



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **08-0529**

Applicant: David Alcaraz
Owner: Jose and Susana Mandujano
APN: 051-521-42

Date: April 16, 2009
Agenda Item #: 7
Time: 1:30 p.m.

Project Description: Proposal to construct a 640 square foot second unit. Requires an Amendment to Agricultural Buffer Determination 06-0327 to reduce the required 200' setback to about 126' from APN 050-151-12 and about 124' from APN 050-151-13.

Location: Property located on the northeast corner of the intersection of Green Valley Road and Lita Lane (584 Green Valley Road).

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Approval of Application 08-0529, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	21,764 square feet (.5 acres)
Existing Land Use - Parcel:	Single Family Residence
Existing Land Use - Surrounding:	Single Family Residential and Commercial Agriculture
Project Access:	Via Lita Lane
Planning Area:	Pajaro Valley
Land Use Designation:	R-UL (Urban Low Residential)
Zone District:	R-1-6 (Single Family Residential - 6,000 square foot minimum)
Supervisory District:	Fourth (District Supervisor: Tony 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

Services Information

Inside Urban/Rural Services Line: X Yes ___ No
Water Supply: Pajaro Valley Water District
Sewage Disposal: Freedom County Sanitation District
Fire District: Pajaro Valley Fire District
Drainage District: Zone 7

Analysis and Discussion

The proposed project is to construct a single story second dwelling of approximately 640 square feet on a 21,764 square foot (.5 acre) parcel. The project is located at the corner of Lita Lane and Green Valley Road. The building site is within 200 feet of General Plan designated Agricultural Resource land to the west and northwest. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 124' from APN 050-151-13 and 126' from APN 050-151-12.

The subject property is characterized by flat topography and is currently developed with a single family dwelling, which, according to assessor's records was built in 1928 with an approximately 672 square foot addition approved in 2007 (06-0327). The parcel is located within the Urban Services Line. The parcel carries an Urban Low Residential (R-UL) General Plan designation and the implementing zoning is (R-1-6) Single Family Residential - 6,000 square foot minimum. Agricultural Resource land, as designated by the County General Plan, is situated within 200 feet at the west side of the parcel at Assessor's Parcel Number's 050-151-12 and 13.

A reduced agricultural buffer is recommended because the property is only 177 feet wide measured from the west property line which is adjacent to the designated Agricultural Resource lands; therefore, the site is not wide enough to maintain a 200' agricultural buffer setback from the west property line. In addition, a two story single family dwelling already exists on the parcel and would be located between the Agricultural Resource lands and the proposed second dwelling unit, which creates a permanent buffer between the two uses in addition to Green Valley Road, which has a 40' right of way.

Due to the location of the second unit behind the existing two story residence, no additional agricultural buffers are recommended; however, as a condition of approval, the applicant is required to record a Statement of Acknowledgement to recognize a second living unit located 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 124' and 126' from the west adjacent parcels designated as Agricultural Resource lands (APN's 050-151-13 & 12) proposed under Application # 08-0529, 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

**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*

This finding can be made in that there is an existing two story single family dwelling located between the Agricultural Resource parcels (APN's 050-151-12 & 13) to the west and northwest, which effectively supplants the need for a full 200' agricultural buffer setback or an additional physical barrier, such as a fence or vegetative buffer, in that most agricultural impacts that would conflict with the residential use of the property, such as dust, noise, or odor, would be buffered from the proposed second unit by the existing dwelling. In addition, the existing single family dwelling has previously obtained a permit to be located within the 200' agricultural buffer (06-0327) and has recorded a Statement of Acknowledgement regarding the potential for agricultural impacts on the residential use (2006-0045326).

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 residential use to APN's 050-151-12 and 13. 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. Development setbacks for the proposed second unit at a minimum of 124' from APN 050-151-13 and 126' from APN 050-151-12 feet, as measured from the property lines of the adjacent Agricultural Resource parcels.
 2. The applicant shall revise the south street side setback to show the measurement from the edge of the right of way to the building face, rather than the eave.
 3. Include detailed grading and drainage plans for review and approval by Environmental Planning Staff. Drainage plans shall address the following:
 - a. Provide a detail describing how the driveway will conform to existing roadside facilities. Road drainage should not be blocked by the proposed driveway. Provide a typical cross section of the existing road swale and details describing how drainage will be

accommodated across/under the proposed driveway.

- b. Show how runoff could be maintained onsite rather than discharging directly onto Lita Lane.
 - c. Show all existing drainage facilities on Lita Lane and the capacity of the existing facilities to accommodate the additional runoff.
 - d. Obtain permission from the owners of the Lita Lane, or the road maintenance association, to use the road as a drainage service area.
 - e. Please note: a drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$1.03 per square foot and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.
 - 4. Show all on site sewer laterals, clean-outs, and connections to the existing public sewer.
 - 5. Show all existing and proposed plumbing features on the floor plans.
 - 6. Plans shall show a right of way dedication at the corner of Green Valley Road and Lita Lane, as per the plan line on file at the Department of Public Works.
 - B. Submit an offer of dedication form to the Department of Public Works for review and approval.
 - C. 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.
 - D. Submit a soils report (1 original signed and stamped copy and one additional copy) completed by a California licensed geotechnical engineer for review and approval by Environmental Planning Staff.
 - E. Obtain approval and pay all required fees of the Pajaro Valley Fire District.
- 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 reduced setbacks shall be met as verified by the County Building Inspector.
 - B. The offer of dedication of right of way at the corner of Green Valley Road and

Lita Lane shall be completed and approved by the Department of Public Works prior to final building permit issuance.

- 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. 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 three years from the effective date listed below or if additional discretionary permits are required for the above permitted project, 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.

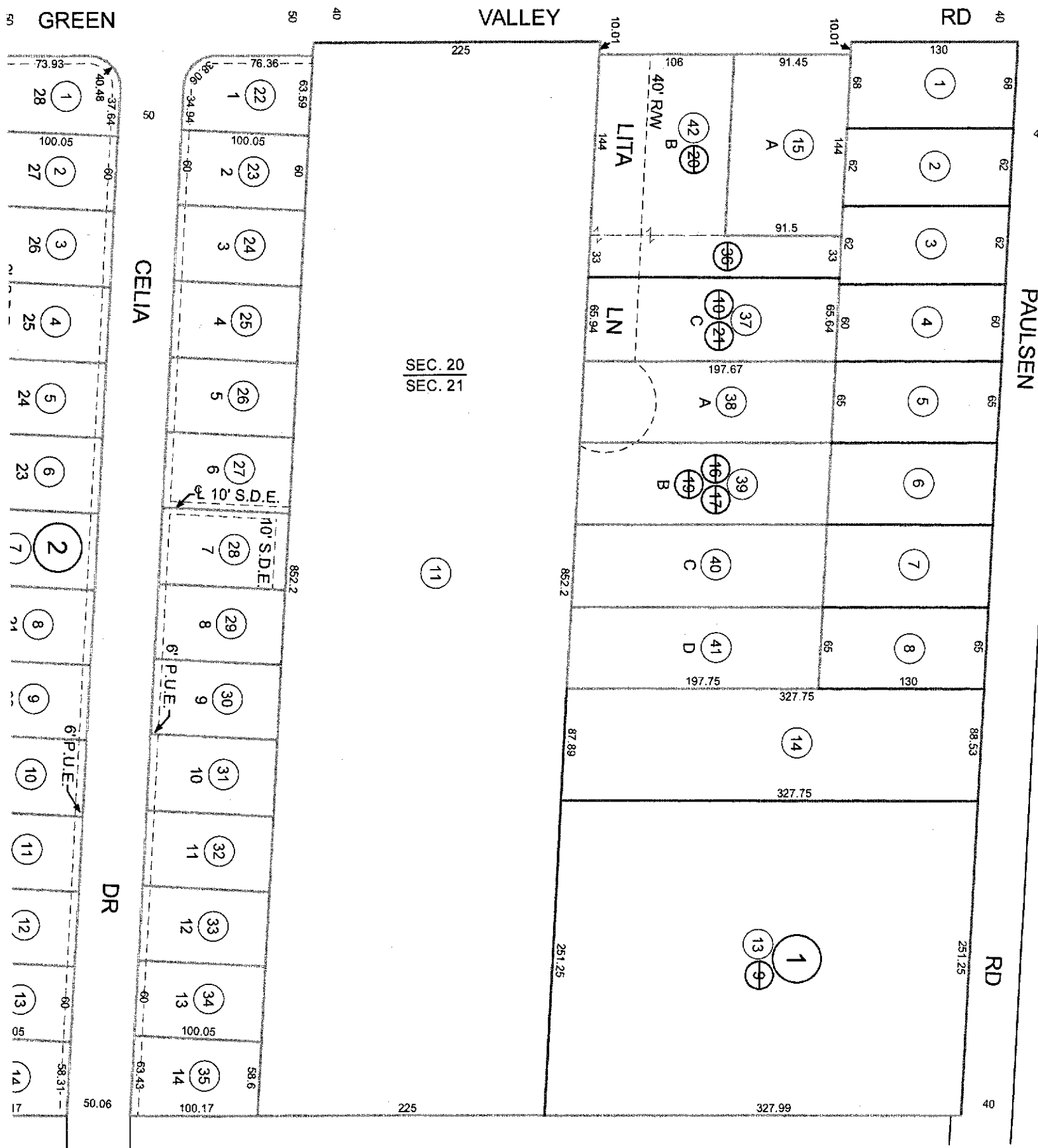
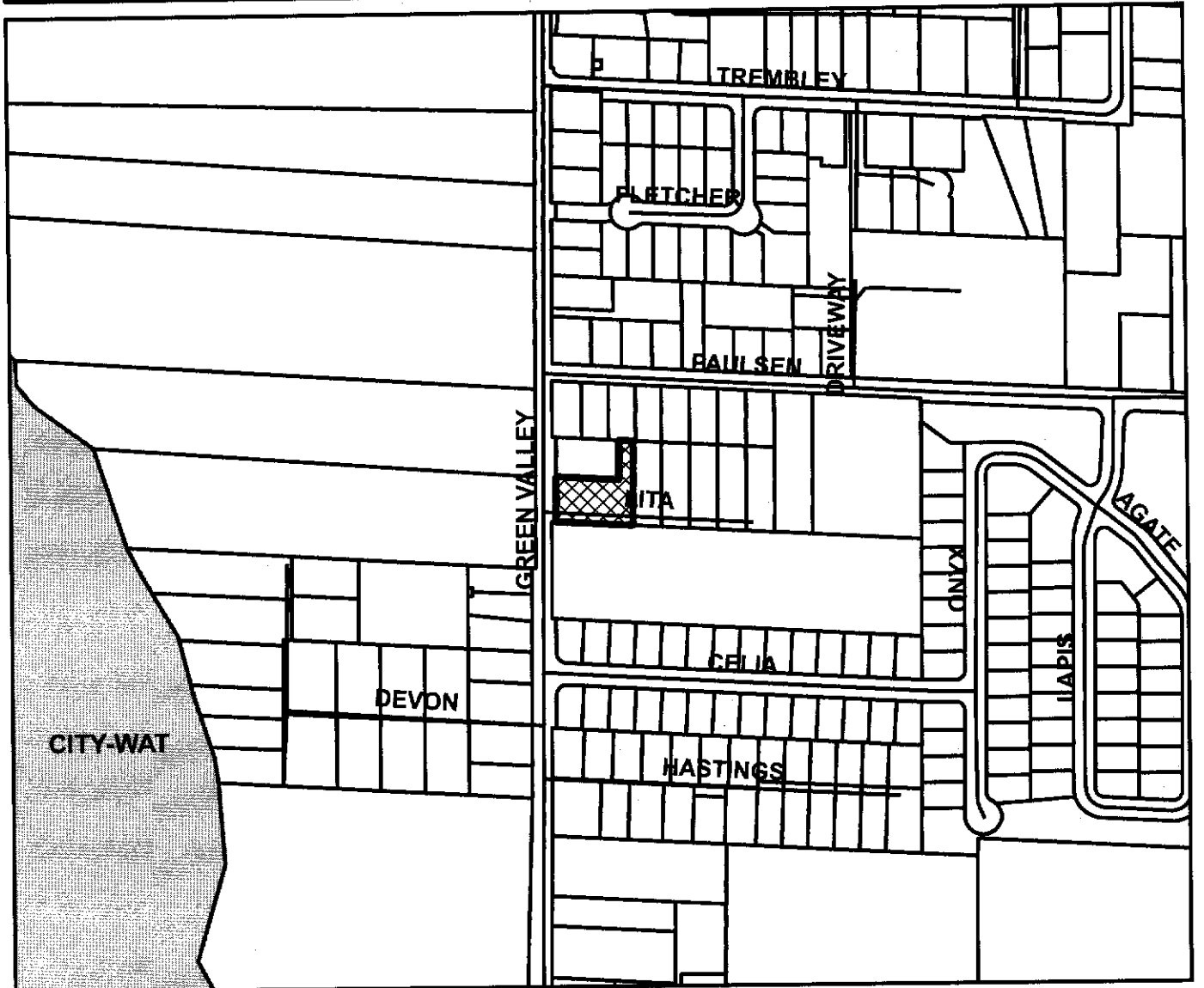


EXHIBIT D



Location Map



520 260 0 520 1,040 1,560 2,080 Feet

LEGEND



APN: 051-521-42



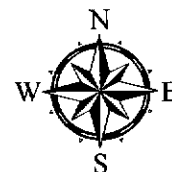
Assessors Parcels



Streets



WATSONVILLE

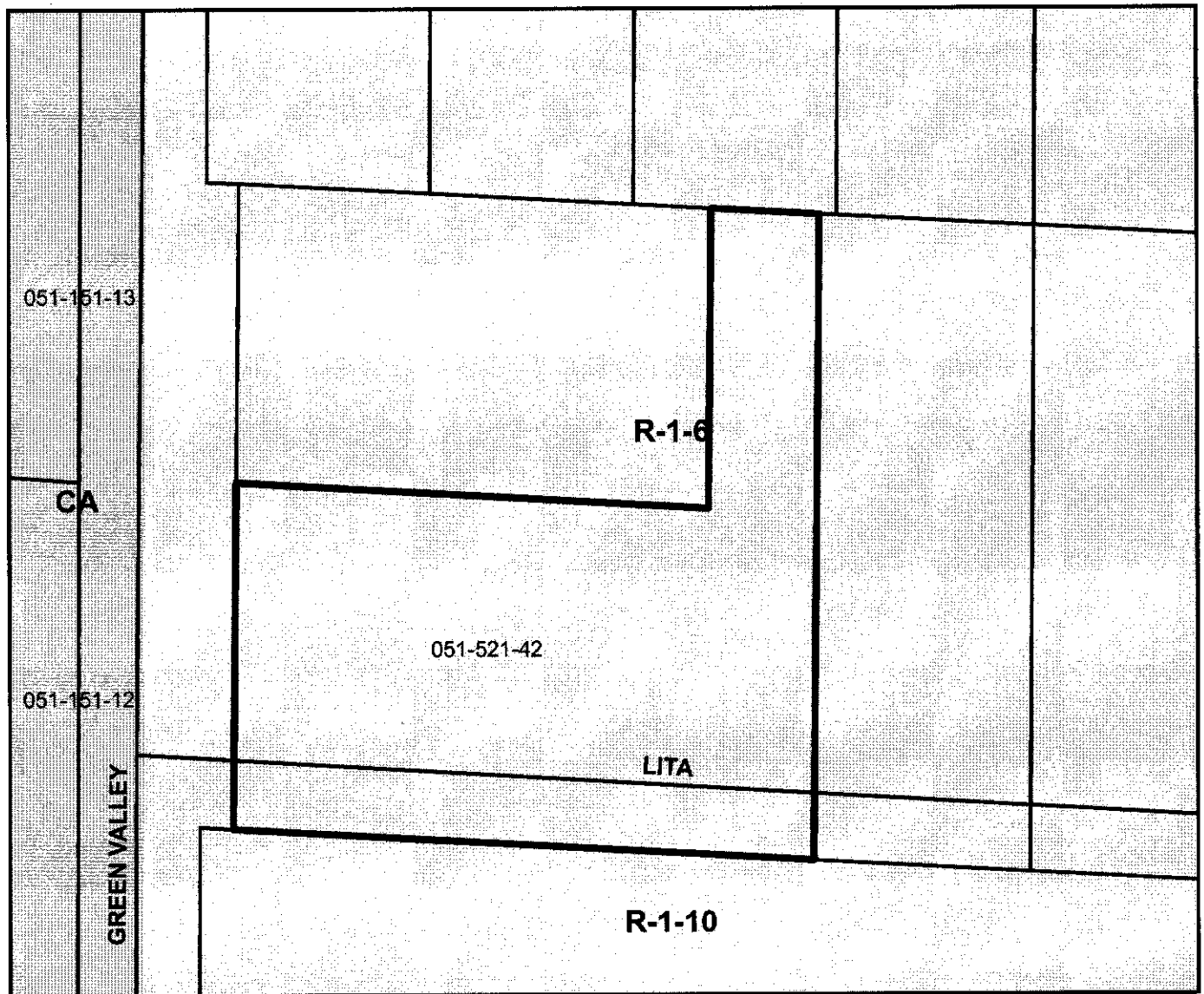


Map Created by
County of Santa Cruz
Planning Department
January 2009

EXHIBIT E



Zoning Map



LEGEND



APN: 051-521-42



Assessors Parcels



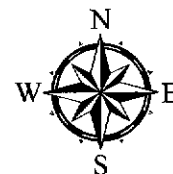
Streets



RESIDENTIAL-SINGLE FAMILY



AGRICULTURE COMMERCIAL



Map Created by
County of Santa Cruz
Planning Department
January 2009

EXHIBIT F

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Samantha Haschert
Application No.: 08-0529
APN: 051-521-42

Date: March 25, 2009
Time: 15:46:40
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Environmental Planning Completeness Comments

===== REVIEW ON JANUARY 5, 2009 BY ROBERT S LOVELAND =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON JANUARY 5, 2009 BY ROBERT S LOVELAND =====

Condition of Approval:

1. Submit a soils report (1 original signed and stamped copy and one additional copy) completed by a California licensed geotechnical engineer for review and approval.
2. Submit a detailed grading and drainage plan for review and approval.

NOTE TO PLANNER:

During my site visit, I noticed that the owner has begun setting forms for the foundation already. At this time, they do not have authorization to complete this work.

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== UPDATED ON JANUARY 14, 2009 BY GERARDO VARGAS ===== 1. Is it feasible for runoff from the proposed driveway to slope into the landscaping area?

2. Please provide a detail describing how the driveway will conform to existing roadside facilities. Road drainage should not be blocked by the proposed driveway. Provide a typical cross section of the existing road swale and details describing how drainage will be accommodated across/under the proposed driveway.

3. According to the plan the proposed swale will discharge directly into Lita Lane. It is recommended that runoff be maintained on-site.

4. Does Lita Lane have drainage facilities to accept additional runoff?

5. Lita Lane is a non-county maintained road. If surface runoff is daylighted to this road, the owner is responsible to obtain permission from the owners or whoever maintains this road for its use as a drainage service area.

A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$1.03 per square foot, and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

EXHIBIT G

Discretionary Comments - Continued

Project Planner: Samantha Haschert
Application No.: 08-0529
APN: 051-521-42

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The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. A \$200.00 additional review fee shall be applied to all re-submittals starting with the third routing.

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== UPDATED ON JANUARY 14, 2009 BY GERARDO VARGAS ===== A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$1.03 per square foot, and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON JANUARY 6, 2009 BY JOHN G LUMICAO =====
No Comment, project adjacent to a non-County maintained road.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON JANUARY 6, 2009 BY JOHN G LUMICAO =====
No comment. Private road.

Dpw Road Engineering Completeness Comments

===== REVIEW ON JANUARY 9, 2009 BY ANWARBEG MIRZA =====
Per the plan lines on Green Valley Road, right-of-way dedication is required for the corner of Green Valley and Lita Lane. Please contact Public Works to obtain an offer of dedication form. The Building Permit application will then be approved with a hold on the application requiring the completion of the dedication.
===== UPDATED ON JANUARY 9, 2009 BY ANWARBEG MIRZA =====
Per the plan lines on Green Valley Road, right-of-way dedication is required for the corner of Green Valley and Lita Lane. Please contact Public Works to obtain an offer of dedication form. The Building Permit application will then be approved with a hold on the application requiring the completion of the dedication.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JANUARY 9, 2009 BY ANWARBEG MIRZA =====
Per the plan lines on Green Valley Road, right-of-way dedication is required for the corner of Green Valley and Lita Lane. Please contact Public Works to obtain an offer of dedication form. The Building Permit application will then be approved with a hold on the application requiring the completion of the dedication.

Note: ROW dedication shall be the part of conditions of approval.

Dpw Sanitation Completeness Comments

EXHIBIT G

Discretionary Comments - Continued

Project Planner: Samantha Haschert
Application No.: 08-0529
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===== REVIEW ON JANUARY 7, 2009 BY CARMEN M LOCATELLI =====
Sewer service is currently available.

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON JANUARY 7, 2009 BY CARMEN M LOCATELLI =====
Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application
Show all existing and proposed plumbing fixtures on floor plans of building application.

Pajaro Valley Fire District Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JANUARY 5, 2009 BY COLLEEN L BAXTER =====
DEPARTMENT NAME: CALFIRE/PAJARO VALLEY FIRE DISTRICT
Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT, with an annotated copy of this letter:
Note on the plans that these plans are in compliance with California Building and Fire Codes (2001) as amended by the authority having jurisdiction.
Each APN (lot) shall have separate submittals for building and sprinkler system plans.
The job copies of the building and fire systems plans and permits must be onsite during inspections.
SHOW on the plans a public fire hydrant within 600 feet of any portion of the property, along the fire department access route, meeting the minimum required fire flow for the building. This information can be obtained from the water company.
NOTE that the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval. Installation shall follow our guide sheet.
NOTE on the plans that an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT.
The access road shall be 20 feet minimum width and maximum twenty percent slope.
All Fire Department building requirements and fees will be addressed in the Building Permit phase.
Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.
72 hour minimum notice is required prior to any inspection and/or test.
Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing agency.

Pajaro Valley Fire District Miscellaneous Comments

EXHIBIT C

Discretionary Comments - Continued

Project Planner: Samantha Haschert
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LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JANUARY 5, 2009 BY COLLEEN L BAXTER =====

EXHIBIT G