



Staff Report & Development Permit Level 5 – Lot Line Adjustment (APAC)

Application Number: 111377

Applicant: **Powers Land Planning**

Site Address: **360 Old Smith Road (-51)
& No Situs (-52, 109-151-22)**

Agenda Date: **February 16, 2012**

Agenda Item: **8**

APN: **109-112-51; 109-112-52 & 109-151-22**

Owner: **Joseph Gali**

Proposal & Location

Proposal to adjust the boundaries between three Commercial Agriculture (CA) zoned parcels: Parcel A (APN 109-112-52) 22.67 ac.; Parcel B (APN 109-112-51) 29.21 ac.; and Parcel C (APN 109-151-22) 13.99 ac., to transfer 2.84 acres from Parcel A to Parcel B and 12.15 acres from Parcel B to Parcel C, resulting in three parcels of 19.83 acres (Parcel A), 19.90 acres (Parcel B), and 26.14 acres (Parcel C).

Requires a Lot Line Adjustment and review by the Agricultural Policy Advisory Commission.

Property located on the northwest corner of the intersection of Old Smith Road and Smith Road (360 Old Smith Road).

Permits Required: Lot Line Adjustment

Staff Recommendation:

- Approval of the proposed lot line adjustment on parcels 109-112-51, 109-112-52, & 109-151-22 based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--------------------------------------------|----|-------------------------------------------------------------------|
| A. | Project plans | E. | Assessor's parcel map, Location Map, Zoning Map, General Plan Map |
| B. | Conditions | | |
| C. | Findings | | |
| D. | Categorical Exemption (CEQA determination) | F. | Comments & Correspondence |

Analysis

The proposed lot line adjustment will transfer

- 1) 2.84 acres from APN 109-112-52 (Parcel A) to APN 109-112-51 (Parcel B).
- 2) 9.31 acres from APN 109-112-51 (Parcel B) to APN 109-151-22 (Parcel C).

All three parcels are currently over 10 acres and will remain over 10 acres in size as a result of

the proposed lot line adjustment, which is appropriate for the Commercial Agriculture (CA) zone district.

The transfer of this property will not increase the development potential on any of the properties. No new building sites will be created as a result of this application. There are three parcels currently and there will be three parcels as a result of this permit. No new parcels will be created.

An unconditional certificate of compliance was issued in 2007 (07-0110) which recognized two legal parcels associated with APN 109-112-04. Subsequently, new parcel numbers were assigned to the two legal parcels, resulting in APN's 109-112-51 and 52. A previous boundary adjustment (04-0199) recognized parcel 109-151-22 (previously 109-151-19 and -21).

As per the property owner, the purpose of the boundary adjustment is to more create more appropriately configured parcels for potential future commercial agriculture based on topography. A site visit by staff confirmed that the proposed parcel configuration increases the potential for viable commercial agriculture to occur on the parcels by combining previously isolated areas with more accessible areas.

It was noted by staff that portions of the access road leading to Parcel B border a mature riparian corridor. Therefore, the setback from the top of bank is 30 feet from each side of the intermittent drainage way. Any future proposed development on Parcel B, including access road improvements, would require a Riparian Exception.

Recommendation

- Staff recommends that your Commission **APPROVE** the lot line adjustment proposed under Application # 111377, 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
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E-mail: samantha.haschert@co.santa-cruz.ca.us

Report Reviewed By: Ken Hart
Principal Planner
Development Review



BRIDGITE LAND SURVEYING
PROFESSIONAL LAND SURVEYORS
9507/931-722-5807 FAX 931-722-8077
80 ASHEN WAY, SUITE A WATSONVILLE, CA

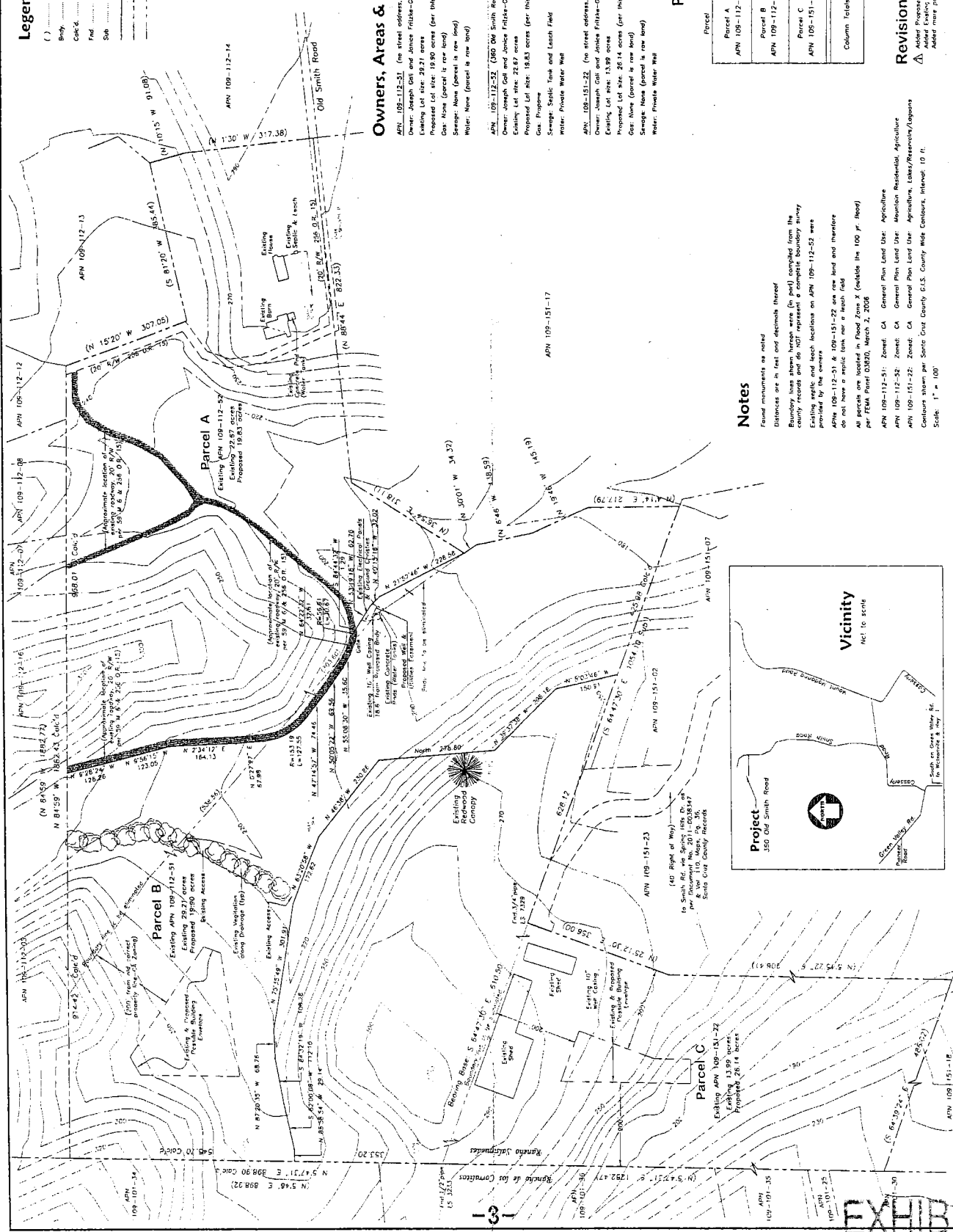
Mr. Joseph Galt
Tentative Map for Lot Line Adjustment prepared for

Santa Cruz County, California
APNs 109-112-51, 52 & 109-151-22

DATE: 11-17-17
SCALE: 1" = 100'
REVISIONS: 11-17-17
1

EXHIBIT A PERMIT NO. 111277

- Record data
- Boundary
- Calc'd
- Found
- Subtraction
- Proposed boundary line
- Existing boundary line (no change)
- Existing boundary line to be eliminated



Owners, Areas & Utilities

APN 109-112-51 (no street address, off Old Smith Rd., Watsonville, CA 95076)
Owner: Joseph Galt and Joyce Hiltner-Galt - 37 Acre Ave., Los Gatos, CA 95030
Existing Lot size: 28.2 acres
Proposed Lot size: 28.2 acres (for this lot line adjustment)
Garage (proposed in new lot)
Septic tank (proposed in new lot)
Water: None (proposed in new lot)
Welder: None (proposed in new lot)

APN 109-112-52 (360 Old Smith Road, Watsonville, CA 95076)
Owner: Joseph Galt and Joyce Hiltner-Galt - 37 Acre Ave., Los Gatos, CA 95030
Existing Lot size: 28.2 acres
Proposed Lot size: 28.2 acres (for this lot line adjustment)
Garage (proposed in new lot)
Septic tank (proposed in new lot)
Water: Private Water Well
Welder: Private Water Well

APN 109-151-22 (no street address, off Spring Hills Dr., Watsonville, CA 95076)
Owner: Joseph Galt and Joyce Hiltner-Galt - 37 Acre Ave., Los Gatos, CA 95030
Existing Lot size: 13.99 acres
Proposed Lot size: 13.99 acres (for this lot line adjustment)
Garage (proposed in new lot)
Septic tank (proposed in new lot)
Water: Private Water Well
Welder: Private Water Well

Parcel Sizes

Parcel	Existing	Proposed	Difference
Parcel A APN 109-112-51	22.67 ac	19.81 ac	-2.86 ac
Parcel B APN 109-112-52	29.21 ac	16.90 ac	-12.31 ac
Parcel C APN 109-151-22	13.99 ac	28.14 ac	+14.15 ac
Column Totals	65.87 ac	64.85 ac	-0.02 ac

Revisions

Added Proposed & Existing Parcel Boundary Enclosures
Added more particulars for Existing Right of Way to Spring Hills Dr.

Notes

Found monuments as noted
Distances are in feet and decimals thereof
Boundary lines shown herein were (in part) compiled from the county records and do not represent a complete boundary survey
Existing septic and leach facilities on APN 109-112-52 were provided by the owner
APNs 109-112-51 & 109-151-22 are new land and therefore do not have a septic tank or a water well
All parcels are located in Flood Zone X (outside the 100 yr flood per FEMA Flood 03870, March 2, 2008)
APN 109-112-51: Zoned: CA General Plan Land Use: Agriculture
APN 109-112-52: Zoned: CA General Plan Land Use: Mountain Residential Agriculture
APN 109-151-22: Zoned: CA General Plan Land Use: Agriculture, Lakes/Reservoir/Lagoons
Contours shown per Santa Cruz County G.I.S. County Wide Contour, Interval: 10 ft.
Scale: 1" = 100'

Vicinity

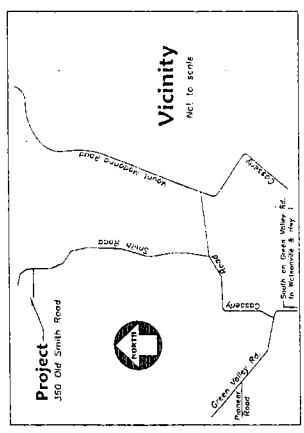


EXHIBIT A

Conditions of Approval

Exhibit A: Tentative Map, 1 sheet, prepared by Bridgette Land Surveying, dated 10/17/11 (revised 11/7/11).

- I. No parcel map is required. File deed(s) of conveyance (which must result in parcel configurations that match the approved Exhibit "A" for this permit) with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership. Please note that this approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property.
 - A. The deed(s) of conveyance must contain the following statement after the description of the property(ies) or portion(s) of property to be transferred:
 1. "The purpose of the deed is to adjust the boundary between Assessor's Parcel Numbers 109-112-51, 109-112-52, & 109-151-22 as approved by the County of Santa Cruz under Permit 111377. This deed and approval of the related Lot Line Adjustment Number 111377 shall be deemed to permanently reconfigure the affected underlying parcels. Any configuration of such underlying parcels that existed prior to recordation of this deed shall no longer be valid and shall not be used for transfer, conveyance, sale, or any other purpose. This conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated."
 - B. Return a conformed copy of the deed(s) to the Planning Department.
- II. If a map is also to be recorded with the County Surveyor's office (which is not required to implement this approval), you must include a copy of these Conditions of Approval to the County Surveyor with the map to be recorded.
- III. Prior to the issuance of a building permit on any of the three adjusted parcels:
 - A. The property owner shall submit evidence of legal deeded access.
 - B. The property owner shall record a Declaration of Easement and Shared Well Agreement as per the County Environmental Health Services Department.
- IV. In the event that future County inspections of the subject property disclose noncompliance 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, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval

EXHIBIT B

("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.

In accordance with Chapter 18.10 of the County Code, minor variations to this permit which do not affect the overall concept, intensity, or density may be approved by the Planning Director at the request of the applicant or staff.

Please note: This permit expires three years from the effective date and is no longer valid if the boundary adjustment is not recorded prior to the expiration date listed below.

Approval Date: _____

Effective Date: _____

Expiration date: _____

EXHIBIT B

Lot Line Adjustment Findings

1. The lot line adjustment will not result in a greater number of parcels than originally existed.

This finding can be made, in that there were three parcels prior to the adjustment and there will be three parcels subsequent to the adjustment.

2. The lot line adjustment conforms with the county zoning ordinance (including, without limitation, County Code section 13.10.673), and the county building ordinance (including, without limitation, County Code section 12.01.070).

This finding can be made, in that no additional building sites will be created by the transfer as parcel 10-112-52 is currently developed and existing building sites have been identified on parcels 109-112-51 and 109-151-22. Parcels 109-112-51 and 109-151-22 have General Plan designations of Agriculture (AG); however, further technical studies are not necessary in that all three parcels will remain over 10 acres in size which is a sufficient area to allow for future commercial agricultural ventures. The boundary adjustment supports commercial agricultural uses by combining areas isolated by topography with more accessible areas.

3. No affected parcel may be reduced or further reduced below the minimum parcel size required by the zoning designation, absent the grant of a variance pursuant to County Code section 13.10.230.

This finding can be made, in that none of the parcels included in the proposal will be reduced below 10 acres in size, which allows for potential commercial agriculture to occur on all three parcels, which is consistent with the Commercial Agriculture (CA) zone district purposes.

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: 111377

Assessor Parcel Number: 109-112-51, 109-112-52 & 109-151-22

Project Location: 360 Old Smith Road (-51) & No Situs (-52, 109-151-22)

Project Description: Minor Lot Line Adjustment

Person or Agency Proposing Project: Powers Land Planning

Contact Phone Number: (831) 661-5170

- 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 5 - Minor Alterations in Land Use Limitations (Section 15305)

F. Reasons why the project is exempt:

Minor Lot Line Adjustment, between 3 parcels, which does not result in the creation of additional building sites and which supports the continued commercial agricultural use of the properties.

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

Samantha Haschert, Project Planner

Date: _____

EXHIBIT D

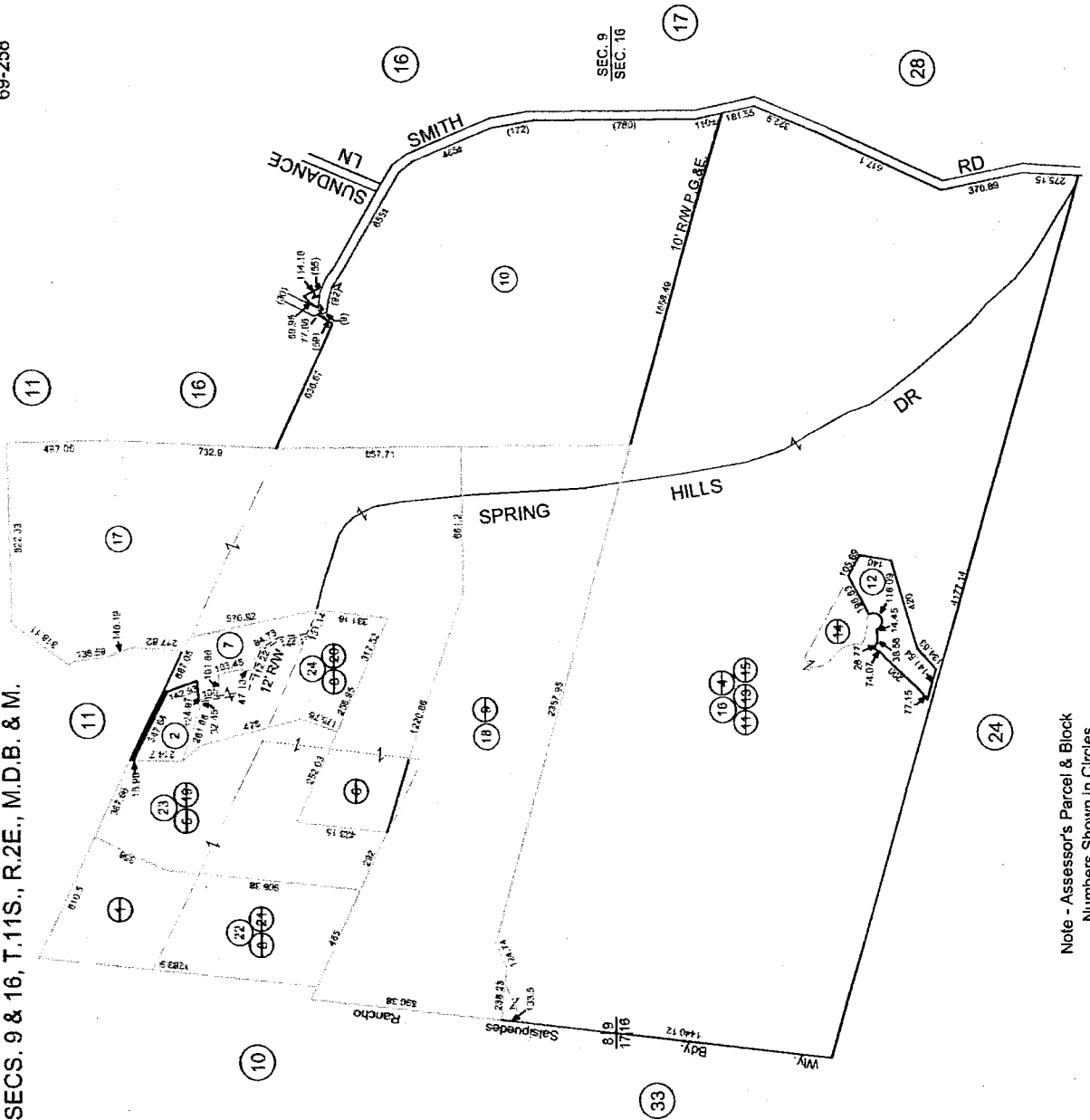
109-15

Tax Area Code
69-258

SALSIPUEDES RANCHO
POR. SECS. 9 & 16, T.11S., R.2E., M.D.B. & M.

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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Assessor's Map No. 109-15
County of Santa Cruz, Calif.
Oct. 1997

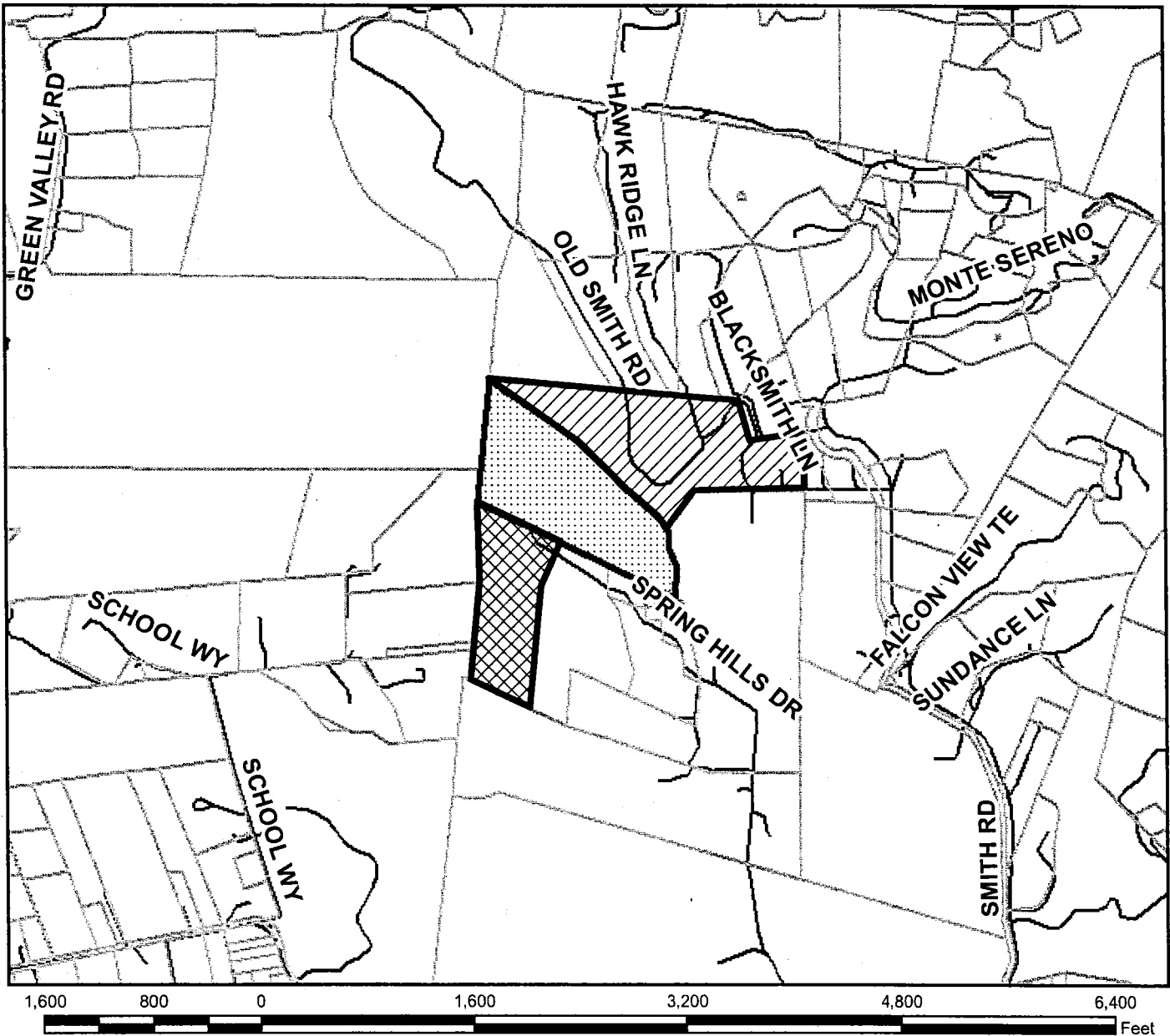
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

EXHIBIT B






Electronically drawn 10/13/97 KSA
Rev 4/9/98 CB (Tax Consideration)
Rev 2/9/98 CB (P of PG 109.16)
Rev 2/9/98 CB (B-000000, LBA 1-17 & 19)
Rev 10/12/01 mwm (changed page refs)
Rev 12/05/03 DD (3-0001066-70, 4p 19.20 & 21)
Rev 8/19/05 mwm (5-0049316, 17 & 18 LBA 1-22, 23 & 24)

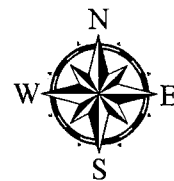


Location Map



LEGEND

-  APN: 109-151-22
-  APN: 109-112-52
-  APN: 109-112-51
-  Assessors Parcels
-  Streets

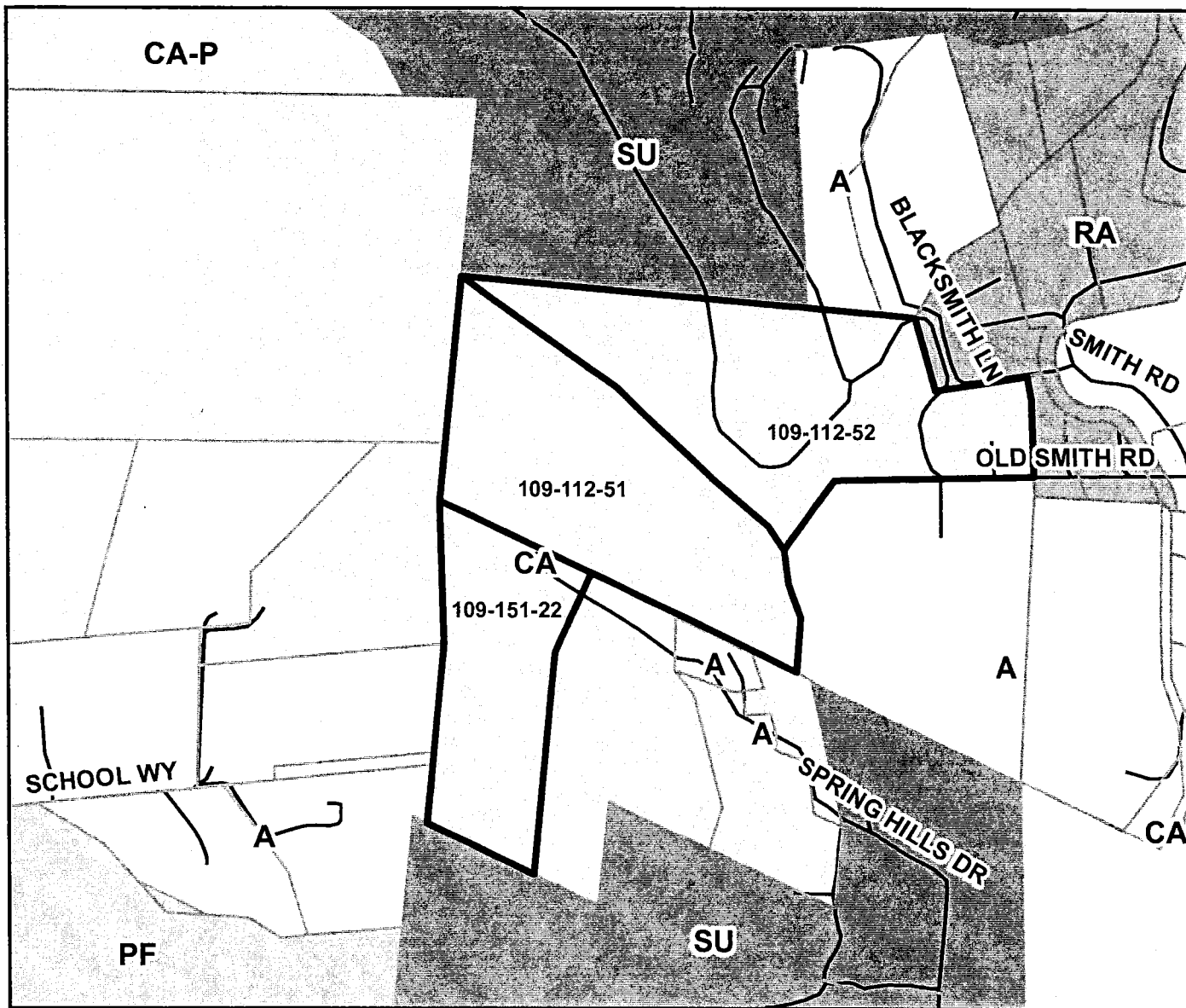


Map Created by
County of Santa Cruz
Planning Department
January 2012

EXHIBIT E

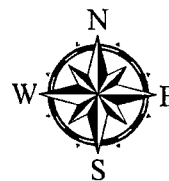


Zoning Map



LEGEND

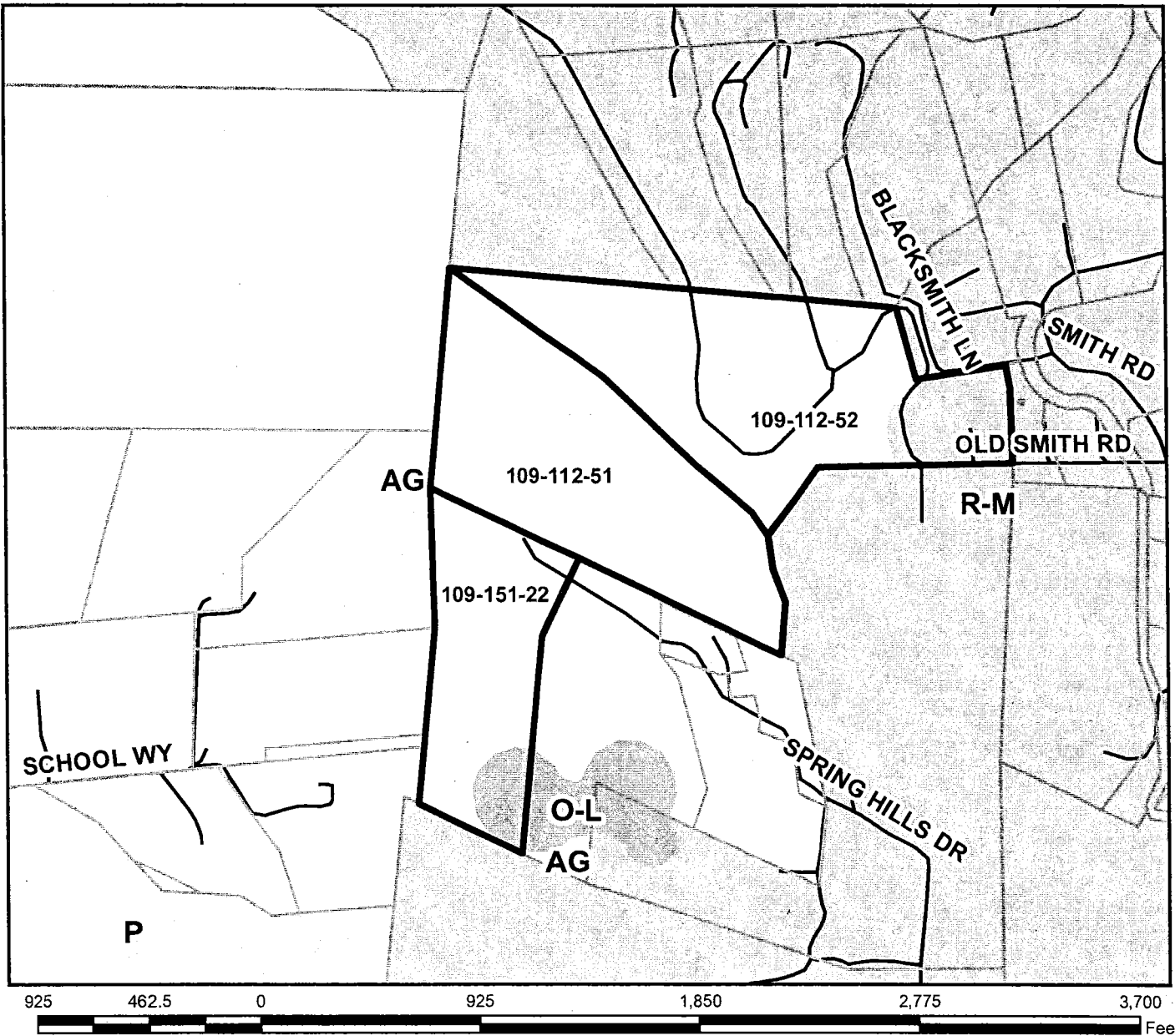
- APN: 109-151-22
- APN: 109-112-52
- APN: 109-112-51
- Assessors Parcels
- Streets
- AGRICULTURE
- AGRICULTURE COMMERCIAL
- PUBLIC FACILITY
- AGRICULTURE RESIDENTIAL
- SPECIAL USE



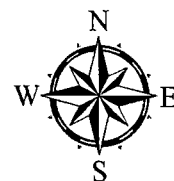
Map Created by
County of Santa Cruz
Planning Department
January 2012



General Plan Designation Map



- LEGEND**
- APN: 109-151-22
 - APN: 109-112-52
 - APN: 109-112-51
 - Assessors Parcels
 - Streets
 - Agriculture
 - Public Facilities
 - Residential-Mountain
 - Lake



Map Created by
County of Santa Cruz
Planning Department
January 2012

EXHIBIT E



Environmental Health Review

Routing No: 1 Review Date: 11/29/2011

JIM SAFRANEK (JSafraneK) : Complete

The project is complete for EHS.

For compliance the owner will need to record the Declaration of Easement and Shared Well Agreement that was approved in draft form by EHS.

Environmental Planning

Routing No: 1 Review Date: 12/02/2011

ROBERT LOVELAND (RLOVELAND) : Complete

NOTES TO PLANNER:

1. Portions of the access road leading to "Parcel B" borders a mature riparian corridor. The setback from the top of bank is 30 feet from each side of the intermittent drainage way. Approval of a riparian exception to reduce this setback would not be approved by Environmental Planning Section. Alternative access points should be explored at prior to any final development plans being submitted.
2. Minimizing grading shall be considered and incorporated into any future development plans for either "Parcels B or C".

Project Review

Routing No: 2 Review Date: 01/20/2012


SAMANTHA HASCHERT (SHASCHERT) : Complete

EXHIBIT F



Powers Land Planning, Inc.

Land Use and
Development Consulting



November 8, 2011

County of Santa Cruz
Planning Department
Attn: Samantha Haschert
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

RE: Lot Line Adjustment (LLA) Application for 109-112-51, 109-112-52 and 109-151-22

Dear Samantha,

The purpose of this LLA is to redraw boundary lines among the three subject parcels to more closely follow natural topographic features of the area, as well as help prevent potential land use conflicts among future land owners/farmers.

The existing parcel sizes are 22.67 acres (Parcel A, 109-112-52) 29.21 acres (Parcel B, 109-112-51), and 13.99 acres (Parcel C, 109-151-22). The LLA proposes to transfer 2.84 acres from Parcel A to Parcel B and 12.15 acres from Parcel B to Parcel C, resulting in three parcels of 19.83 acres – Parcel A, 19.90 acres – Parcel B, and 26.14 acres, Parcel C.

All three parcels are zoned CA (Commercial Agriculture) and all existing parcels either currently have or in the past had some type of agricultural use (turkey farm, row crops, berries, orchard and vineyard).

Parcel A currently has blueberries planted near the existing house and there is evidence of an orchard and vineyard on the knoll portion of the parcel. These areas will not be impacted by the proposed LLA. The bottom 2.84 acres that is proposed to be transferred to Parcel B is physically isolated from the rest of Parcel A and naturally belongs under the same ownership as Parcel B. The resulting Parcel B can be farmed as one economic unit. The proposed boundary between Parcels A and B will be adjusted to follow the edge of the existing right-of-way at the base of the knoll on Parcel A.

Parcel B consists of a lower meadow with a geographically separated upper terrace. The difference in elevation between the lower meadow and the upper terrace ranges from 60 to 75 feet, which makes farming and access to the upper terrace challenging. The proposed LLA will connect Parcel C with the

upper terrace of Parcel B, providing for a useable and more practical economic farm unit/terrace. The proposed LLA map indicates a potential building site on Parcel B near the northern part of the parcel. This area is located outside of the county fault zone mapping and the critical fire hazard area mapping. This possible building site is also located at least 200 feet from both the existing and proposed boundary separating Parcels A and B to achieve the agricultural buffer standard between the building site and the adjacent CA zoned Parcel A. The potential building site is at the edge of a 20% slope at one end of the parcel, which minimizes conflicts between farm operations and any future residence. Please note that the existing Assessor Parcel Map incorrectly draws the boundary between Parcels A and B. The Bridgette Land Survey map correctly illustrates the location of the existing boundary between Parcels A and B per the legal description that was approved supporting the Certificates of Compliance issued in 2007 for these parcels. The legal descriptions of the original lots are attached to the Certificates of Compliance.

The proposed LLA map shows a building site previously identified for Parcel C in 2004. This building site can serve as both the existing and proposed building site for Parcel C for this LLA. In 2004, the site was previously approved for Parcel C as part of a previous LLA.

The owners have been very thoughtful and thorough in their approach and consideration of the proposed lot configurations. The resulting parcel layout is very appropriate given the existing topographic variations and land uses of the areas.

There is a locked gate on Spring Hills Drive to access Parcel C (109-151-22), so please call Janice Gali at 408-981-5075 to make an appointment for a site visit. (Wednesdays are preferred.)

Please let me know if you have any questions about the application.

Sincerely,



Ron Powers, AICP

Enclosures: Proposed LLA Map
Current Grant Deeds and Certificates of Compliance