the proposed use will require a Level 5 Commercial Development Permit and a Coastal Permit before the tree service operation is a recognized, permitted use.

Adjacent parcels to the west and south are zoned CA (Commercial Agriculture) and require a 200 foot agricultural setback buffer from all commercial structures requiring intensive human use. The proposed office building will be located approximately 140 feet from the property line of the southwest adjacent parcel (APN 052-511-07) and is therefore within 200 feet of Commercial Agricultural land.

The subject property is characterized by steep topography that slopes upwards to the north west and downwards slightly to the east riparian area. The parcel is located within a rural agricultural area and carries an Agriculture (AG) General Plan designation and the implementing zoning is (A-W) Agriculture (Watsonville Utility Prohibition Combining District). Commercial

Agriculture zoned land is situated within 200 feet at the southwest side of the parcel at Assessor's Parcel Number 052-511-07.

A reduced agricultural buffer is recommended for the following reasons:

- The proposed office use for the proposed tree service is not a use that will conflict with surrounding agricultural operations in that the tree service is an agricultural support facility;
- The area of the CA zoned parcel that will be located closer than 200 feet to the proposed office is an area that is steep, located close to Ranport Road, and heavily wooded, therefore, it is not a prime location for planting; and
- The office is already established in this area from previous uses and would be difficult to relocate due to steep slopes in this area.

For the above reasons, an additional agricultural buffer does not appear to be necessary; however the property owner will be required to record a signed Statement of Acknowledgement to recognize that the location of the office is one that may be subject to Agricultural conflicts, and to therefore protect agricultural interests on the adjacent property.

Recommendation

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 140 feet from the proposed office to the adjacent CA zoned property known as APN 052-011-07 proposed under Application # 05-0062, based on the attached findings and recommended conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

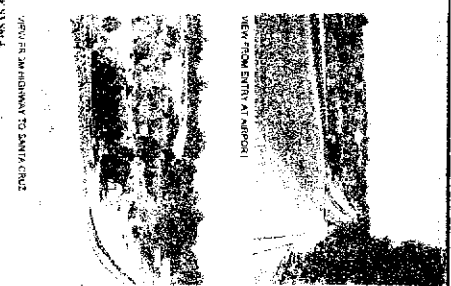
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Report Reviewed By: Paia Levine
Principal Planner
Development Review

FOR CONSTRUCTION PRINTED:

SHEET INDEX

[illegible]

UNITED STATES

of 7



(13) Wall, Pressure Tank, Match, Fence



(14) Security Warehouse, Shop, Rear Elevation



(15) Security Warehouse, Shop, Front Elevation



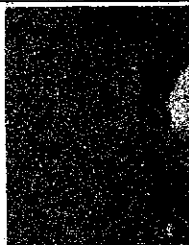
(16) Security Warehouse, Shop, Front Elevation



(17) Storage Building, Dock, Wall



(18) Pressure Tank, Match, Fence



(19) Driveway, Fence



(20) Uphill Rampart & Driveway



(21) Downhill Rampart Road



(22) Notice Sign & Parking



(23) Main Entry Gate/Trees



(24) Main Entry Gate/Trees

Notes: 1. Photos of the above site taken from the security site, and the security conditions at the time the photos were taken.

1. Photos taken from the security site, and the security conditions at the time the photos were taken.
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23. Photos taken from the security site, and the security conditions at the time the photos were taken.
24. Photos taken from the security site, and the security conditions at the time the photos were taken.

Site Aerial, On - Site Photos
Williams Tree Service
1000 Business Road
Adrian, Michigan 49309
Phone: 517-266-0000

EXHIBIT A

These drawings are prepared by the firm of Williams Tree Service, Inc. and are not to be used for any other purpose without the written consent of the firm. The drawings are not to be used for any other purpose without the written consent of the firm.

Williams Tree Service
1000 Business Road
Adrian, Michigan 49309
Phone: 517-266-0000

**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

Significant topographical differences exist between the subject parcel and APN 052-011-07, to allow for a reduction in the required 200 foot setback to about 140 feet. The office is located about 20 feet below the elevation of the adjacent Commercial Agriculture zoned parcel. In addition, the only arable land to the southwest is located about 470 feet away and about 88 feet higher in elevation, so additional landscaping and solid fences have not been required.

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 although the office is proposed to be setback about 140 feet from the adjacent Commercial Agricultural zoned land to the southwest, Ranport Road is about 30-35 feet wide and is located between the office and the Commercial Agriculture zoned land and there is no arable land on parcel 052-011-07. The closest arable land is located on parcel 052-011-72, about 470 feet from the office. In addition, topography to the south and southwest slopes steeply upwards from the subject property and is heavily wooded, thereby creating a natural buffer between the office and Commercial Agricultural land to the southwest and eliminating the need for a physical barrier (such as a six foot fence) between the subject parcel and the adjacent CA zoned parcel.

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 although the proposed office use to be located within 200 feet of the adjacent CA (Commercial Agriculture) zoned land, the proposed office is a part of a tree service operation which is considered an agricultural support facility and is therefore not a use that will conflict with adjacent agricultural operations. In addition, the office will be required to maintain a minimum setback of 140 feet from the southwest property line, which is an effective distance to buffer agricultural dust, noise, smells, and sprays from directly impacting the commercial use on the subject parcel in that the portion of the adjacent CA zoned parcel that measures to within 200 feet of the office building is not desirable for planting due to the location of the roadway in the center of the parcel and the steep, heavily wooded topography. Therefore, the proposed use of the site, the location of the office on the subject parcel, and the characteristics of the adjacent CA land located

EXHIBIT B

within 200 feet of the office, effectively supplants the need for a two hundred foot setback.

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.

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed commercial structure to APN 052-511-07. 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 all required discretionary and building permits for the proposed use.
 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. A development setback of a minimum of 140 feet from the commercial office building to the adjacent Commercial Agriculture zoned parcel APN 052-011-07.
 - 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.
- 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 listed below or if additional discretionary permits are required for the above permitted project then this permit shall expire on the same date as any subsequent approved discretionary permit(s) 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.

SEC. 6, R. 2E, T. 12S, M. 1D, B. & M.

52-51



Assessor's Map No. 52-51
County of Santa Cruz, Calif.
Oct. 1956

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.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1986

POR. SAN ANDREAS & CORRALITOS RANCHOS
 SEC. 36, R.1E., SEC. 31, R.2E., T.11S., SEC. 1, R.1E.,
 SEC. 6, R.2E., T. 12S., M.D.B. & M.

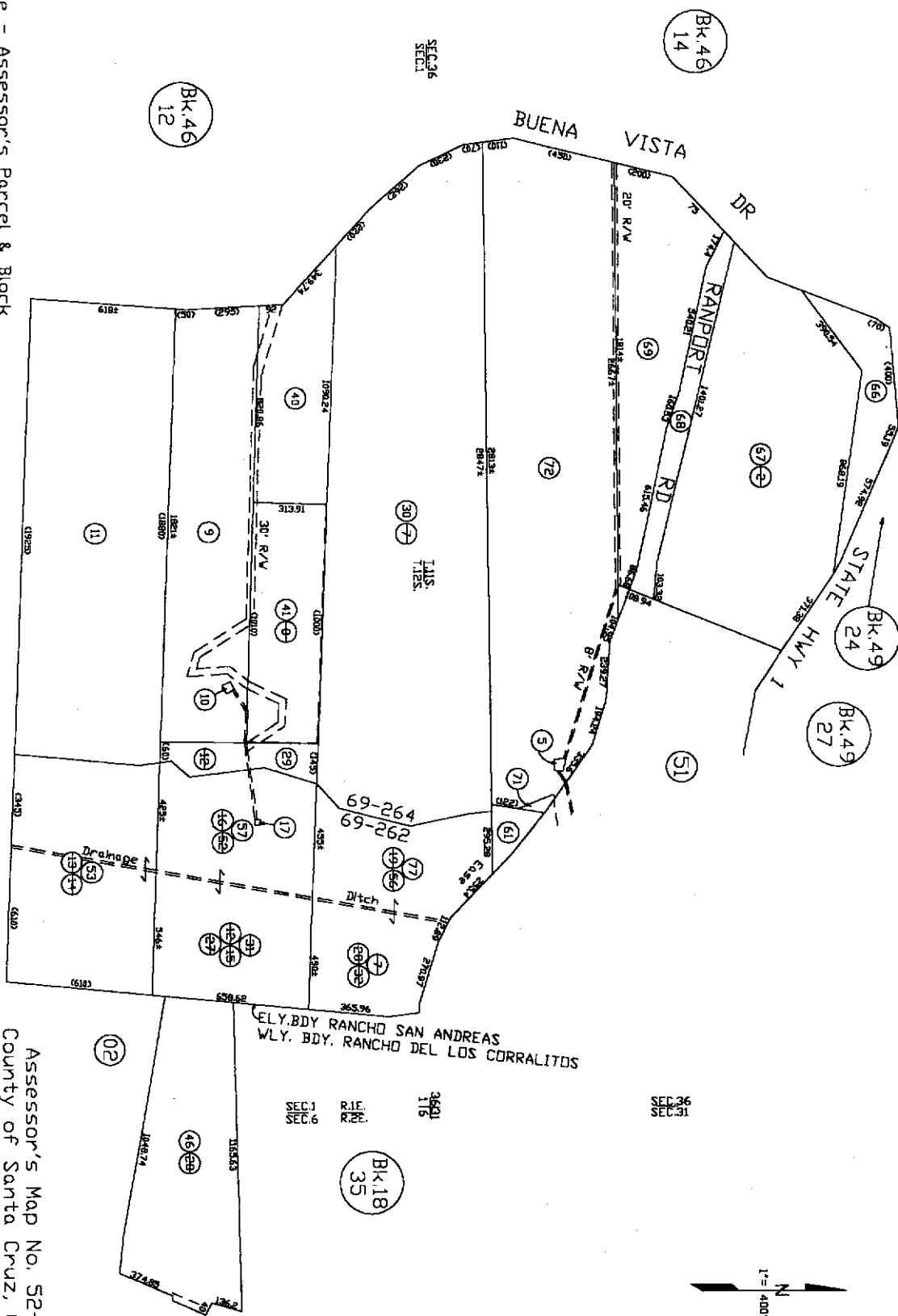
Tax Area Code
 69-262 69-264

52-01

Electronically drawn 11/8/95 KSA
 Rev. 12/5/95 CS (Por. to pg. 18-25)
 Rev. 6/2/98 (TCA CONSOLIDATION)
 Rev. 5/8/00 nva (changed page refs.)

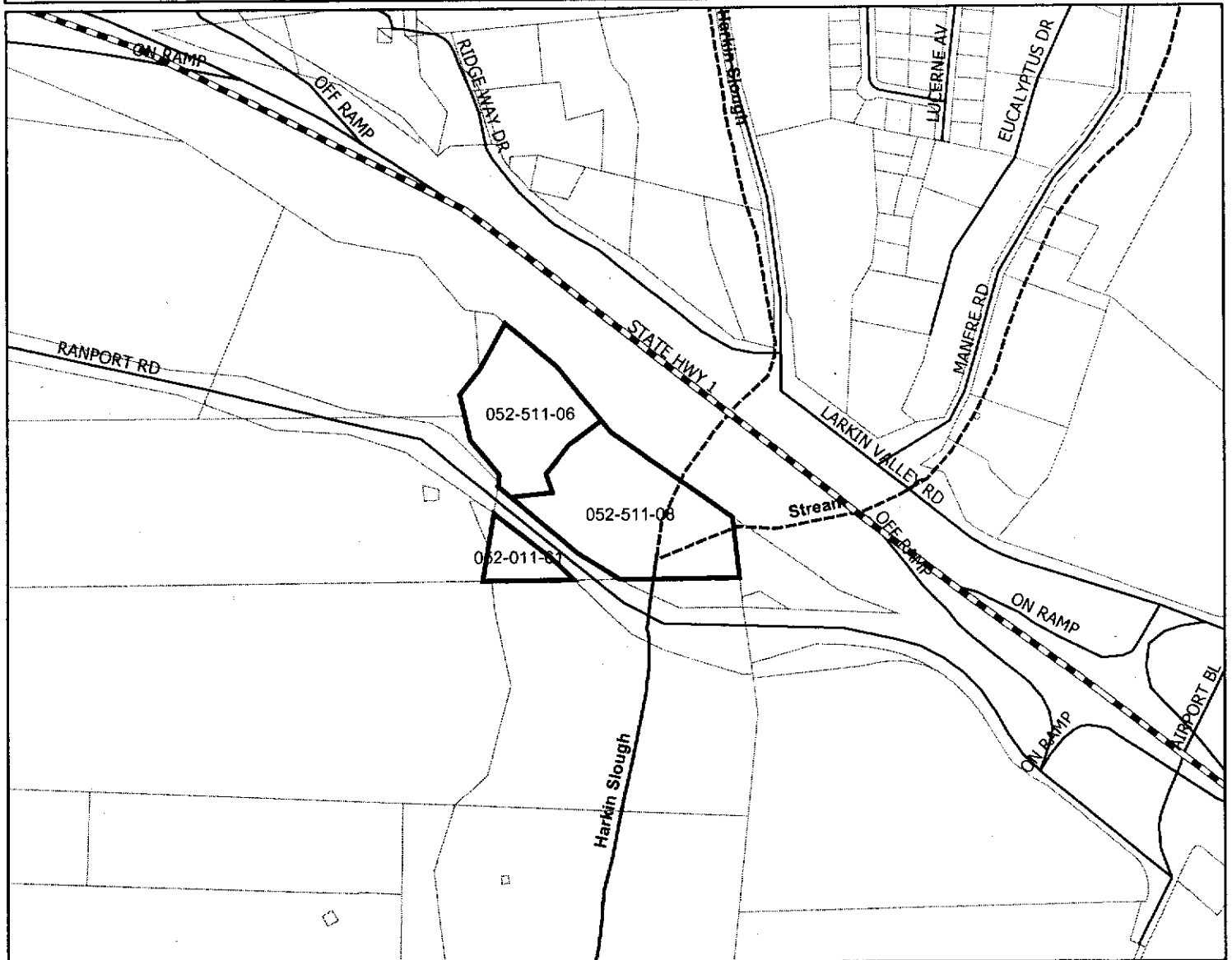
Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

Assessor's Map No. 52-01
 County of Santa Cruz, Calif.
 Aug. 1951



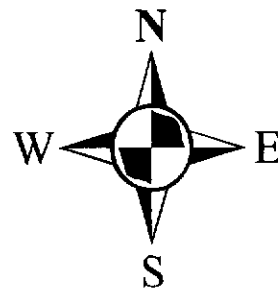


Location Map



Legend

-  Parcels
-  State Highways
-  Streets
-  Assessors Parcels
-  INTERMITTENT STREAM

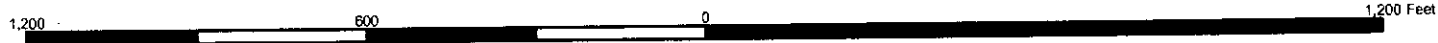
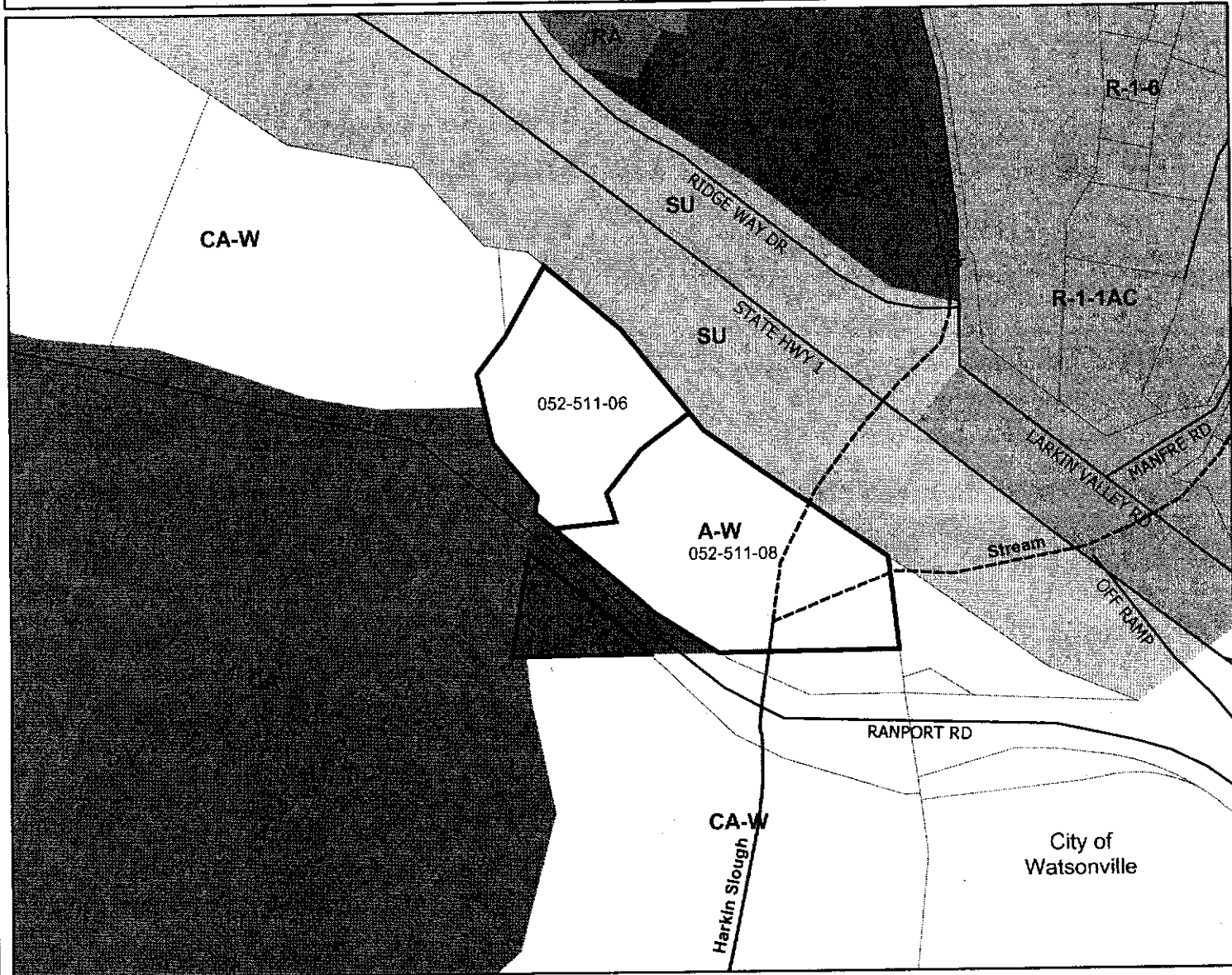


Map Created by
County of Santa Cruz
Planning Department
February 2005

EXHIBIT E

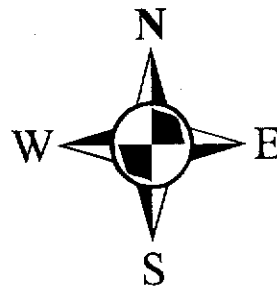


Zoning Map



Legend

- Project Parcels
- Streets
- Assessors Parcels
- INTERMITTENT STREAM
- PERENNIAL STREAM
- AGRICULTURE (A)
- AGRICULTURE COMMERCIAL (CA)
- AGRICULTURE RESIDENTIAL (RA)
- RESIDENTIAL-SINGLE FAMILY (R-1)
- SPECIAL USE (SU)
- CITY PROPERTY



Map Created by
County of Santa Cruz
Planning Department
February 2005

EXHIBIT F