



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **101103**

Applicant: Georg Kluzniok
Owner: Joseph and Heidi Fisher
APN: 060-141-33

Date: February 24, 2011
Agenda Item #: 7
Time: 1:30 p.m.

Project Description: Proposal to construct an approximately 2,800 square foot single family dwelling with an attached garage. Requires an Agricultural Buffer Determination to reduce the required 200 foot agricultural buffer to a minimum of 58 feet from the southwest adjacent CA (Commercial Agriculture) zoned parcel known as APN 060-151-05.

Location: Property located on the east side of Ocean Street Extension at about 1,600 feet northwest of the intersection with Monti Verdi Heights.

Permits Required: Agricultural Buffer Determination

Staff Recommendation:

- Approval of Application 101103, based on the attached findings and conditions.

Exhibits

- | | |
|------------------|--------------------------------------|
| A. Project plans | D. Assessor's, Location, Zoning, and |
| B. Findings | General Plan maps |
| C. Conditions | E. Comments & Correspondence |

Parcel Information

Parcel Size:	2.5 acres
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Commercial Agriculture and Residential
Project Access:	Ocean Street Extension
Planning Area:	Carbonera
Land Use Designation:	R-S (Suburban Residential)
Zone District:	RA (Residential Agriculture)
Supervisory District:	Fifth District (District Supervisor: Stone)
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: ☐ Yes ☒ No
Water Supply: Private Well
Sewage Disposal: Septic
Fire District: CalFire
Drainage District: None

Analysis and Discussion

The proposed project is to construct a single story single-family dwelling of approximately 2,800 square feet on a 2.5 acre parcel. The parcel is accessed by a private driveway off of Ocean Street Extension and is located about 1 mile west of the junction with Graham Hill Road. The building site is within 200 feet of Commercial Agricultural land to the southwest and the applicant is requesting a reduction in the 200 foot agricultural buffer setback to a minimum of 58 feet from APN 060-151-05.

The topography of the parcel slopes gently to the south towards Ocean Street Extension. The slope steepens towards the road and at the western portion of the parcel. The parcel is accessed off of a private driveway that serves three additional parcels. The right of way for the private driveway is located through the eastern portion of the subject parcel. The parcel is not located within the Urban Services Line and can be characterized as a residential neighborhood built at rural densities. The parcel is located within the Suburban Residential (R-S) General Plan designation and the implementing zone district is (RA) Residential Agriculture.

Geologic and Geotechnical Reports were reviewed and accepted by Environmental Planning Staff in 2003. The reports recommended the proposed building locations as appropriate to mitigate hazards associated with landsliding. A condition of approval requires a full geologic and geotechnical report review prior to building permit issuance to ensure compliance with the reports' recommendations.

A reduced agricultural buffer is recommended due to the fact that there is limited building area on the parcel given the topographic constraints and the location of the private driveway through the eastern portion of the parcel. The approved building envelope is located entirely within the 200 foot agricultural buffer; therefore, the parcel would be undevelopable without a reduction. The applicant is proposing to install buffering vegetation consistent with the County's Recommended Agricultural Buffer Planting List along a portion of the west property line, as depicted on the Exhibit A. Additional buffering, such as a solid six-foot fence is not recommended given that there is an approximately 12 foot topographical difference between the proposed building location and the arable portion of the adjacent agricultural land. Additionally, Ocean Street Extension is a County maintained road with a 40 foot right of way that is located between the subject parcel and the adjacent CA zoned parcel and there are mature trees and other dense vegetation located on the adjacent CA zoned parcel at the frontage of Ocean Street Extension, which will assist in buffering adjacent agricultural activities. The property owner shall also 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 a minimum of 58 feet from the single-family dwelling to the adjacent CA zoned property known as APN 060-151-05, proposed under Application # 101103, 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
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Phone Number: (831) 454-3214
E-mail: samantha.haschert@co.santa-cruz.ca.us

Report Reviewed By: Ken Hart
Principal Planner
Development Review



Agricultural Buffer Plan

Robert L. DeWitt
 ROBERT L. DEWITT



12-15-10
 DATE

Agricultural Buffer Plan
 Prepared at the Request of
 Fisher
 Located at
 APN: 080-141-33
 Santa Cruz, California

PROJECT NUMBER C001	SHEET 1
DATE 12/15/10	BY RD
CHECKED RD	DATE 12/15/10
DESIGNED RD	DATE 12/15/10
Robert L. DeWitt & Associates, Inc. Civil Engineers & Land Surveyors	

**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

The habitable structure is proposed to be set back a minimum of 58 feet from the adjacent Commercial Agriculture (CA) zoned land known as APN 060-151-05. A reduced agricultural buffer is supported because: the two parcels are currently separated by a 40 foot wide public right of way (Ocean Street Extension); an approximately 12 foot topographical difference exists between the proposed building area on the subject parcel and the arable portion of the adjacent CA zoned parcel; and there is about 40 feet of dense vegetation at the frontage of the adjacent CA zoned parcel which further buffers the agricultural use from the residential use. Additionally, the property owners are proposing to install a vegetative barrier at the west property line of the subject property. Therefore, the proposed 58 foot agricultural buffer setback is adequate to prevent conflicts between the non-agricultural development and the adjacent commercial agriculture use and this finding can be made.

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.

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN (060-151-05). 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. A development setback of a minimum of 58 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 060-151-05.
 2. Final plans shall show the location of the vegetative buffering barrier which shall be composed of drought tolerant shrubbery as provided on the County's Recommended Agricultural Buffer Planting List. 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.
 3. Sheet C1 shall show the future septic leachfield expansion area (see approved septic site plan available at EHS). There shall be a minimum setback of 5 feet from the decomposed granite walkway and the grill area to the expansion leachfield.

4. Grading, drainage, and erosion control plans.
 - 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. The applicant shall submit a specific design level addendum to the original soils report that includes recommendations for potentially liquefiable soils onsite.
 - D. Meet all requirements and pay all fees of Cal Fire.
- 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 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 vegetative barrier 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 barrier shall be permanently maintained.
 - B. All required Agricultural Buffer Setbacks shall be maintained.
 - C. 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.

FOR TAX PURPOSES ONLY

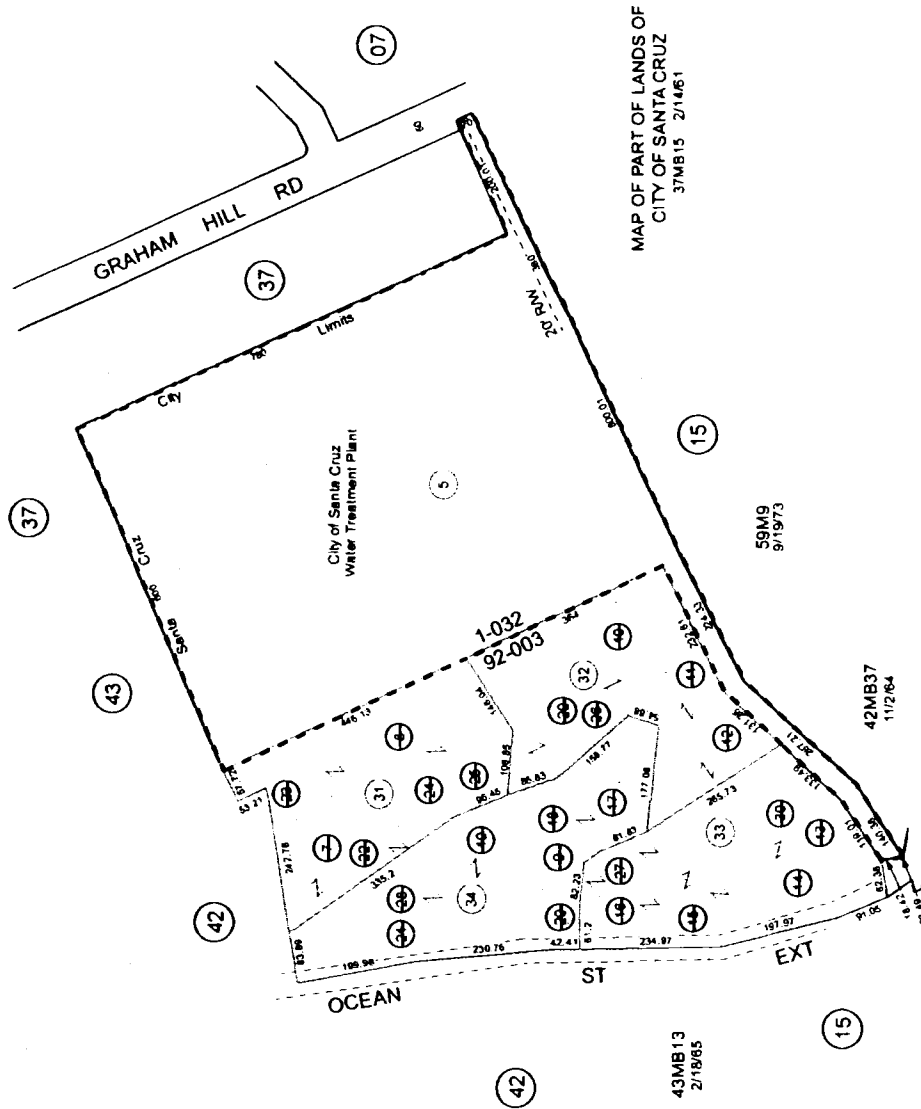
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POR. RINCON RANCHO

SECS. 1 & 2, T.11S., R.2W., M.D.B. & M.

Tax Area Code
 1-032 92-003

60-14



Assessor's Map No. 60-14
 County of Santa Cruz, Calif
 June, 1999

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

Electronically Redrawn 6/22/99 KB
 Rev. 6/22/99 no report to pg. 42
 Rev. 6/27/01 minor changes page 42
 Rev. 3/04/08 (3/08/11/58 to 5/1/08) 1/27 to 30
 Rev. 2/08/08 (2/08/08/57 to 6/01/08) 1/31 to 34






EXHIBIT A

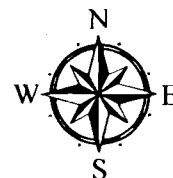


Location Map



LEGEND

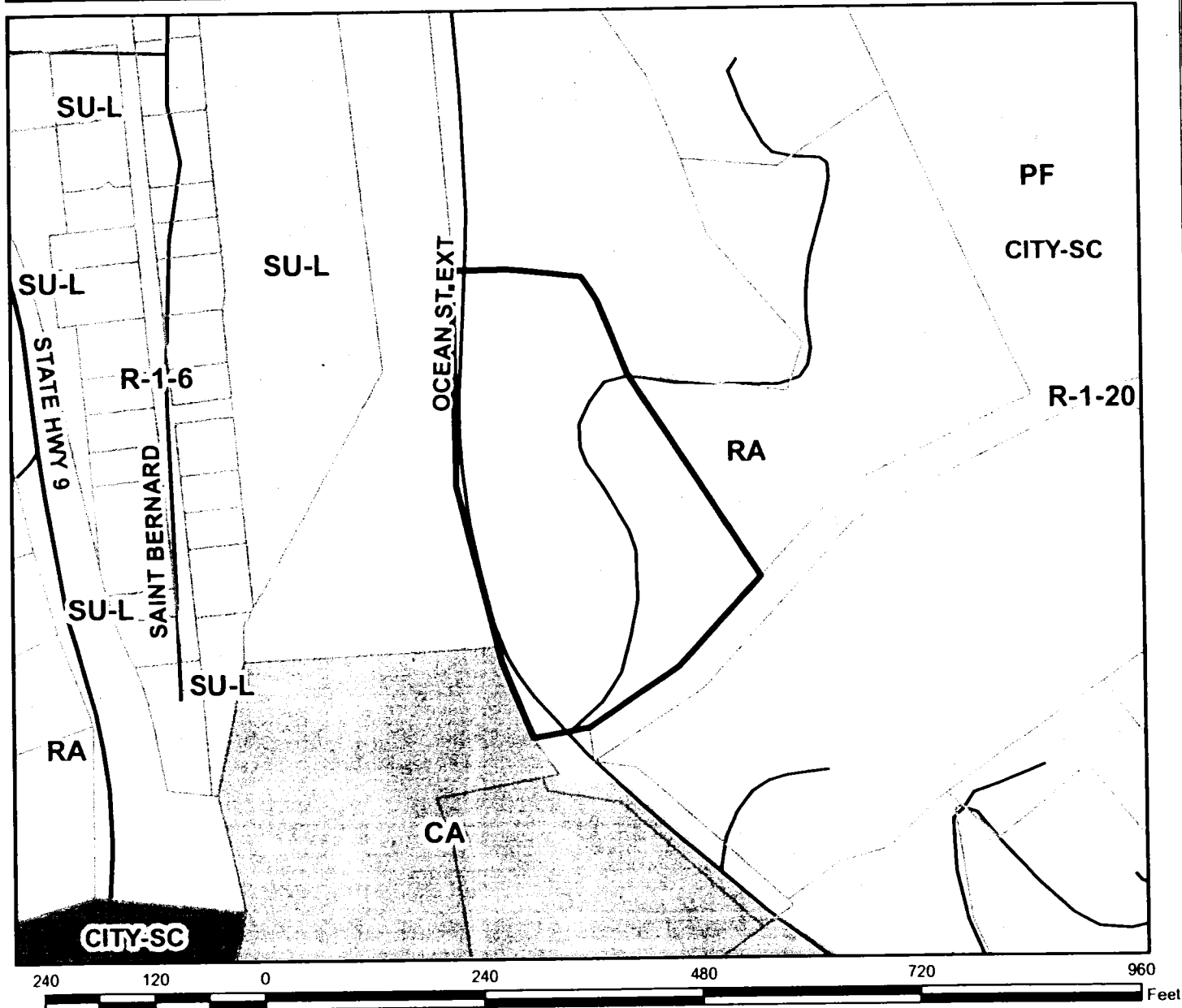
-  APN: 060-141-33
-  Assessors Parcels
-  Streets
-  State Highways
-  SANTA CRUZ



Map Created by
County of Santa Cruz
Planning Department
January 2011

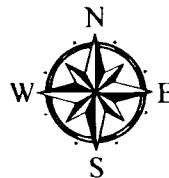


Zoning Map



LEGEND

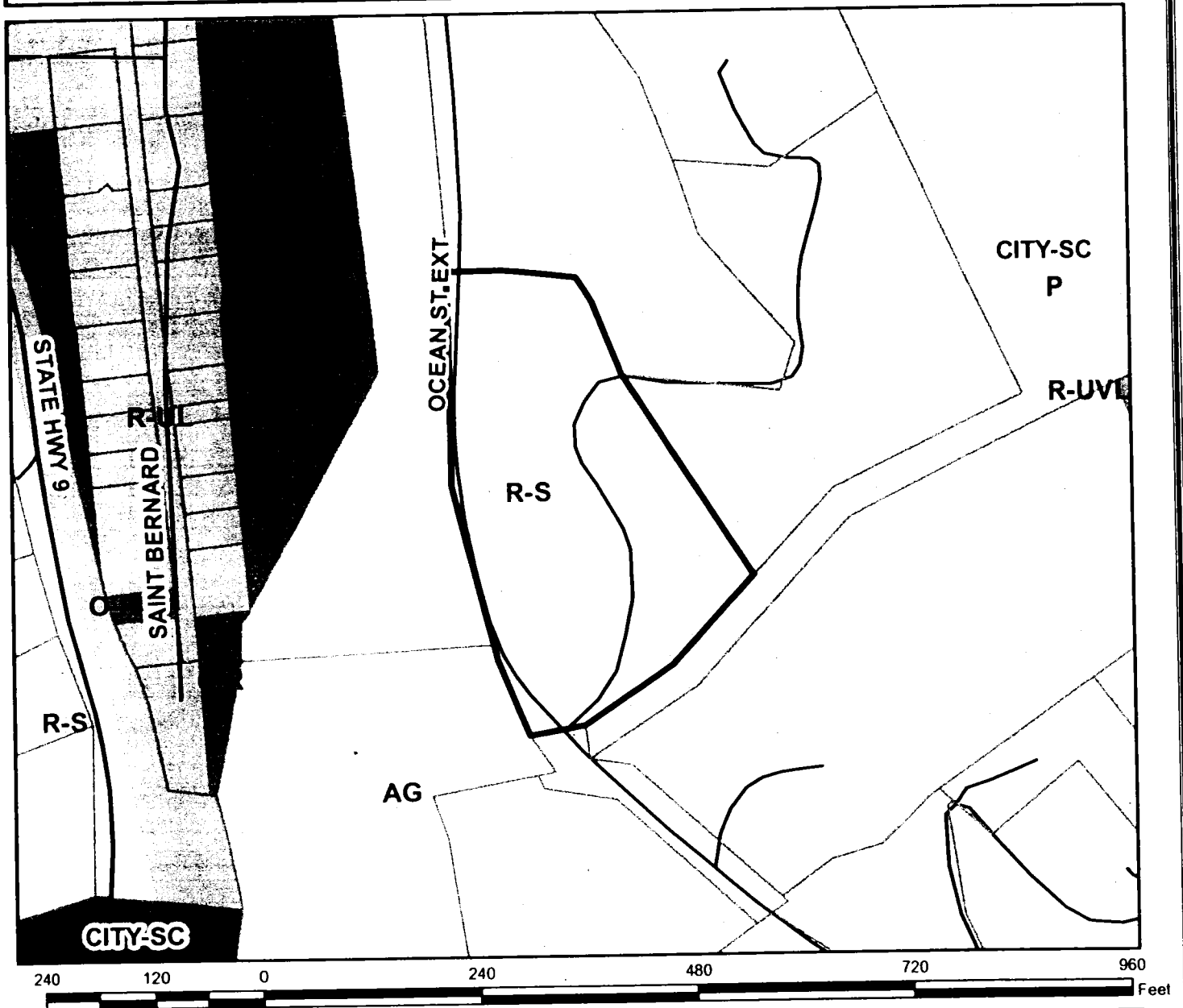
- APN: 060-141-33
- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- AGRICULTURE RESIDENTIAL
- PUBLIC FACILITY
- RESIDENTIAL-SINGLE FAMILY
- SPECIAL USE
- AGRICULTURE COMMERCIAL



Map Created by
County of Santa Cruz
Planning Department
January 2011

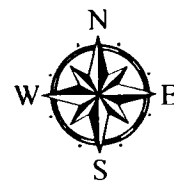


General Plan Designation Map



LEGEND

- APN 060-141-33
- Assessors Parcels
- Streets
- State Highways
- SANTA CRUZ
- Residential - Suburban
- Public Facilities
- Residential - Urban Low Density
- Residential - Urban Very Low Density
- Parks and Recreation
- Agriculture



Map Created by
County of Santa Cruz
Planning Department
January 2011



Environmental Health Review

Routing No: 1 Review Date: 11/18/2010

JIM SAFRANEK (JSafraneK) : Complete

The project is complete for EHS.

The following issue must be resolved prior to the issuance of the BP:

Sheet C1 does not show the future septic leachfield expansion area (see approved septic site plan available at EHS). There could be a setback issue from the approved expansion leachfield to both the proposed 'decomposed granite walk' and the 'grill area'. The setback must be a minimum of 5'. This setback may require an adjustment in the location of the walkway and grill area. In any case, EHS will look for this setback on the building site plan when the applicant seeks EHS Building Clearance.

This EHS requirement was communicated to the applicant's agent today.

Environmental Planning

Routing No: 1 Review Date: 11/30/2010

JESSICA DUKTIG (JDUKTIG) : Complete

Application complete for Enviro. Planning.

MISC COMMENTS:

1. Submit a site specific design level addendum to the original soils report that includes recommendations for potentially liquefiable soils onsite.
2. The engineered grading plans will be formally reviewed at the building application stage.

Fire Review

Routing No: 1 Review Date: 11/18/2010

SAMANTHA HASCHERT (SHASCHERT) : Complete

Complete per project planner. Notes, hydrant, sprinkler, water storage, etc will be required as conditions of approval to be shown on the building permit plans prior to building permit issuance.

SANTA CRUZ COUNTY FIRE DEPARTMENT / *CALFIRE*

CAL FIRE

SAN MATEO-SANTA CRUZ UNIT

6059 HIGHWAY 9

P.O. DRAWER F-2

FELTON, CA 95018

Phone (831) 335-6748

Fax # (831) 335-4053

JOHN FERREIRA

FIRE CHIEF

Date: 11/18/10

EXHIBIT B



Fire Review

Routing No: 1 Review Date: 11/18/2010

SAMANTHA HASCHERT (SHASCHERT) : Complete

Name: George Kluzniok

Address : 456 Roxas St

City: Santa Cruz

Subject: APN: 060-141-33 / Appl # 101103
Street Address

Dear Property Owner:

The Santa Cruz County Fire Marshals Office has reviewed the plans for the above cited project, **APPROVAL IS DENIED**. We require the additional information listed below in order to complete our review.

Please add the appropriate NOTES, DETAILS and INFORMATION on your plans and **RESUBMIT with an annotated copy of this letter. All changes to drawings will require "clouding of the change"**.

NOTE on the plans "All buildings shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13-D, and adopted standards of Santa Cruz County."

Each APN (lot) shall have separate submittals for building and sprinkler system plans.

The County of Santa Cruz Emergency Services Department/Addressing must approve or assign an address before Fire Department approval is obtained.

NOTE on the plans "these plans are in compliance with California Building and Fire Codes (2007 edition) and Santa Cruz County Amendments."

SHOW on the plans a public fire hydrant within 600 feet of any portion of the building meeting the minimum required fire flow for the building. Hydrant shall be on a fire apparatus access road, as measured by an approved drivable route around the exterior of the facility or building.

If the public fire hydrant is further than 600 feet from any portion of the building, a new fire hydrant will be required. Note on the plans **"the new hydrant shall be installed and made serviceable"**

EXHIBIT E



Fire Review

Routing No: 1 Review Date: 11/18/2010

SAMANTHA HASCHERT (SHASCHERT) : Complete

prior to and during the time of construction except when approved alternative methods of protection are provided".

SHOW on the plans where the smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement.

One detector adjacent to each sleeping area (hall, foyer, balcony, or etc.)

One detector in each sleeping room.

One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.

There must be at least one smoke detector on each floor level regardless of area usage.

There must be a minimum of one smoke detector in every basement area.

When a fire alarm system is proposed in lieu of 110V/battery backup smoke detectors, a separate fire alarm permit and fee is required by the Santa Cruz County Fire Marshals Office. **NOTE** on the plans, "three sets of fire alarm plans shall be submitted and approved prior to commencing work."

SHOW on the plans a 10,000 gallon water tank for domestic and fire protection service with a "residential hydrant" as located by the Fire Department if your building is not serviced by a public water supply meeting the fire flow requirements. For information regarding where the water tank and fire department connection shall be located, contact the Santa Cruz County Fire Marshals Office at 335-6748. A separate permit is required for tank/hydrant installation.

SHOW on the plans a public fire hydrant within 400 feet of any portion of the building meeting the minimum required fire flow for the building. Hydrant shall be on a fire apparatus access road, as measured by an approved drivable route around the exterior of the facility or building.

NOTE on the plans "an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared and submitted for approval by a California State Licensed Contractor (Class A, C-16 or C-34). The plans shall comply with NFPA 24, "Standard for the Installation of Private Fire Service Mains and Their Appurtenances". Designer/installer shall submit three (3) sets of plans and calculations to this agency for approval."

NOTE on the plans "building numbers shall be provided. Numbers shall be a minimum of four) inches in height on a contrasting background and visible from the street. Where numbers are not visible from the street, additional numbers shall be installed on a directional sign at the property driveway and the street."

NOTE on the plans "the roof covering shall be no less than Class "B" rated roof."

EXHIBIT B



Fire Review

Routing No: 1 Review Date: 11/18/2010

SAMANTHA HASCHERT (SHASCHERT) : Complete

NOTE on the plans "the driveway / access road shall be in place prior to any framing construction, or construction will be stopped."

SHOW on the plans, **DETAILS** of compliance with the access road requirements. The access road shall be 12 feet minimum unobstructed width and maxi-mum twenty percent slope. The access road fronting the project property corner to property corner shall conform to the minimum width standard.

ACCESS ROAD / DRIVEWAY REQUIREMENTS

The access road / driveway shall be an "all weather" surface. "All Weather Surface" is defined as a minimum 6" of compacted aggregate base rock, Class II or equivalent, and certified in writing by a licensed engineer to 95% compaction for grades up to and including 5%. For grades in excess of 5% but not exceeding 15%, oil and screeds shall be applied to a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95% compaction. For grades exceeding 15%, 2" of asphaltic concrete shall be applied over a minimum 6" of compacted aggregate base rock, Class II or equivalent, certified in writing by a licensed engineer to 95%.

The maximum grade of the access road shall not exceed 20%, with grades greater than 15% not permitted for distances of more than 200 feet at a time.

The access road shall have a vertical clearance of 13'-6" for its entire width and length, including turnouts.

An approved turn-a-round shall be provided for access roads and driveways in excess of 150 feet in length.

Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.

All private access roads, driveways, turn-around and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.

The driveway shall be thereafter maintained to these standards at all times.

SHOW on the plans **DETAILS** of the Fire Department Turn-a-round in compliance with FPO-015. Include dimensions. (See attached).

EXHIBIT B



Fire Review

Routing No: 1 Review Date: 11/18/2010

SAMANTHA HASCHERT (SHASCHERT) : Complete

BRIDGE REQUIREMENTS

NOTE on the plans, the following bridge requirements:

- All bridges are required to meet Cal-Trans Bridge Standard H20. (25 ton limit). Please provide details for bridge as part of your submittal.
- Provide written certification by a licensed civil engineer that the bridge meets a minimum load bearing capacity of 25 tons.
- Bridge capacity shall be posted and shall be certified every five years by a licensed engineer.

NOTE on the plans "a 100-foot clearance shall be maintained around and adjacent to the building or structure to provide additional fire protection or fire break by removing all brush, flammable vegetation, or combustible growth.

EXCEPTION: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, pro-vided they do not form a means of rapidly trans-mitting fire from native growth to any structure. "

NOTE on the plans" the job copies of the building and fire systems plans and permits must be on-site during inspections."

Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with 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 reviewer and reviewing agency.

Should you have any additional concerns, you may contact our office at (831) 335-6748.

Project Review

Routing No: 2 Review Date:

() :

EXHIBIT E