



Staff Report to the Agricultural Policy Advisory Commission

Application Number:
HA22669

Applicant: Betty Cost Planning and Permit Services
Owner: Monte Vista Christian School
APN: 109-141-25; 109-331-01

Date: 9/20/12
Agenda Item #:
Time: 1:30 p.m.

Project Description: Proposal to reduce the required agricultural buffer setback from 200 feet to about 90 feet to proposed tennis courts and to about 60 feet and 115 feet from a proposed softball field. Requires an Agricultural Buffer Setback Reduction.

Location: Monte Vista Christian School - 2 School Way, Watsonville

Staff Recommendation:

- Approval of Application HA22669, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	87.4 acres (including all school parcels)
Existing Land Use - Parcel:	Private school & associated facilities
Existing Land Use - Surrounding:	Rural residential and agricultural uses
Project Access:	School Way (via Wheelock Road)
Planning Area:	Eureka Canyon
Land Use Designation:	109-141-25: R-R (Rural Residential) 109-331-01: P (Public Facilities)
Zone District:	109-141-25: A (Agriculture) 109-331-01: PF (Public Facilities)
Supervisory District:	4th (District Supervisor: Greg Caput)
Within Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No

Water Supply:	Well
Sewage Disposal:	Septic & Private Treatment System
Fire District:	Pajaro Fire Protection District
Drainage District:	Zone 7 Flood Control District

Analysis and Discussion

This request for an Agricultural Buffer Setback Reduction is a component of a proposal to amend the Master Plan for the Monte Vista Christian School in Watsonville. Although no buildings are proposed within the required 200 foot setback from Commercial Agriculture zoned parcels, two outdoor improvements (tennis courts and a softball field) are proposed within the required agricultural buffer setbacks.

Tennis Courts

The new tennis courts are proposed to be located on APN 109-141-25 on the west side of the campus. The western edge of the tennis courts would be approximately 90 feet from the property boundary shared with APN 109-141-42, a Commercial Agriculture zoned parcel. The existing boundary is fenced and an existing row of pine trees is located on the school side of the fence line. The applicant proposes to replace 400 linear feet of the existing wood fencing with a tight wood board fence 6 feet in height and to plant additional trees and shrubs in this area. The replacement fencing and additional trees and shrubs will create an effective agricultural buffer barrier between the new tennis courts and any existing or future agricultural activities on APN 109-141-42.

Softball Field

The junior varsity softball field is proposed to be located in the northernmost portion of the school campus on APN 109-331-01. The western edge of the softball field would be approximately 60 feet from the property boundary shared with APN 109-331-02 and the northern edge of the softball field would be approximately 115 feet from the property boundary shared with APN 109-101-32, which are both Commercial Agriculture zoned parcels.

The existing western boundary (with APN 109-331-02) is fenced with chain link material along School Way with some stands of shrubs and trees along this boundary. The applicant proposes to replace a portion of the existing chain link fencing with new chain link fencing including slats and to plant a row of large shrubs in this area. The replacement fencing and additional shrubs, combined with the presence and width of the existing roadway (School Way), will create an effective agricultural buffer barrier between the new softball field and any existing or future agricultural activities on APN 109-331-02.

The existing northern boundary (with APN 109-101-32) is heavily vegetated with trees and shrubs and a private right of way is located on the north side of the property line. No improvements are proposed for this boundary due to the existing vegetation. The existing vegetation will be retained as a buffer and a new water tank will be located within the 120 foot setback from the northern property line. The existing vegetation, combined with the presence and width of the existing roadway, will create an effective agricultural buffer barrier between the new softball field and any existing or future agricultural activities on APN 109-101-32.

A reduced agricultural buffer is recommended for the proposed improvements due to the outdoor nature of the uses and the presence of existing agricultural buffer barriers. The applicant is proposing additional fencing and planting plantings to reduce the impact of agricultural activities on the proposed recreational uses, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcels.

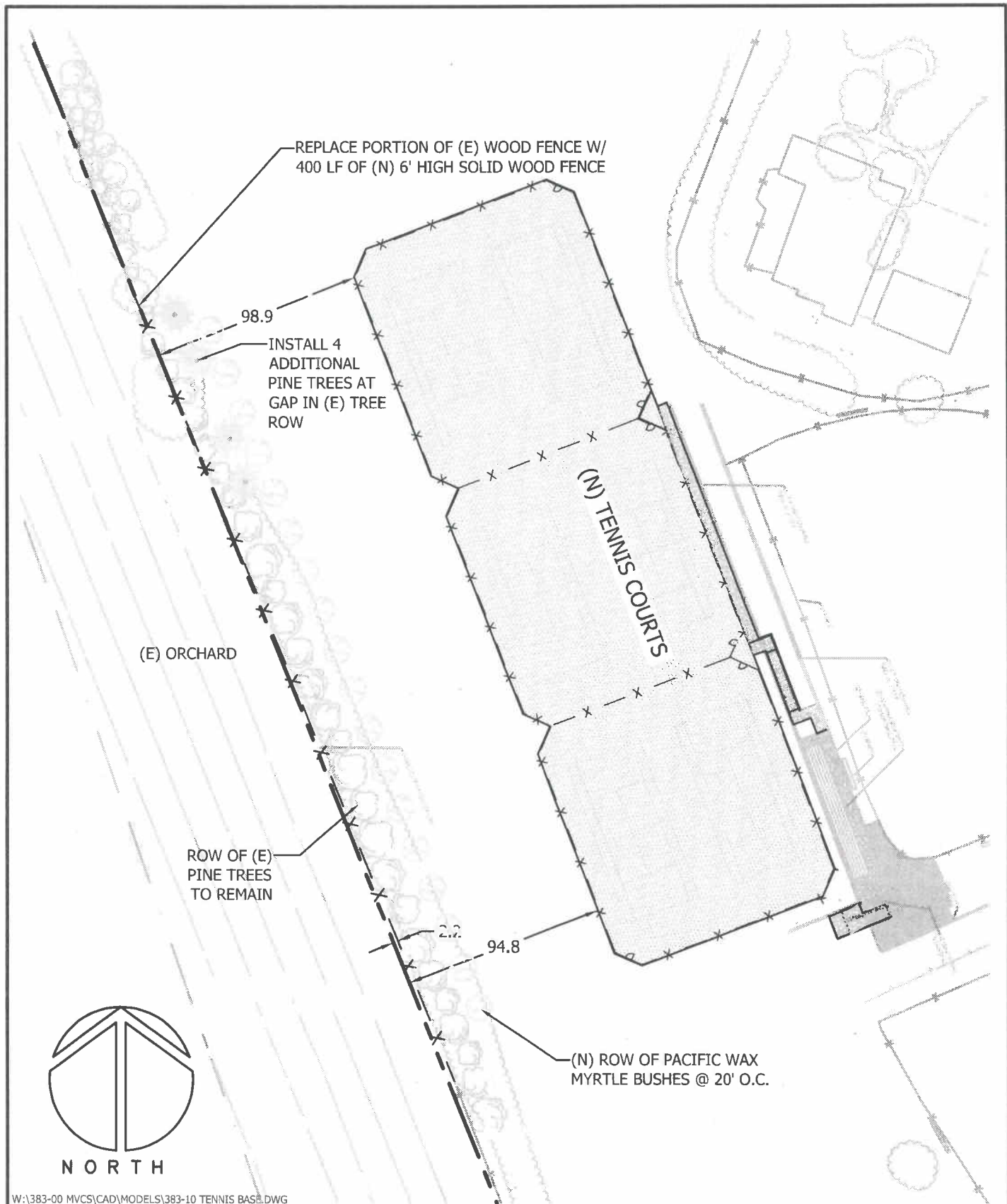
Recommendation

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 90 feet to the proposed tennis courts from the adjacent CA zoned property known as APN 109-141-42; and to about 60 feet & 115 feet to the proposed softball field from the adjacent CA zoned properties known as APNs 109-331-02 & 109-101-32, proposed under Application # HA22669, 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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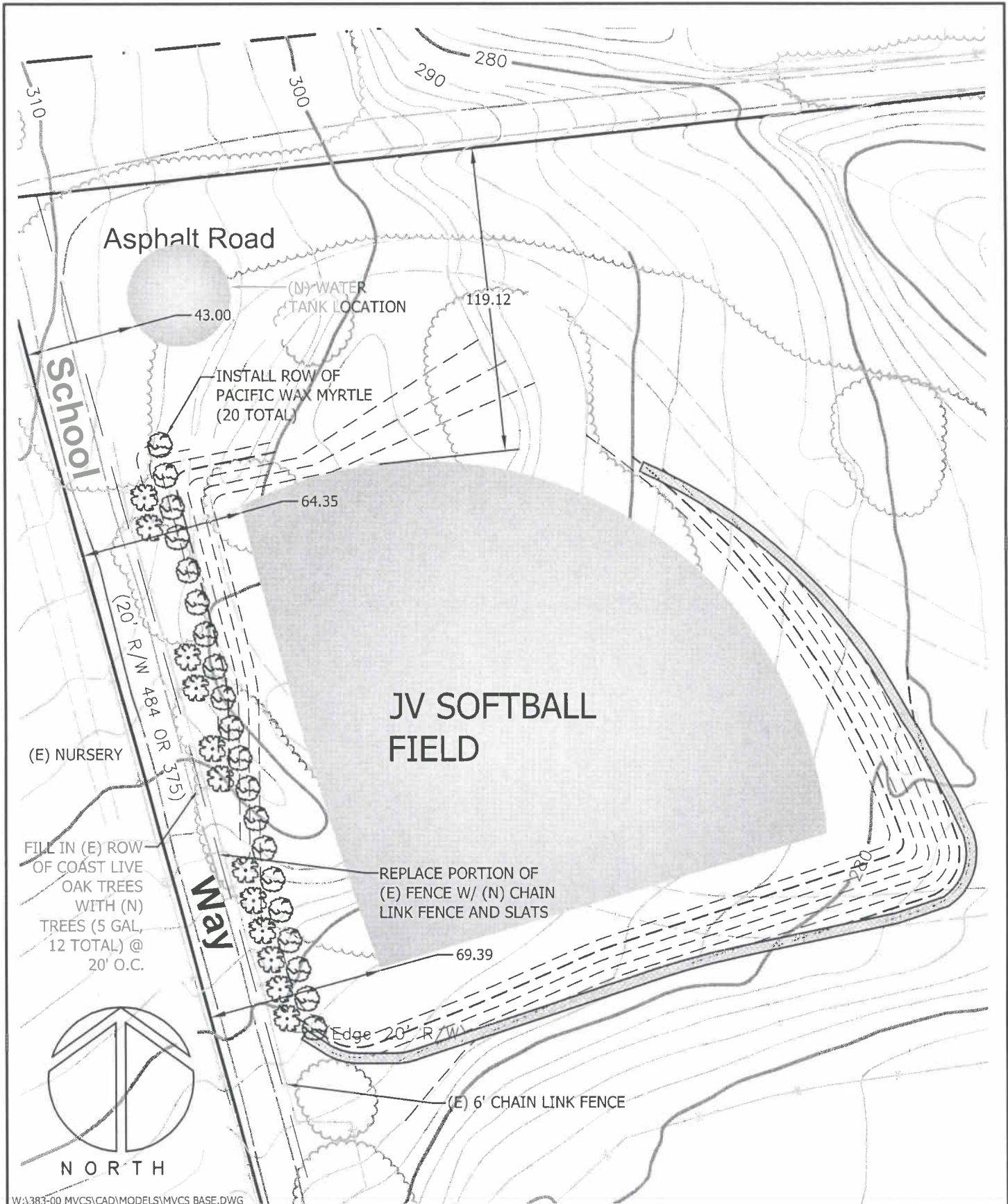


VARIANCE EXHIBIT - TENNIS COURT SETBACK

MONTE VISTA CHRISTIAN SCHOOL
2 SCHOOL WAY, WATSONVILLE, CA 95076

DATE: 06.26.12
DRAWN: DD
SCALE: 1"=60'
SHEET: 1

EXHIBIT A



W:\383-00 MVCS\CAD\MODELS\MVCS BASE.DWG



VARIANCE EXHIBIT - JV SOFTBALL FIELD SETBACK

MONTE VISTA CHRISTIAN SCHOOL
2 SCHOOL WAY, WATSONVILLE, CA 95076

DATE: 08.08.12
DRAWN: BM
SCALE: 1"=50'
SHEET: 1

EXHIBIT A

**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

Not applicable.

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

Permanent substantial vegetation in the form of existing trees and large shrubs to north of the softball field proposed on APN 109-331-01 would be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 109-101-32 to the north.

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

The recreational improvements are proposed to be set back (90 feet to the tennis courts, 60 feet & 115 feet to the proposed softball field) from the adjacent Commercial Agriculture zoned land. An effective barrier consisting of fencing materials (a six foot tall solid wood fence west of the tennis courts and a six foot tall chain link fence with slats west of the softball field) enhanced with vegetation (a row of pine trees and large shrubs west of the tennis courts, a row of large shrubs west of the softball field, and existing trees and large shrubs north of the softball field) would be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned lands of APNs 109-141-42; 109-331-02 & 109-101-32. The barriers, as proposed, would not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic.

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.

The tennis courts are proposed to be located on APN 109-141-25 which is approximately 220 feet in width. The requirement of a 200 foot agricultural buffer setback, combined with the required 20 foot yard setback would preclude the construction of improvements on this parcel.

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed recreational uses (tennis courts on APN 109-141-25 and softball field on APN 109-331-01) to APNs 109-141-42; 109-331-02 & 109-101-32, as depicted on the approved Exhibit "A" for this permit. 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/engineering 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. The following minimum setbacks shall be met from the proposed development to the surrounding Commercial Agriculture zoned parcels: 90 feet (from the tennis courts to APN 109-141-42 to the west), 60 feet (from the softball field to APN 109-331-02 to the west), and 115 feet (from the softball field to APN 109-101-32 to the north)
 2. Final plans shall show the location of the vegetative buffering barrier (and any fences/walls used for the purpose of buffering adjacent agricultural land) which shall be composed of drought tolerant shrubbery. The shrubs utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall match the approved exhibits and shall be indicated on the final plans for review and approval by Planning Department staff.

- 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. The required vegetative and/or physical barrier shall be installed. The applicant/owner shall contact the Planning Department, a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.
- IV. Operational Conditions
- A. The vegetative and physical barrier shall be permanently maintained.
 - B. All required Agricultural Buffer Setbacks shall be maintained.
 - C. 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.

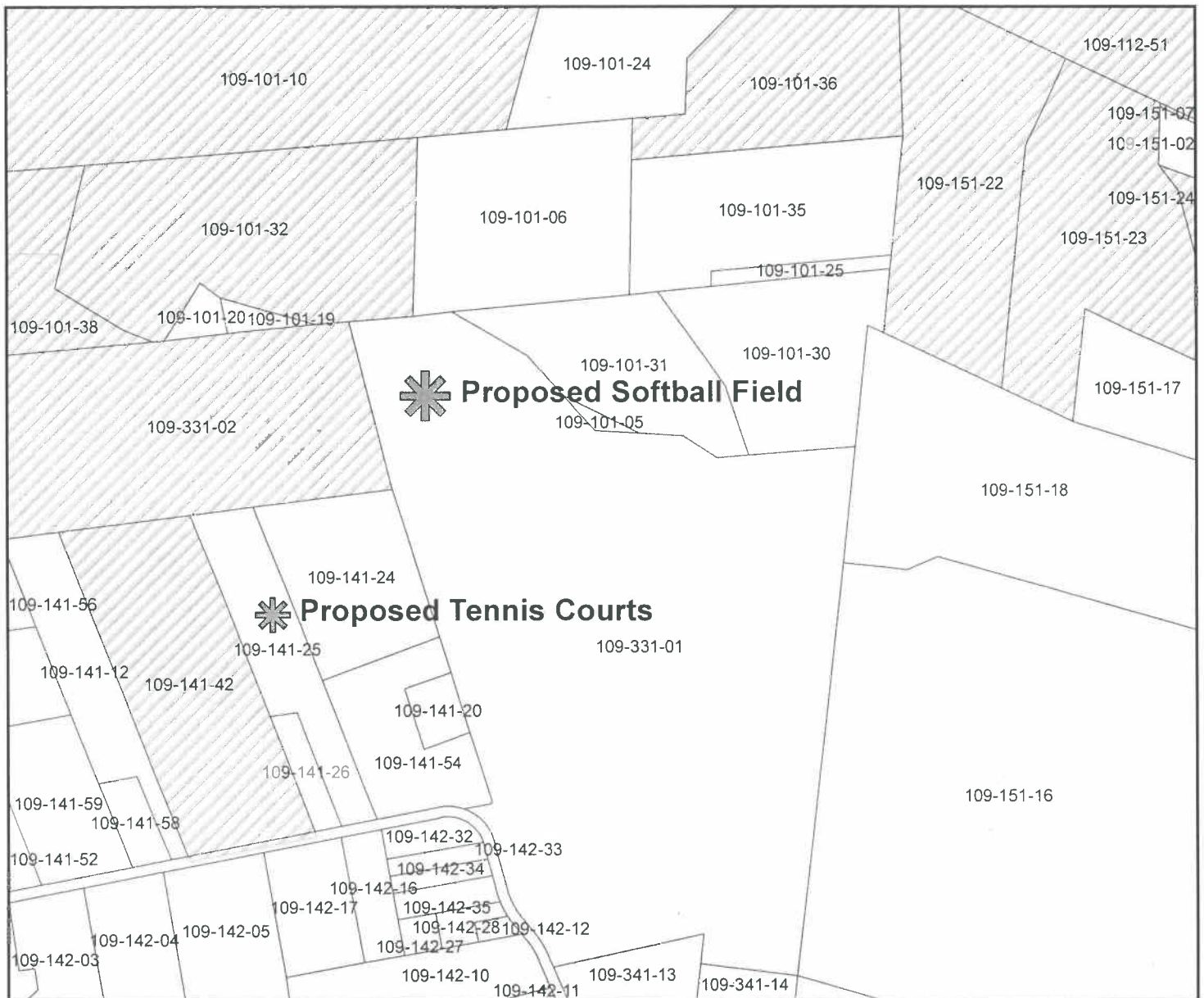
Approval Date: _____

Effective Date: _____

Expiration Date: _____

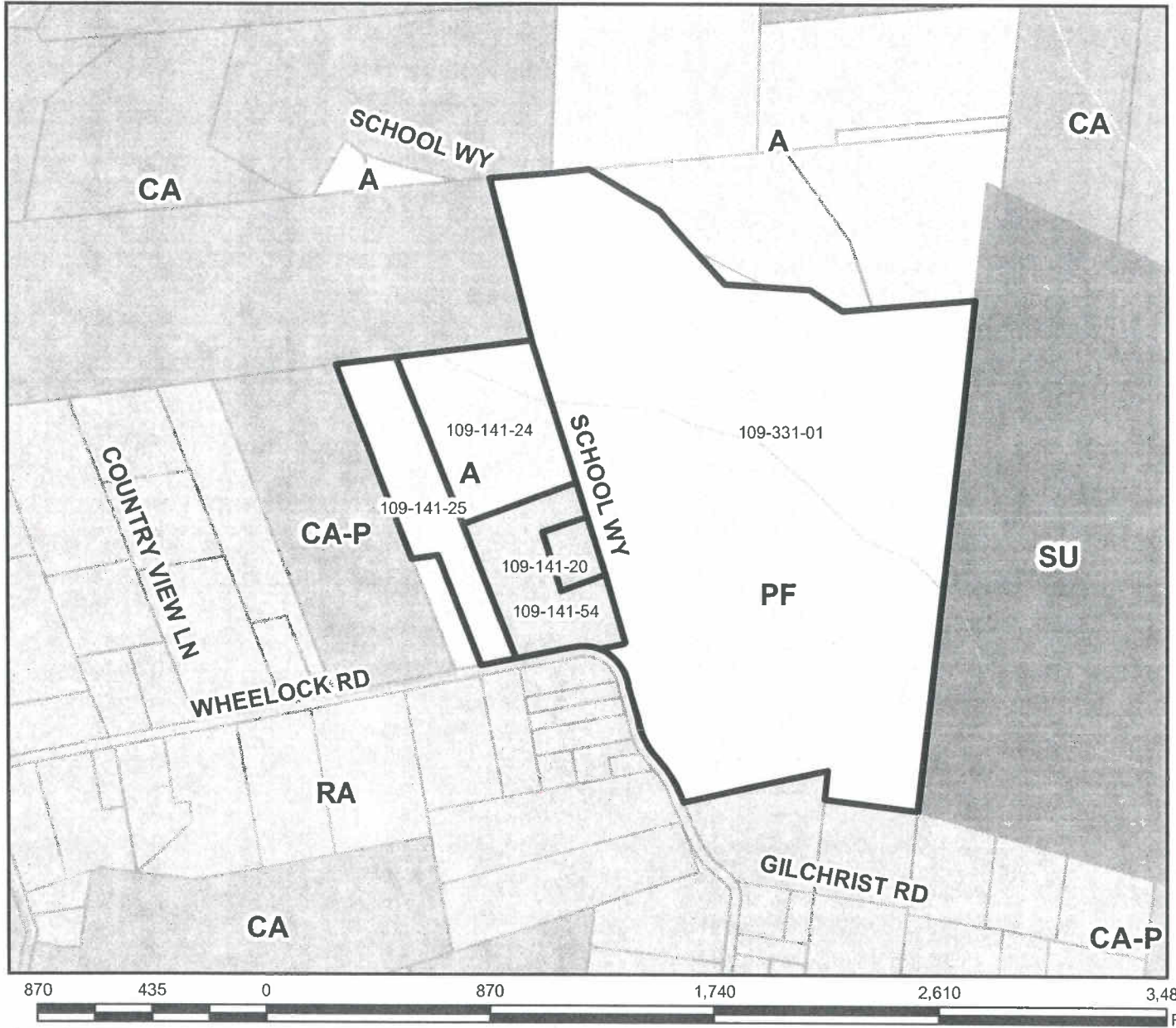
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

Project Vicinity Map



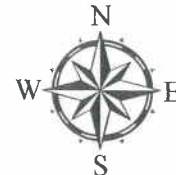


Zoning Map



LEGEND

	APN: 109-331-01		SWALE
	APN: 109-141-54		PUBLIC FACILITY
	APN: 109-141-25		AGRICULTURE
	APN: 109-141-24		AGRICULTURE RESIDENTIAL
	APN: 109-141-20		AGRICULTURE COMMERCIAL
	Assessors Parcels		SPECIAL USE
	Streets		

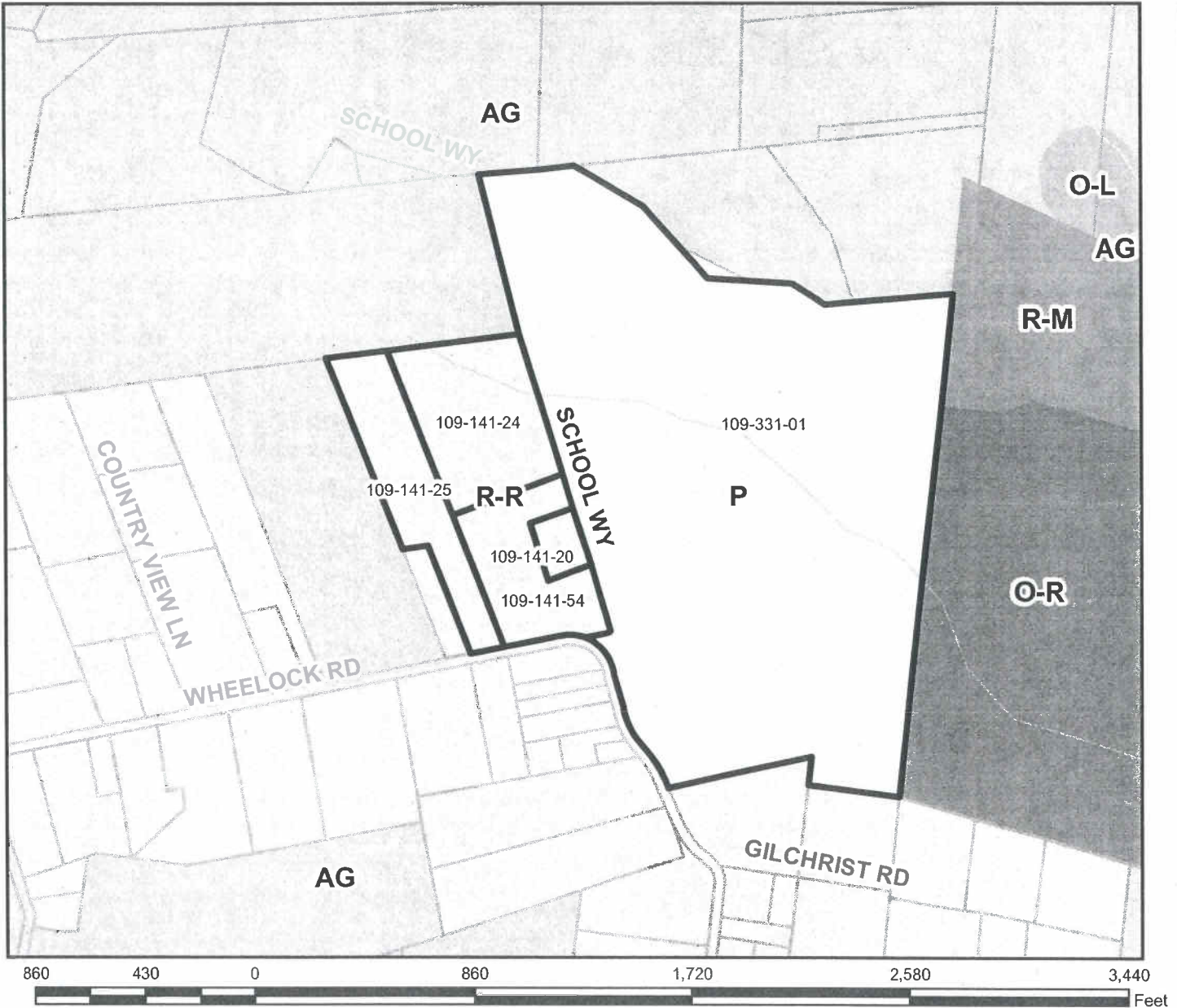


Map Created by
County of Santa Cruz
Planning Department
July 2011

EXHIBIT D

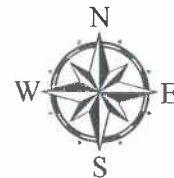


General Plan Designation Map



LEGEND

	APN: 109-331-01		SWALE
	APN: 109-141-54		Public Facilities
	APN: 109-141-25		Residential-Rural
	APN: 109-141-24		Agriculture
	APN: 109-141-20		Lake
	Assessors Parcels		Residential-Mountain
	Streets		Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
July 2011

EXHIBIT D

BLUE (PHASE 1)

- 1 = Water Tank
- 2 = Tennis Courts
- 3 = Gym
- 4 = Classrooms

YELLOW (PHASE 2)

- 1 = Demolish MS Gym
- 2 = Chapel

GREEN (PHASE 3)

- 1 = Choir Room
- 2 = Instrumental Room
- 3 = Relocated Weight Room/Field House

TURQUOISE (PHASE 4)

- 1 = Competition Swimming Pool & Baths
- 2 = Remove Current Swimming Pool

BROWN (PHASE 5)

- 1 = Expanded Cafe Seating / Activity Center
- 2 = JV Softball Field

