



Staff Report to the Agricultural Policy Advisory Commission

Application Number: 131270

Applicant: Dennis Anderson

Date: 2/20/2014

Owner: Ryan Murphy

Agenda Item #: 1

APN: 109-151-23

Time: 1:30 p.m.

Project Description: Proposal to construct a single family dwelling within 200 feet of Commercial Agriculture zoned property (APN 109-112-55) and to establish the building envelope for a future second dwelling unit. Requires an Agriculture Buffer Reduction.

Location: The property is located at the end of Spring Hills Drive (through Spring Hills Golf Course), about one mile northwest of Smith Road, just north of where it intersects Casserly Road in Watsonville, within the Eureka Canyon Planning area.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Approval of Application 131270, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size: 14.5 acres
Existing Land Use - Parcel: Shed, unfarmed, previously a turkey ranch
Existing Land Use - Surrounding: Ranchettes
Project Access: Unnamed right-of-way at end of Spring Hills Road
Planning Area: Eureka Canyon
Land Use Designation: AG, O-L (Agriculture, Lakes-Reservoirs- Lagoons)
Zone District: CA (Commercial Agriculture)
Supervisory District: 4 (District Supervisor: Supervisor Caput)
Within Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No
Water Supply: Well
Sewage Disposal: Septic
Fire District: Pajaro Valley Fire Protection District
Drainage District: Flood Zone 7

Project Background

Application 04-0199 permitted a lot line adjustment to reconfigure three properties to align the property lines in a north/south direction instead of the previous east/west direction. See attached assessor's parcel map (Exhibit D). The properties are mapped as type 2B Agriculture by the General Plan. This designation identifies this property as geographically isolated with limited agricultural land. The agricultural viability determination associated with this application concluded that these properties contained steep slopes and erosive soil restricting farming to range type activities such as non-commercial agriculture and small scale farming best suited for ranchette style non commercial agricultural uses.

Historically, the property had been used as a turkey farm. The use ceased in 1985 prior to the lot line adjustment. The existing turkey ranch structures were divided between the three reconfigured parcels. The subject property contains one of the sheds of the former turkey ranch.

The proposed dwelling is located adjacent to property on the west that is currently developed with grape vines and contains the remaining turkey ranch outbuildings. An existing 8 foot wire fence is located along the entire property line.

Analysis and Discussion

The proposed project is to construct a 1,199 square foot single family dwelling, a 552 square foot attached garage, and 359 square feet of decks on an approximately 14.5 acre parcel. The

location of a future second dwelling is shown on the plans and is included in this application. Once this future dwelling is constructed, the proposed dwelling is intended to be converted to a permitted second unit. The project is located along an unnamed right-of-way extending west from Spring Hills Road, north of Casserly Road.

The proposed building site is within 200 feet of Commercial Agricultural land to the west. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 35 feet from APN 109-112-55. The future building envelope complies with the required 200 foot buffer requirement.

The subject property is characterized by 0 to 30 percent topography trending downward from the northwest to the southeast. The parcel is located outside the Urban Services Line and is geographically isolated from other agricultural properties except the immediate properties to the west and east due to steep and undulating topography. This neighborhood can be characterized as a ranchette neighborhood. The parcel is located within the Agriculture, Lakes-Reservoirs-Lagoons (AG, O-L) General Plan designation and the implementing zone district is (CA) Commercial Agriculture. The Lakes-Reservoirs-Lagoons General Plan designation is mis-mapped on the subject property and actually applies to a property located to the south. A map correction is in process by the geographic information system staff.

A reduced agricultural buffer is recommended due to the location of the existing access road across the upper end of the properties, allowing a reduced driveway length for development of the residential improvements, a more concentrated development envelope for the residential development in general, and allowing greater agricultural use in the lower area of the property in the event that farming occurs in the future. The subject parcel is too narrow to allow development of the parcel meeting both required 200 foot buffers on the east and west side the property. A reduction in the required buffer on the northwest would allow development of the proposed dwelling and a future second dwelling, consistent with the uses allowed in the zone district. If the 200 foot buffer were required the residential uses would be located further down the slope and into available rangeland, compromising the available agricultural land.

Given the current vineyard on the northwest property, it is recommended that the applicant be required to construct a solid board fence and provide an evergreen hedge of plantings along the northwest property line to protect the agricultural interests of the adjacent Commercial Agriculture vineyard and to reduce the impact of agricultural activities on the proposed residential use. The applicant will also be required to record a Statement of Acknowledgement regarding the issuance of a 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 about 35 feet to the single-family dwelling from the adjacent CA zoned property known as APN 109-112-55, proposed under Application # 131270, 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: Steven Guiney, AICP
Principal Planner
Development Review



NEW RESIDENCE
SPRING HILLS DRIVE
WATSONVILLE, CA 95076
APN: 109-151-23



PROPOSED
FLOOR PLAN
&
SCHEDULES

DRAWN RCR
SCALE $\frac{1}{2}'' = 1'-0''$
DATE 12 September 2013

◇ WINDOW SCHEDULE

LOCATION	#	SIZE	TYPE	MANUFACTURER/UNIT	HARDWARE/NOTES
SANDHILL 10	100	4' x 3.5'	PAV. CEMENT	PAVING MIXTURE	
	101	4' x 3.5'	PAV. CEMENT		
	102	4' x 3.5'	PAV. CEMENT		
	103	4' x 3.5'	PAV. CEMENT		
MICHIGAN 10	104	2' x 3.5'	PAV. CEMENT	PAV. CEMENT	ROADS
	105	2' x 3.5'	PAV. CEMENT		
	106	2' x 3.5'	PAV. CEMENT		
	107	2' x 3.5'	PAV. CEMENT		
MICHIGAN 10	108	2' x 3.5'	PAV. CEMENT	PAV. CEMENT	ROADS
	109	2' x 3.5'	PAV. CEMENT		
	110	2' x 3.5'	PAV. CEMENT		
	111	2' x 3.5'	PAV. CEMENT		
MICHIGAN 10	112	2' x 3.5'	PAV. CEMENT	PAV. CEMENT	ROADS
	113	2' x 3.5'	PAV. CEMENT		
	114	2' x 3.5'	PAV. CEMENT		
	115	2' x 3.5'	PAV. CEMENT		
MICHIGAN 10	116	2' x 3.5'	PAV. CEMENT	PAV. CEMENT	ROADS
	117	2' x 3.5'	PAV. CEMENT		
	118	2' x 3.5'	PAV. CEMENT		
	119	2' x 3.5'	PAV. CEMENT		

○ INTERIOR DOOR SCHEDULE

LOCATION	#	SIZE	TYPE	MANUFACTURER	HARDWARE/NOTES
101A	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101A
101B	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101B
101C	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101C
101D	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101D
101E	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101E
101F	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101F
101G	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101G
101H	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101H
101I	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101I
101J	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101J
101K	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101K
101L	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101L
101M	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101M
101N	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101N
101O	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101O
101P	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101P
101Q	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101Q
101R	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101R
101S	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101S
101T	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101T
101U	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101U
101V	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101V
101W	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101W
101X	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101X
101Y	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101Y
101Z	10	36" x 72"	WOOD-TO-GLASS	WOOD-TO-GLASS	101Z

EXTERIOR DOOR SCHEDULE

[illegible]

KEYNOTES

- [illegible]

MECHANICAL EQUIPMENT

- | | |
|----------|--|
| 1 | Energy star washing machine |
| 2 | Energy star clothes dryer |
| 3 | Water saving tank, electrically stoppable |
| 4 | High-efficiency boiler |
| 5 | Insulated, metal dryer exhaust to exterior w/ backdraft damper |
| 6 | Electric car charging station |
| JOHN | |
| 1 | Flour mounted tank, cabinet w/ co-mixing selected by owner |
| 2 | Range hood fan vented to the outside |
| 3 | Large drain of steam columns |
| 4 | Double doors |
| 5 | Water mounted upper cabinets |
| JENNIFER | |
| 1 | Undercabinet refrigerator |
| 2 | Energy star Refrigerator |
| 3 | Energy star Dishwasher |
| 4 | Faucet to be 1/2 turn w/ 1/2 psi |

BATHROOM

- | | | | | |
|---|---|---|--|--|
| <p>7 Shower wall, ceramic tile, 6 ft high x 8 ft wide; 1/2 in. above drain flange over the drain.</p> | <p>8 Tub/shower w/ shower curtain & ceramic tile walls to ceiling. Showerhead to be 20 gpm at 80 psi.</p> | <p>9 Pedestal sink selected by owner. Faucet at 80 psi has a maximum flow rate of 1.5 gpm @ 50 psi.</p> | <p>10 Lavatory sink w/ built cabinet, countertop & backsplash selected by owner. Faucet shall have a maximum flow rate of 1.5 gpm at 60 psi.</p> | <p>11 Trench drain, slope floor 1/4" per foot min.</p> |
| | | | | <p>12 In-line shutoff</p> |
| | | | | <p>13 Drain-flush toilet, 1.28 gal max.</p> |
| | | | | <p>14 1/2-in. threaded cast pipe.</p> |

LOADING

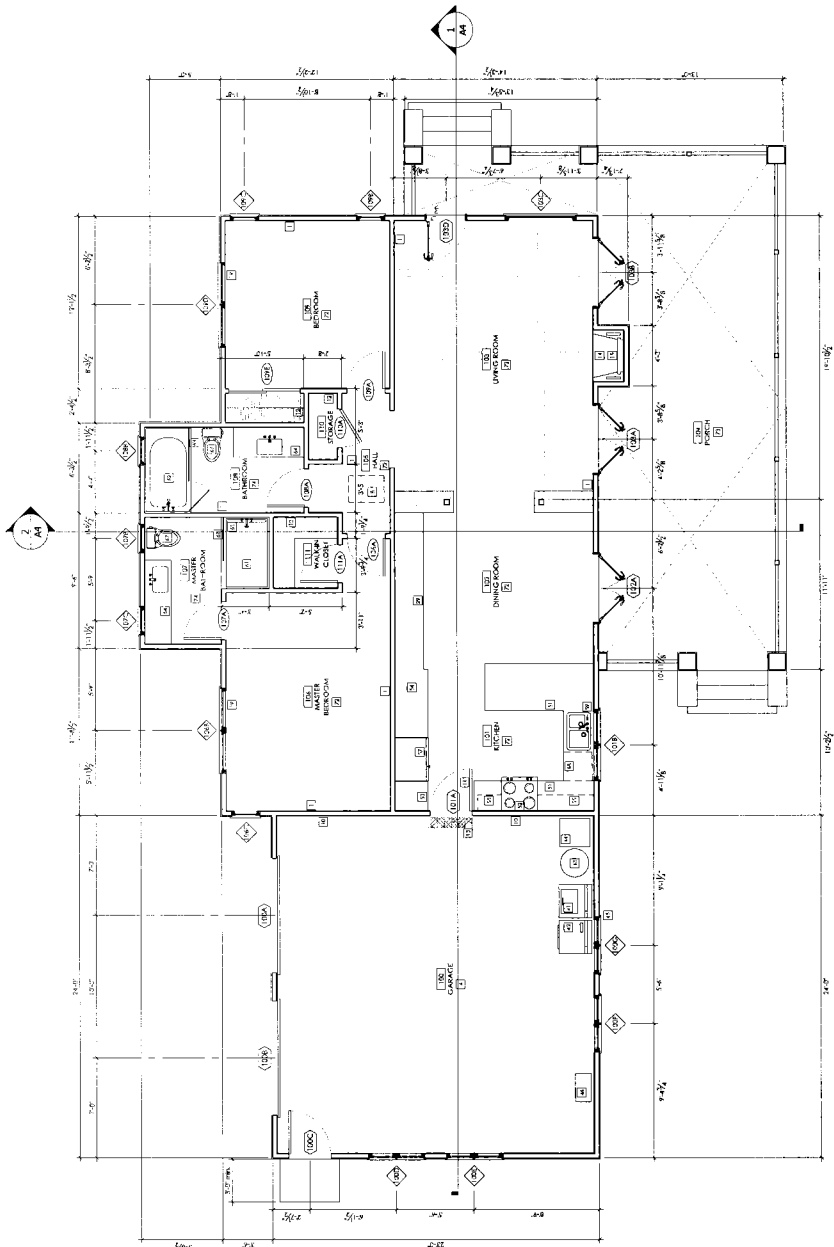
- 2 Engineered wood finish flooring (selected by owner) on concrete slab
- 3 Colored concrete, slope to drain
- 4 Ceramic tile flooring (selected by owner)

CALLING

- ☐ Vaulted ceiling
☐ Flat 5/8" gyp. btl. ceiling @ 8'-0"±
☐ Flat 5/8" gyp. btl. ceiling @ 8'-10"±

SYMBOL LEGEND

- KEYNOTE
EXTERIOR DOOR SYMBOL
INTERIOR DOOR SYMBOL
WINDOW SYMBOL



1 PROPOSED FLOOR PLAN
Scale: 1/8" = 1'-0"



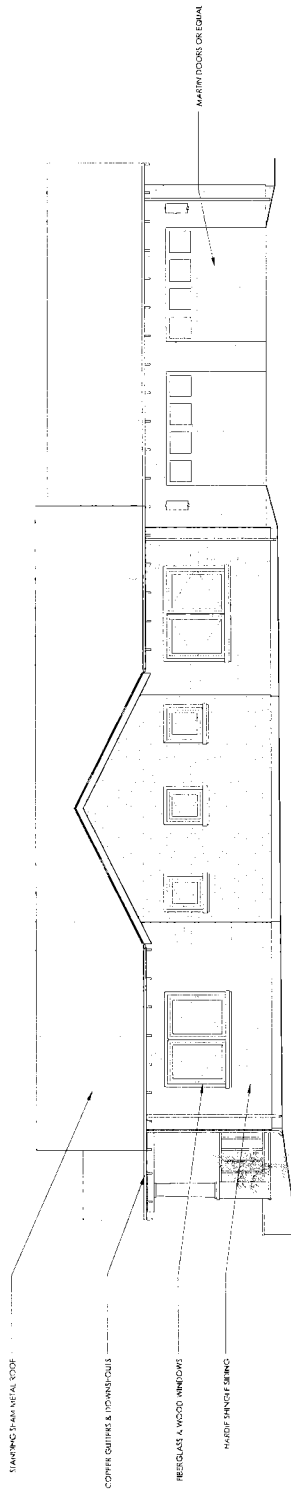
ANDERSON

331 SOUTH AVENUE
WATSONVILLE, CA 95076
TEL: 831.847.8340
FAX: 831.877.1774

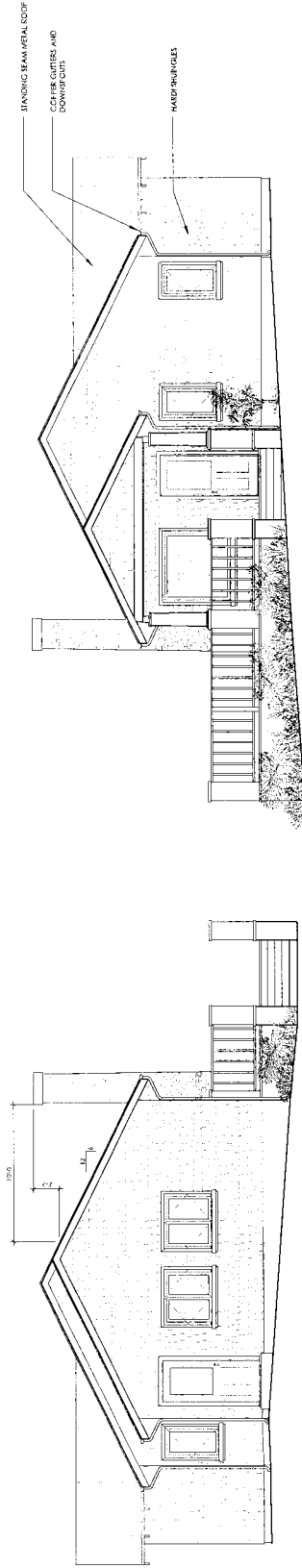


NEW RESIDENCE
SPRING HILLS DRIVE
WATSONVILLE, CA 95076
APR. 10/15/12

STANDARD

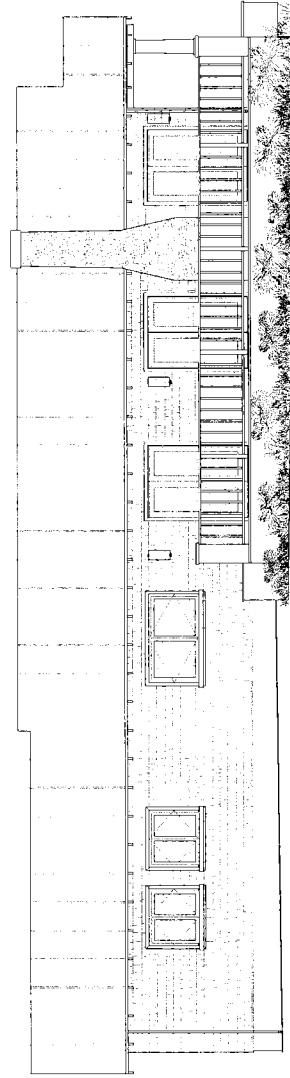


1 NORTH ELEVATION
Scale: 1/4" = 1'-0"



2 WEST ELEVATION
Scale: 1/4" = 1'-0"

3 EAST ELEVATION
Scale: 1/4" = 1'-0"



4 SOUTH ELEVATION
Scale: 1/4" = 1'-0"

PROPOSED
EXTERIOR
ELEVATIONS

DRAWN: RCR
SCALE: 1/4" = 1'-0"
DATE: 12 September 2013

A3

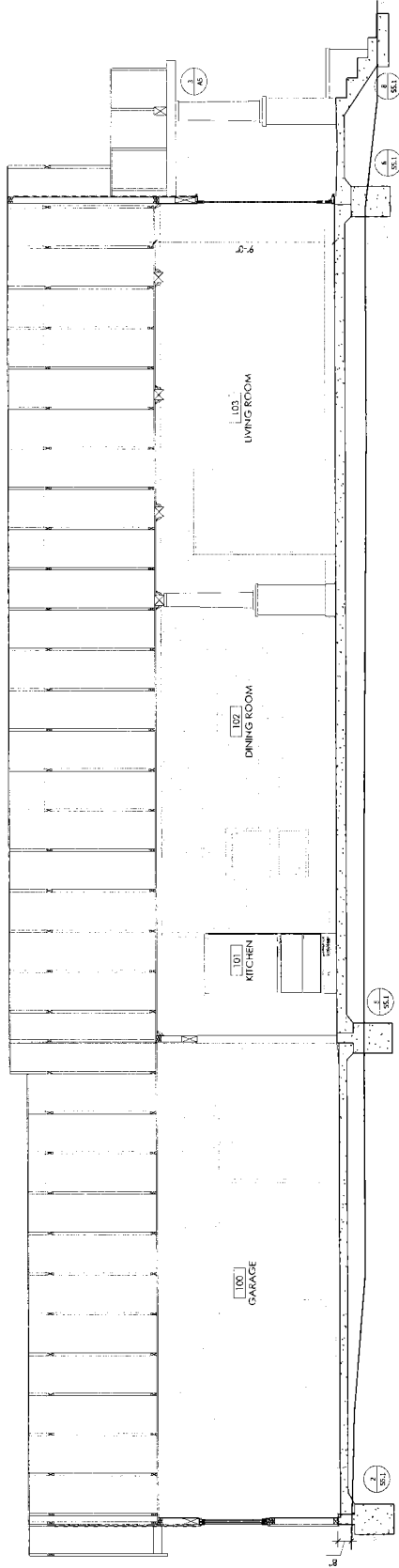


ANDERSON

324 SOUTH AVENUE
SANTA ANA, CA 92705
TEL: 714.433.1111
FAX: 714.433.1174

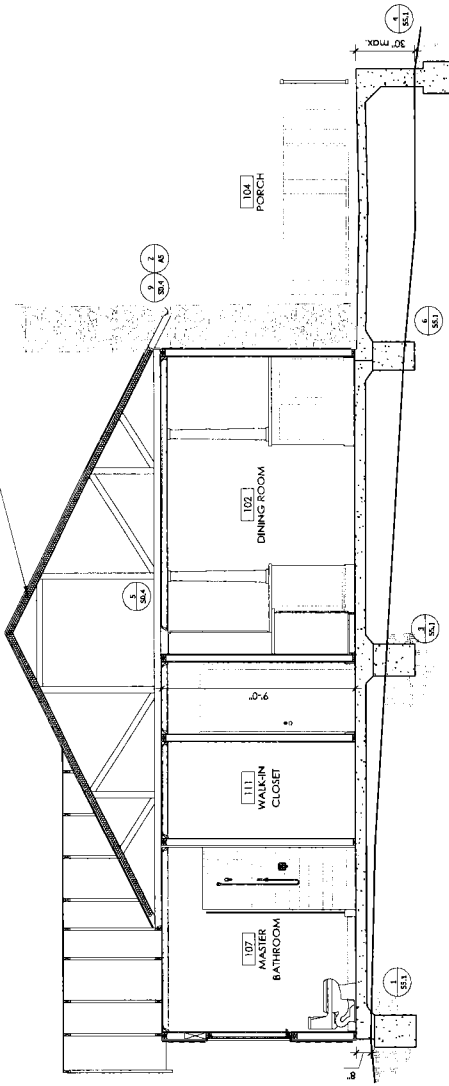


NEW RESIDENCE
SPRING HILLS DRIVE
WATSONVILLE, CA 95076
APN: 10N-13-120

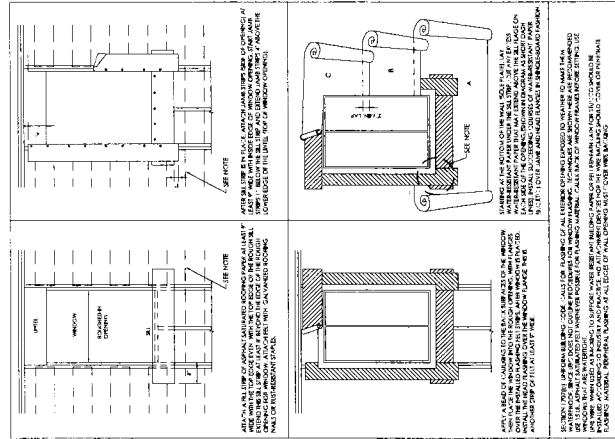


1 BUILDING SECTION
Scale: 3/8" = 1'-0"

SPRAY POLYURETHANE



2 BUILDING SECTION
Scale: 1/4" = 1'-0"



BUILDING SECTIONS

DRAWN: JAC
DATE: 12 September 2013

A4



ANDERSON

414 EQUUS AVENUE
WATSONVILLE, CA 95076
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FAX: 831.837.3344



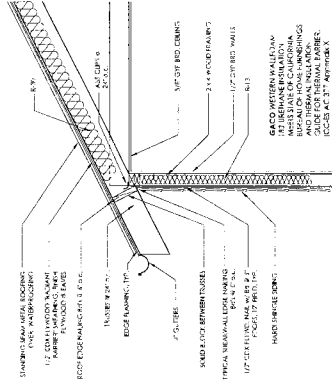
NEW RESIDENCE
SPRING HILLS DRIVE
WATSONVILLE, CA 95076
APN: 109-151-12



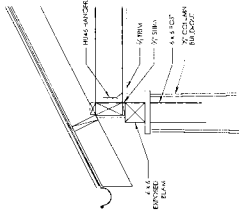
ROOF PLAN

DRAWN: RCK
CHECKED: RCK
DATE: 12 September 2013

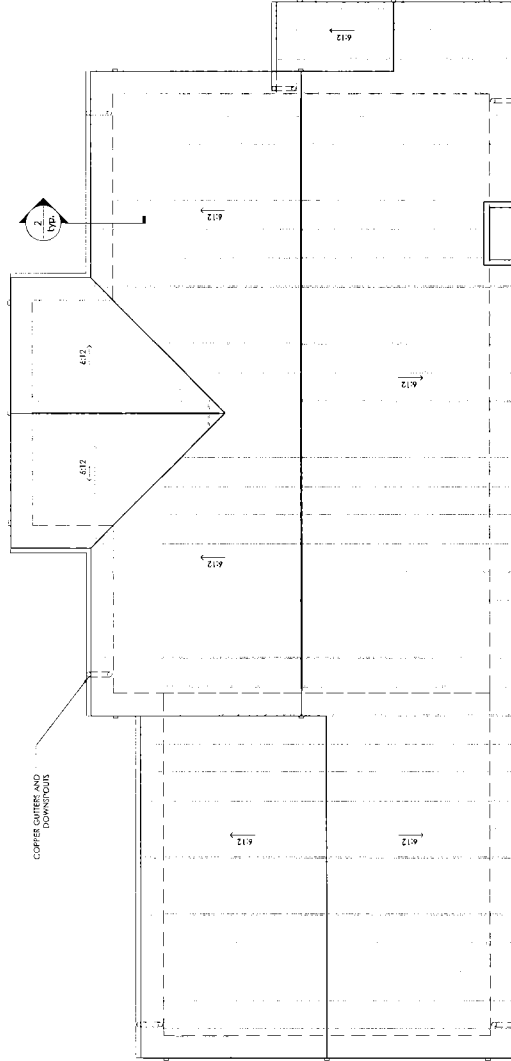
A5



2 EAVE DETAIL
Scale: 3/4" = 1'-0"



3 TOP OF PORCH COLUMN DETAIL
Scale: 3/4" = 1'-0"



1 ROOF PLAN
Scale: 1/4" = 1'-0"



ANDERSON
554 SQUARE AVENUE
WATSONVILLE, CA 95076
TEL: 831.841.4340
FAX: 831.841.4374



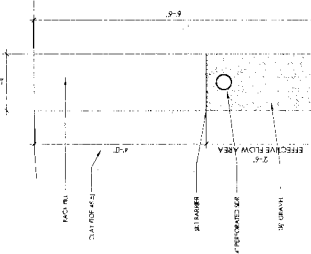
NEW RESIDENCE
SPRING HILLS DRIVE
WATSONVILLE, CA 95076
APN: 109-151-23



SITE UTILITIES PLAN

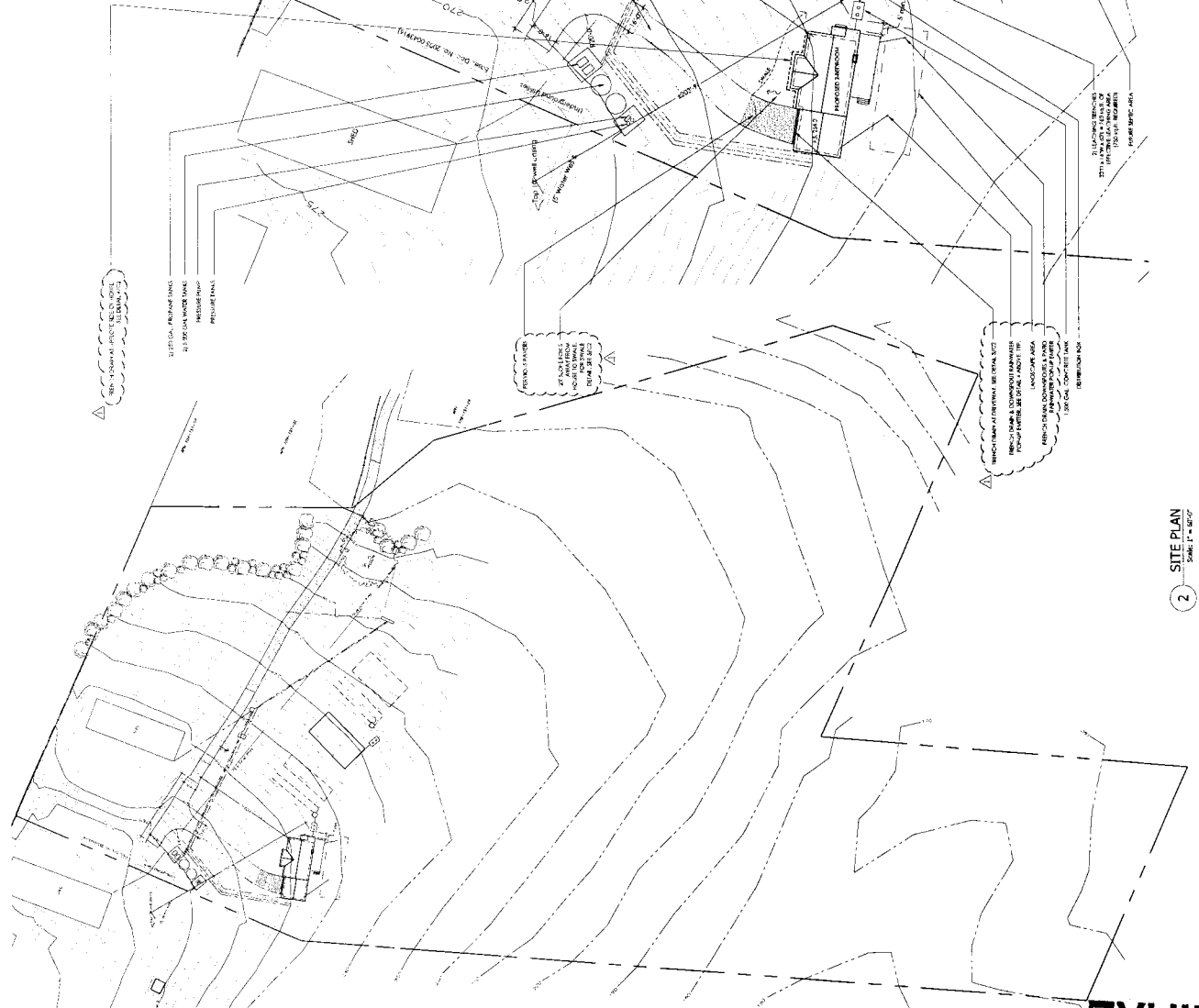
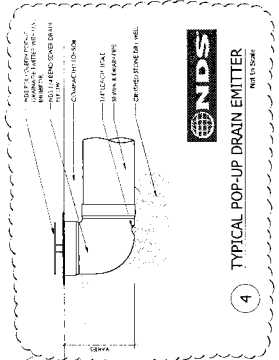
DRAWN: JCK
CHECKED: JCK
DATE: 12 September 2013
4 December 2013

C1



3 LEACH TRENCH SECTION

SEE SHEET 4 FOR
EFFECTIVE FLOW AREA



1 SITE UTILITIES PLAN

SCALE: 1" = 30'-0"

EXHIBIT A



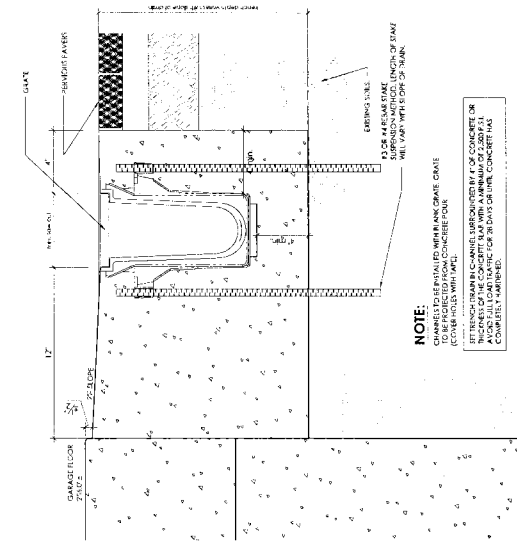
ANDERSON

13 - EUGENE AVENUE
SAN JOSE, CA 95126
TEL: 408.253.2771
FAX: 408.253.2771



NEW REFERENCE
SERRANO WELLS DRIVE
WATSONVILLE, CA 95076
APR. 10TH 15TH 2013

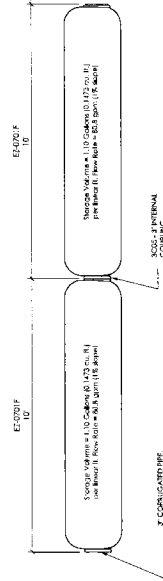
PROJECT NAME: TRENCH DRAIN



SECTION

Additional concrete to be required to be shown on site conditions.
12" concrete curb on both sides of trench. Curb to be 12" high and 12" wide.

3" CORRUGATED PIPE (Precast)



PLAN VIEW

3 TRENCH DRAIN DETAIL

Scale: 3" = 1'-0"

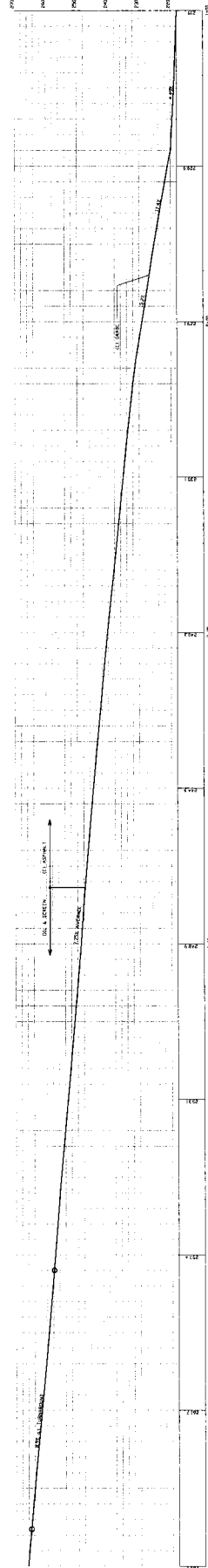
- MAXIMUM GRADE OF THE ACCESS ROAD SHALL NOT EXCEED 20% WITH GRADES GREATER THAN 15% NOT PERMITTED FOR DISTANCES OF MORE THAN 200 FEET AT A TIME.
- ACCESS ROADS SHALL HAVE A VERTICAL CLEARANCE OF 13'-6" FOR ITS ENTIRE WIDTH AND LENGTH INCLUDING TURNOUTS.
- AN APPROVED TURN-AROUND SHALL BE PROVIDED.
- DRAINAGE DETAILS FOR THE ROAD AND DRIVEWAY SHALL CONFORM TO CURRENT ENGINEERING PRACTICES.
- ALL PRIVATE ACCESS ROADS, DRIVEWAYS & TURN-AROUNDS 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 AND ACCESS ROAD SHALL BE THEREAFTER MAINTAINED TO THESE STANDARDS AT ALL TIMES.

4 FRENCH DRAIN DETAIL

Scale: 3" = 1'-0"

5 DRAINAGE SWALE DETAIL

Not to Scale



1 ACCESS ROAD PROFILE

Scale: 1/8" = 1'-0"



2 DRIVEWAY PROFILE

Scale: 1/8" = 1'-0"

EXHIBIT A

C2

**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
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 habitable structure is proposed to be set back about 35 feet from the adjacent Commercial Agriculture zoned land. The applicant has called out the location of a future second residential dwelling meeting the 200 foot buffer. A 200 foot buffer requirement for the proposed dwelling would preclude development of both residential uses permitted by the zone district. Furthermore, if the 200 foot buffer were required the residential uses would be located further down the slope and into available rangeland, compromising the available agricultural potential of the property. An effective barrier consisting of a six foot tall solid board fence enhanced with evergreen shrubs would be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 109-151-55.

Required Finding for Agricultural Buffer Setback Reduction on Commercial Agriculture (CA) Zoned Land County Code Section 16.50.095(e)

1. In the event that an agricultural buffer setback reduction is proposed and the proposed non-agricultural development is located on Type 1, Type 2, or Type 3 commercial agricultural land, the non-agricultural development shall be sited so as to minimize possible conflicts between the agricultural use on the subject parcel; and the non-agricultural development shall be located so as to remove as little land as possible from production or potential production.

The subject parcel is too narrow to allow development of the parcel meeting the required 200 foot buffer. A reduction in the required buffer would allow development of the proposed dwelling and a future second dwelling, consistent with the uses allowed in the zone district. If the 200 foot buffer were required the residential uses would be located further down the slope and into available rangeland, compromising the available agricultural use of the land. The proposed reduction in the required 200 foot buffer minimizes possible conflicts between the proposed residential uses and removes as little agricultural land from potential agricultural use.

Required Findings for Development on Land Zoned Commercial Agriculture or Agricultural Preserve County Code Section 13.10.314(a)

1. The establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area; or

There is no agricultural use on the parcel with exception of a shed associated with a previous turkey ranch that is no longer in operation. The parcel is approximately 14.5 acres in size and divided by a right-of-way that crosses the upper portion of the property to adjacent properties located on the east and west of the subject property. A reduced agricultural buffer is recommended due to the location of the existing access road across the upper end of the properties, allowing a reduced driveway length for development of the allowed residential improvements, a more concentrated development envelope for the residential development in general, and allowing greater agricultural use in the lower area of the property in the event that farming or other agriculture use occurs in the future. The proposed location of the residential use will enhance the potential agricultural use of the site by minimizing impacts to the agricultural potential elsewhere on the site. The proposed reduction will not adversely affect agricultural operations (vineyard) of the adjacent property with a requirement of a solid board fence and a vegetative buffer, which will provide adequate separation of the uses.

2. The use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or no other agricultural use of the parcel is feasible for the parcel; or the use consists of an interim public use which does not impair long-term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation and that limits and mitigates the impacts of

facility construction on agriculture consistent with the requirements of Section 13.10.635;
or

3. Single family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in the area.

The proposed single family uses are sited to minimize conflicts between available agricultural land on the subject property and agricultural operations on the adjacent site. To minimize conflicts with the adjacent site, the project is conditioned to require a 6 foot solid board fence and a vegetative buffer along the length of the dwelling.

4. The use will be sited to remove no land from production (or potential production) if any non-farmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

The proposed residential uses are proposed at the north end of the property adjacent to the existing right-of-way, retaining the lower portion of the property for agricultural use, which removes as little agricultural land as possible.

CONDITIONS OF APPROVAL

- I. This permit authorizes an agricultural buffer setback reduction to construct a single family dwelling within approximately 35 feet of Commercial Agriculture zoned property (APN 109-112-55) and to establish the building envelope for a future second dwelling unit. 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 35 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 109-112-55.
 2. Final plans shall provide a 6 foot solid board fence along the western property line alongside the wire mesh fencing, extending from the edge of the right-of-way/driveway to 20 feet of the rear of the proposed dwelling and a vegetative buffer buffering barrier, 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 be indicated on the final plans for review and approval by Planning Department staff.
 3. Plans shall show compliance with the Public Works Drainage

requirements, prepared by Gerardo Vargas, dated October 2, 2013.

4. The applicant shall obtain an approved onsite septic disposal permit application and provide evidence of an approved water supply. Plans shall comply with Environmental Health Agency requirements.
 5. Plans shall comply with the Pajaro Valley Fire Protection District requirements, prepared by Coleen Baxter dated 12/17/2013.
- 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's Agricultural Planner, 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.

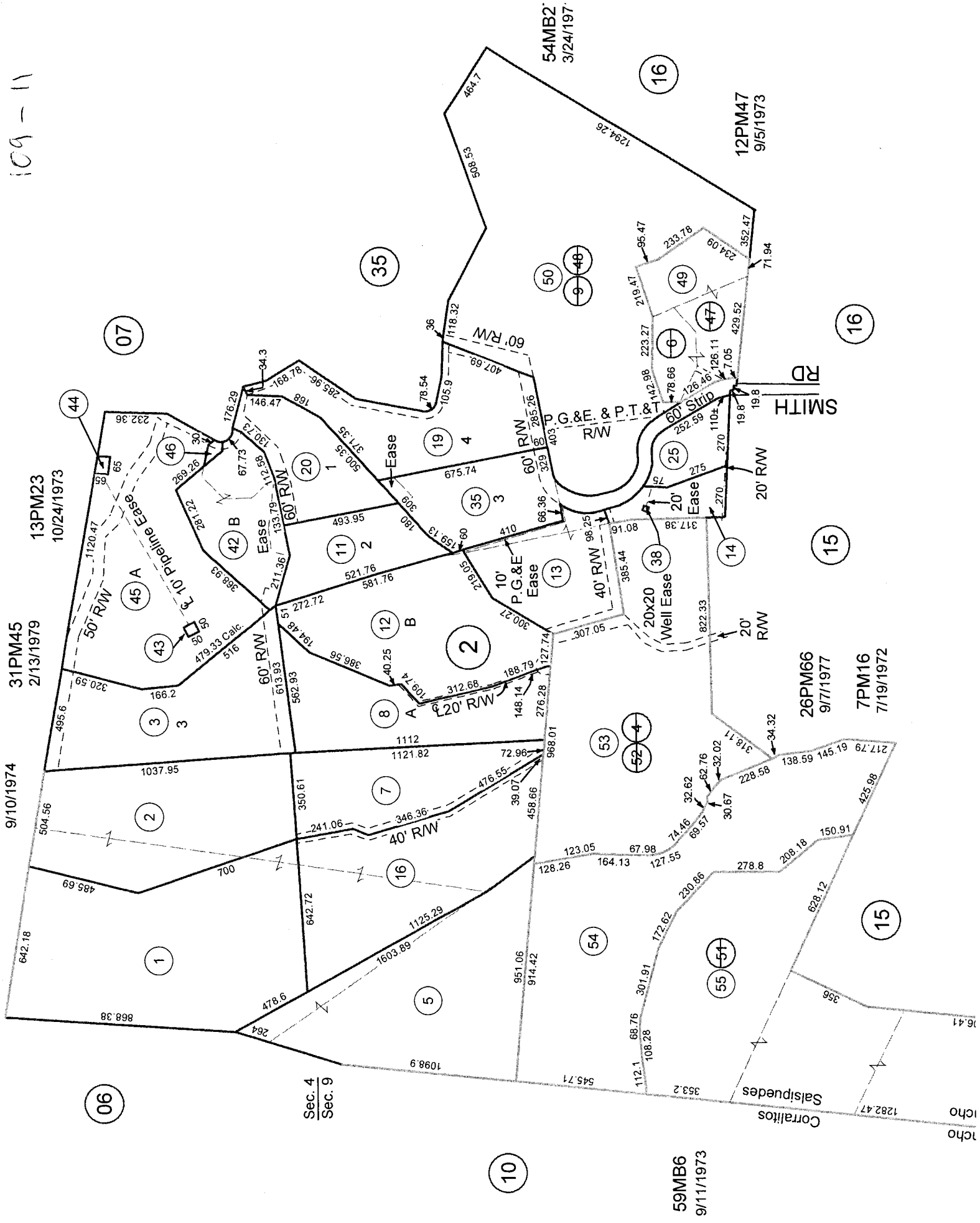
Approval Date: _____

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.

109-11







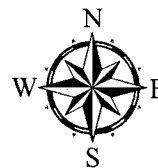


Location Map



LEGEND

-  APN: 109-151-23
-  Assessors Parcels
-  Street
-  Lakes

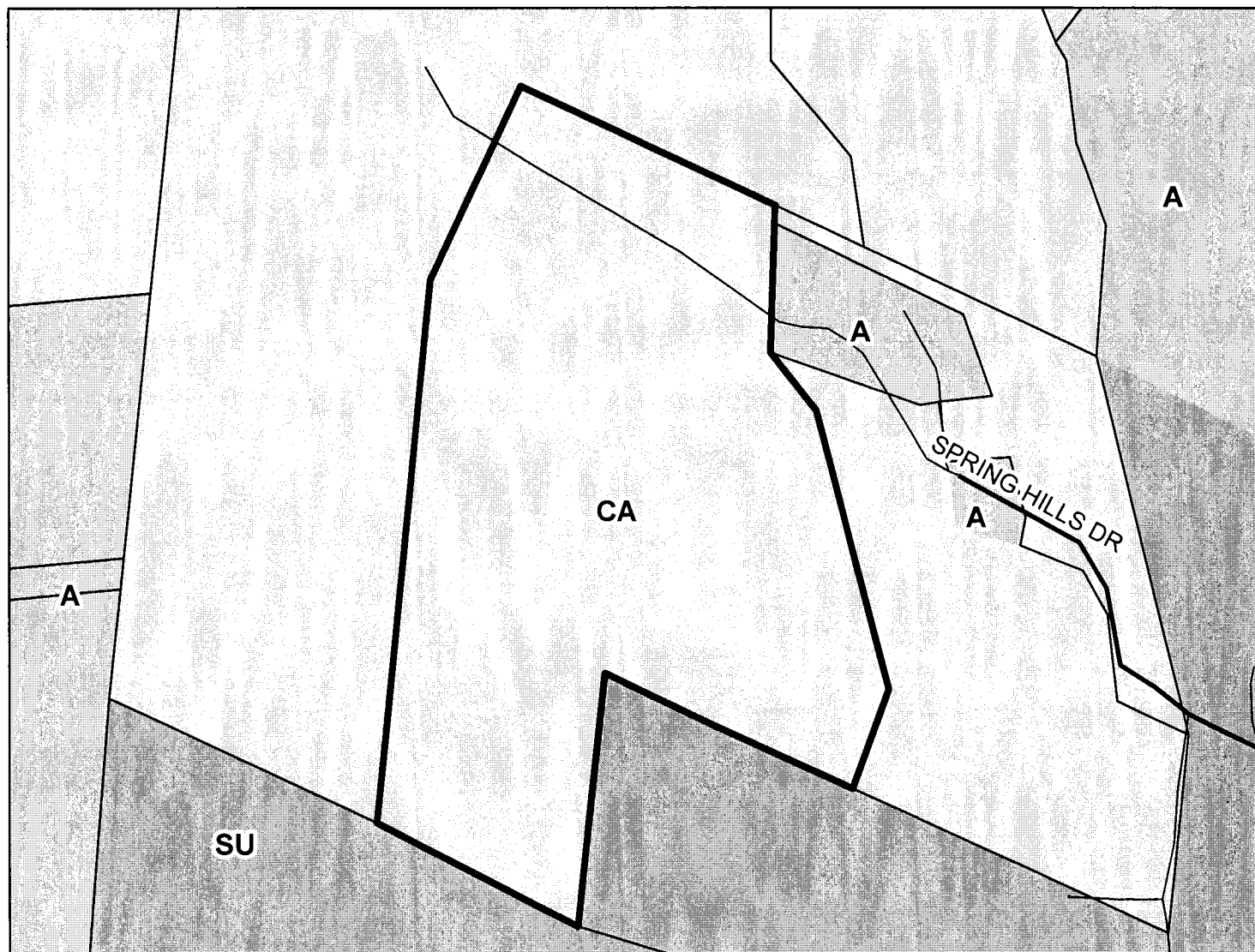


Map Created by
County of Santa Cruz
Planning Department
October 2013

EXHIBIT D



Zoning Map



LEGEND



APN: 109-151-23



Assessors Parcels



Street



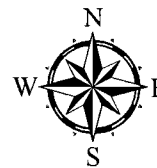
AGRICULTURE COMMERCIAL



AGRICULTURE



SPECIAL USE

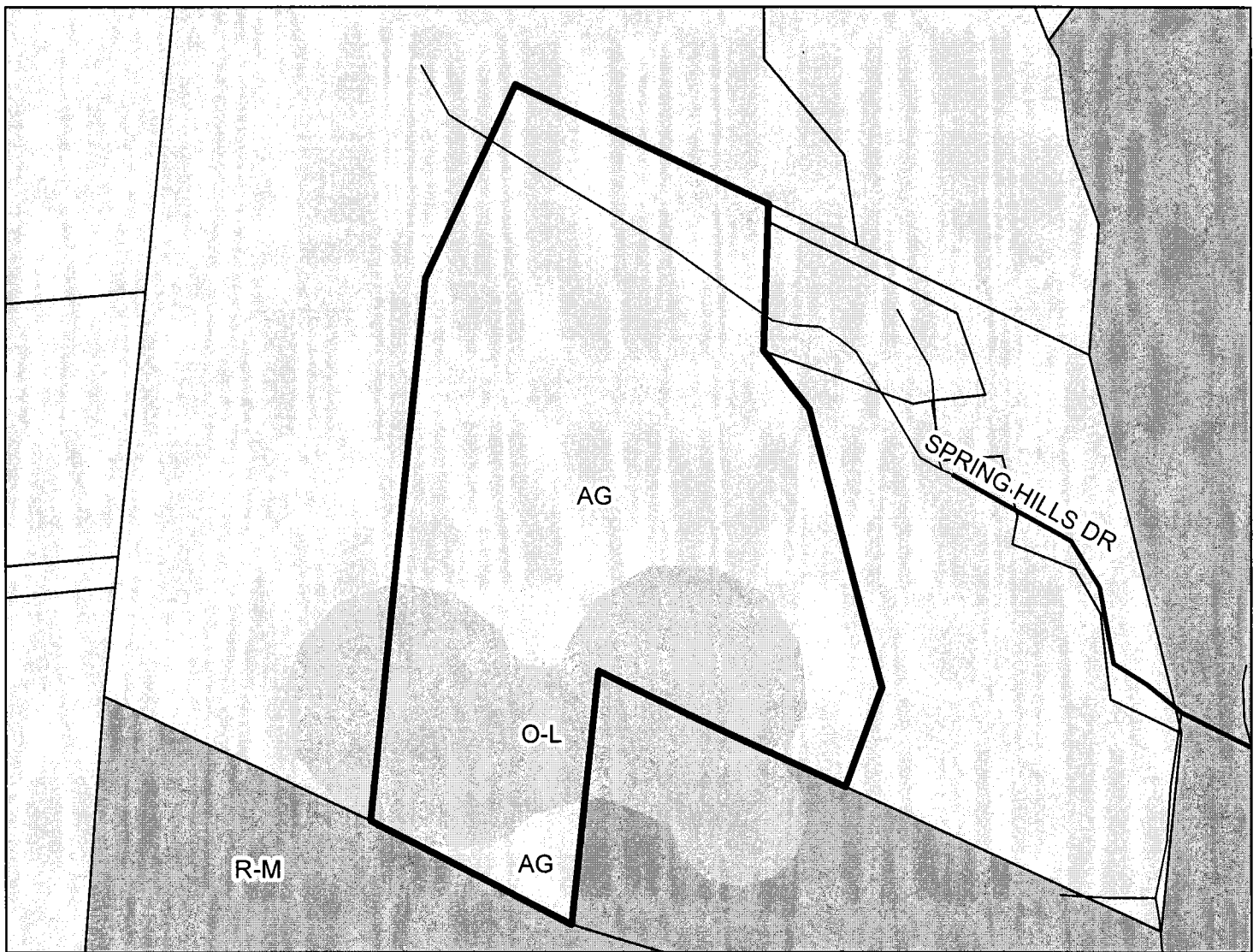


Map Created by
County of Santa Cruz
Planning Department
October 2013







EXHIBIT D

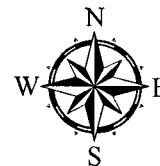


General Plan Designation Map



LEGEND

-  APN: 109-151-23
-  Assessors Parcels
-  Street
-  Agriculture
-  Lake
-  Residential-Mountain



Map Created by
County of Santa Cruz
Planning Department
October 2013

EXHIBIT D



Discretionary Application Comments 131270

APN 109-151-23

Your plans have been sent to several agencies for review. The comments that were received are printed below. Please read each comment, noting who the reviewer is and which of the three categories (Completeness, Policy Considerations/Compliance, and Permit Conditions/Additional Information) the comment is in.

Completeness: A comment in this section indicates that your application is lacking certain information that is necessary for your plans to be reviewed and your project to proceed.

Policy Considerations/Compliance: Comments in this section indicate that there are conflicts or possible conflicts between your project and the County General Plan, County Code, and/or Design Criteria. We recommend that you address these issues with the project planner and the reviewer before investing in revising your plans in any particular direction.

Permit Conditions/Additional Information: These comments are for your information. No action is required at this time. You may contact the project planner or the reviewer for clarification if needed.

Drainage Review

Routing No: 1 | Review Date: 10/23/2013

GERARDO VARGAS (GVARGAS) : Incomplete

Application No.:131270

G_V

10/23/13

Completeness Comments:

The stormwater management plan is insufficiently developed, and complete review cannot be made as a result. The applicant remains subject to additional review comments.

1. Indicate on the plans the manner in which building downspouts will be discharged. Proposing downspouts as discharged directly to an existing storm drain system or discharged in a concentrated manner at the end of a pipe is generally inconsistent with efforts to hold runoff to pre-development rates.
2. It appears that the proposed structure will be receiving upslope runoff, how is this runoff to be controlled? So that it does not affect the proposed structure.
3. Indicate on the plans the proposed driveway surface. Projects are required to minimize impervious surfacing. The requirement to minimize impervious surfacing can be achieved by the use of porous pavement, pavers, or baserock etc. where feasible

Compliance Items:

All new development and redeployment project shall incorporate Best Management Practices (BMPs) to minimize the generation, transport and discharge of pollutants, to prevent excess of



Discretionary Application Comments 131270

APN 109-151-23

pre-development conditions, and to maintain pre-development groundwater recharge consistent with Ordinance 7.79. Interior remodel and maintenance and/or repair projects are specifically excluded from these requirements.

Medium Projects- Projects that add or replace between 500 square feet and 5,000 square feet of impervious area shall incorporate BMPs to minimize and mitigate pollutant and hydrologic impacts due to development. These BMPs shall include Low Impact Development (LID) measures that emphasize the minimization of impacts as a first priority consistent with General Plan Policy 7.23.2 for Minimizing Impervious Surfaces. Safe stormwater overflow shall be incorporated into the project design.

Permit Conditions

A drainage fee will be assessed on the net increase in impervious area. The fees are currently \$1.14 per square foot, and are subject to increase based on the amount applicable at permit issuance date. Reduced fees (50%) are assessed for semi-pervious surfacing (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials.

The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. A \$285.00 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.

Drainage Review

Routing No: 2 | Review Date: 12/18/2013

GERARDO VARGAS (GVARGAS) : Complete

Application No.: 131270 G_V 12/18/2013

Completeness Comments:

Application is complete in regards to drainage.

Compliance issues:

N/A

Permit Conditions:

See 1st routing comments

Environmental Health Review

Routing No: 1 | Review Date: 10/21/2013

JIM SAFRANEK (JSafraneK) : Complete

The applicant received an approved Preliminary Septic Site Evaluation from EH. At time of building



Discretionary Application Comments 131270

APN 109-151-23

the applicant will need to obtain an approved onsite sewage disposal permit application and provide evidence of an approved water supply.

Environmental Planning

Routing No: 1 | Review Date: 10/28/2013

ROBERT LOVELAND (RLOVELAND) : Incomplete

Incompleteness Item:

1. The parcel is mapped within the "County Fault Zone". A "Geological Hazards Assessment" (GHA) needs to be completed for the proposed project. Please make application for the GHA at the Zoning Counter (include a copy of "Sheet A1" with the application submittal). NOTE: The results of the GHA may require that a full geologic report be completed for the proposed project. Additional comments may be forthcoming after the GHA has been completed.

Conditions of Approval:

1. Submit 3 copies of a soils report completed by a California licensed geotechnical engineer for review and approval.
2. Submit a detailed grading/drainage plan, completed by a licensed civil engineer, for review and approval.
3. Submit a detailed erosion/sediment control plan for review and approval.

Environmental Planning

Routing No: 2 | Review Date:

() :

Fire Review

Routing No: 1 | Review Date: 10/10/2013

COLLEEN BAXTER (CBAXTER) : Incomplete

**Pajaro Valley Fire Protection District
562 Casserly Road, Watsonville, CA 95076
Telephone: (831) 722-6188 Fax: (831)
722-3722**

Date: 10/09/13

Planning Department
County of Santa Cruz
Attention: SHEILA MCDANIEL



County of Santa Cruz, PLANNING DEPARTMENT

Discretionary Application Comments 131270

APN 109-151-23

701 Ocean Street
Santa Cruz, CA 95060

Subject: APN: 109-151-23 / Appl # 131270
ADDRESS

Dear PLANNER'S NAME:

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"**.

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.

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 fire prevention bureau at 335-6748. A separate permit is required for tank/hydrant installation.

NOTE on the plans "all underground piping systems shall comply with the County Standard FPO-006 and shall require plan submittal and permit approval prior to installation. The standard is available at the Santa Cruz County Fire Marshals Office upon request".

NOTE on the plans "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."

NOTE on the plans "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. Underground plan submittal and permit, will be issued to a Class B, Class C-16, Class C-36 or owner/builder. No exceptions."



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.

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

NOTE: If on street parking is desired, the access road shall be widened from centerline, 18 feet fronting the project from property corner to property corner. This will provide one 12 foot travel lane and one 6 foot parking lane.

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.

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



Discretionary Application Comments 131270

APN 109-151-23

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 30-foot clearance shall be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance.

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.

SHOW ON THE PLANS A COMPLETE DRIVEWAY PROFILE AND INCLUDE DIMENSIONS OF TURNAROUNDS AND/OR TURNOUTS IF REQUIRED. DIMENSIONS AND ALL REQUIREMENTS CAN BE FOUND ON OUR WEBSITE AT www.santacruzcountyfire.com. INCLUDE GRADE AND SURFACE. PERMITS FOR THE SPRINKLER SYSTEM, HYDRANT AND WATER TANKS ARE DEFERRED SUBMITTALS TO THE PAJARO VALLEY FIRE DISTRICT/SANTA CRUZ COUNTY FIRE.

Fire Review

Routing No: 2 | Review Date: 12/17/2013

COLLEEN BAXTER (CBAXTER) : Complete

Pajaro Valley Fire Protection District
562 Casserly Road, Watsonville, CA 95076
Telephone: (831) 722-6188 Fax: (831)
722-3722



County of Santa Cruz, PLANNING DEPARTMENT

Discretionary Application Comments 131270

APN 109-151-23

Date: 12/17/13

Planning Department
County of Santa Cruz
Attention: SHEILA MCDANIEL
701 Ocean Street
Santa Cruz, CA 95060

Subject: APN: 109-151-23 / Appl# 131270
Address: NO SITUS

Dear Name:

The Santa Cruz County Fire Marshals Office has reviewed the plans for the above cited project and has no objections as presented.

- Any other requirements 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.

In order to obtain building application approval, recommend you have the DESIGNER add appropriate NOTES and DETAILS showing the following information **on the plans that are submitted for BUILDING PERMIT**.

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 (**2010 edition**) and Pajaro Valley Fire Protection District Amendments”.

NOTE on the plans “an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the



Discretionary Application Comments 131270

APN 109-151-23

UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT.
Underground plan submittal and permit, will be issued to a Class B, Class C-16, Class C-36 or owner/builder. No exceptions."

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.

NOTE on the plans "building numbers shall be provided. Numbers shall be a minimum of four (4) 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 installation of an approved spark arrester on the top of the chimney. The wire mesh not to exceed 1/2 inch."

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

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.



THE FIRE HYDRANT SHALL BE NO FARTHER THAN 150' OF THE
STRUCTURE-DRIVING DISTANCE-NOT LINE OF SIGHT. THE HYDRANT ON PLANS
IS CURRENTLY TOO FAR FROM PROPOSED STRUCTURE.

Project Review

Routing No: 1 | Review Date: 11/01/2013

SHEILA MCDANIEL (SMCDANIEL) : Incomplete

see letter

Road Engineering Review

Routing No: 1 | Review Date: 10/21/2013

RODOLFO RIVAS (RRIVAS) : Not Required

2014

SANTA CRUZ COUNTY

ALUMINUM PHOSPHIDE CONDITIONS AND INFORMATION

The product must not be applied in a burrow system that is within 100 feet of a building that is or may be occupied by people or domestic animals. The product must only be used in agricultural areas, golf courses, athletic fields, rights-of-ways, and other non-residential sites.

- **PERMIT:** A Restricted Materials Permit is required to purchase, possess, and use aluminum phosphide. After the permit has expired, it is legal to keep any remaining aluminum phosphide in storage, but it is not legal to continue using the aluminum phosphide. The permit expiration date is on the permit. The permittee is responsible for knowing when the permit has expired and obtaining a renewal.
- **CERTIFICATION:** The person applying for the Restricted Materials Permit must pass a test and receive a Private Applicator Certificate before a Restricted Materials Permit will be issued. A Qualified Applicator Certificate or Qualified Applicator License is also an acceptable form of certification.
- **NOTICE OF INTENT:** A 24-hour NOI (Notice of Intent) to the Agricultural Commissioner's Office is required before each application of Aluminum Phosphide. The Notice of Intent can be submitted on form PR-ENF-126X. Follow the Santa Cruz County NOI policy in completing and submitting the NOI.
- **INSPECTIONS:** Non-agricultural situations require an annual on-site inspection. The Inspector who issues the permit will tell you if an on-site inspection is required and will note this on your permit.
- **PERMIT DENIALS:** If a permittee uses aluminum phosphide with an expired permit, fails to arrange for an inspection, fails to turn in a required Notice of Intent, or fails to turn in Pesticide Use Reports when required, they may have their permit suspended, revoked, or a future permit denied.
- **CERTIFIED APPLICATOR SUPERVISION:** Aluminum phosphide must be used by a certified applicator or a person under their direct supervision and who has been trained specifically for the use of this product in underground burrowing pest control. Certified applicator includes individuals that hold a Qualified Applicator License, Qualified Applicator Certificate, or a Private Applicator Certificate. The certified applicator responsible for this supervision shall be aware of the conditions at the site of application and be available to direct and control the manner in which applications are made by the noncertified applicator. The availability of the certified applicator shall be directly related to the actual or potential hazard of the situation (CCR 6406). Availability would be either physically present on site, or available by telephone. The noncertified employee pesticide handler must annually receive training in the safe use of pesticides and specific training in the use of aluminum phosphide (CCR 6724).

(CONTINUED ON BACK)

EXHIBIT E

- **NIOSH ALERT 99-126:** The National Institute for Occupational Safety and Health (NIOSH) has published an "Alert" pertaining to prevention of poisoning and explosions due to Phosphine gas when working with phosphide fumigants. NIOSH recommends this document be brought to the attention of all workers who handle products that generate Phosphine, therefore, you will need to use this document when training employees who handle this product. The document can be found on the internet.
- **USE REPORTS:** The permittee must submit a monthly use report on the appropriate form. Failure to submit use reports is grounds for permit refusal. The amount of aluminum phosphide used must be reported in ounces rather than tablets (10 tablets = 1 oz).

IF THE ALUMINUM PHOSPHIDE IS USED ON A **CROP SITE**: use the Production Agriculture Monthly Pesticide Use Report form (PR-ENF-017C, 183, or 184).

IF THE ALUMINUM PHOSPHIDE IS USED IN A **NON-CROP AREA**: use the Monthly Summary Pesticide Use Report form (PR-ENF-060). The material can no longer be used in landscape areas around residences or other buildings. If it is used along roadsides, ditch banks, or fence lines, use code 40. If it is used in an uncultivated agricultural area use code 66000 UNCULTIVATED AG, and write in the number of acres it was applied to.

NOTE: Pesticide Use Reports may now be submitted on-line at no cost. To establish yourself as a CalAgPermits "Public Webuser" and submit your Pesticide Use Reports online, please contact our office.

- **TRANSPORTATION:** Private citizens transporting aluminum phosphide for their own purpose are required to ensure that the material is not transported in the same compartment with persons, food, or feed. Containers must be secured to the vehicle during transportation in a manner that will prevent spillage onto the vehicle or off the vehicle. Containers must be covered when necessary to protect them from moisture. Private citizens transporting aluminum phosphide for their own purpose (not to be used for a business) are not subject to the Department of Transportation Hazardous Materials Regulations (i.e., they are not required to register with the DOT, pay the registration fee, placard the vehicle, obtain training, have the vehicle inspected, or carry a manifest). [HMR; 49 CFR, Subchapter C, Part 171.2(b)]
- **LABEL AVAILABILITY:** The aluminum phosphide label, including the applicator manual (booklet), must be at the application site. Make sure you obtain the entire label, including the booklet, from the dealer when you purchase the aluminum phosphide, and have the entire label at the application site.
- **SAFETY EQUIPMENT:** The employer must provide gloves to employees who apply aluminum phosphide and ensure that the employees use them. The gloves can be made of rubber, cotton, or leather. If the gloves were previously used to apply aluminum phosphide, they must be aerated for 12 hours or more. Eye protection and coveralls are not required. When the applicator is the owner, the safety equipment required by the label must be used.
- **EMPTY CONTAINER DISPOSAL:** Aluminum phosphide canisters may be recycled. We recommend shaking out the dust and rinsing out the can at an outdoor hose spigot.
- **BRAND NAMES:** Aluminum phosphide is sold under the brand names Phostoxin, Fumitoxin, Weevilcide, Gastoxin, and other names.

Sheila McDaniel

From: Sheila McDaniel
Sent: Tuesday, February 11, 2014 10:36 AM
To: 'Janice Gali'
Subject: RE: Setback 200ft. Commercial Agriculture

Janice,

Did you provide the application packet you intended to submit? All I have is the Aluminun PHosphide brochure? Please forward a copy of the application packet and I will forward it to the Commission for review. Please note that it is enough that I have seen it and that you have an active application for this product application. If you do not want to submit a copy, bring a copy to the meeting that can be provided to the commission, as desired.

Thank you,

From: Janice Gali [<mailto:galivineyard@gmail.com>]
Sent: Thursday, February 06, 2014 11:33 AM
To: Sheila McDaniel
Subject: Re: Setback 200ft. Commercial Agriculture

Thank you Sheila
Janice Gali

On Thu, Feb 6, 2014 at 10:42 AM, Sheila McDaniel <Sheila.McDaniel@santacruzcounty.us> wrote:

Janice,

Thank you for discussing your concerns with me at the Zoning Counter yesterday and for providing written comments regarding the proposed project. Your comments will be forwarded to the Agricultural Advisory Commission for consideration. I considered your input and discussed your concerns with Samantha Haschert, our agricultural planner, and my manager. I also forwarded your concerns to the agricultural commissioner. Consideration of relocation of the structure will be deferred to the agricultural advisory commission.

Thank you,

Sheila

From: Janice Gali [<mailto:galivineyard@gmail.com>]
Sent: Thursday, February 06, 2014 10:01 AM
To: Sheila McDaniel
Subject: Setback 200ft. Commercial Agriculture

Sheila
February 6, 2014

There is a proposed development of a single family home and a future building envelope Application #131270 on Commercial Ag. property APN: 109-151-23.

We own the adjacent Commercial Ag. property APN: 109-112-55.

The sign was posted on Saturday February 1, 2014 and it stated questions to be addressed to you. I came on Wednesday February 5, 2014 and meet with you to explain the proposed development.

After reviewing the plans with me, the proposed single family home is 35ft from the property line of Commercial Ag. land.

We are actively farming our Commercial Ag. land, our crop is 10 acres of grapes. There is no natural bearer between our piece of Commercial Ag land and the proposed development, in fact if we didn't have a dear fence the two fields are continuous.

I am informing you that we use **Fungicides, Pesticides, and ALUMINUM PHOSPHIDE**, which is federally regulated. The grapes are sprayed with these different chemicals thru out the growing season depending on the need. We need to be able to continue with the "Right to Farm" this Commercial Ag. Land.

My request is for the county to adhere to the 200 ft. setback, for the **SAFETY AND PROTECTION** of both pieces of Commercial Ag. Land. Please consider this when making your decision on the placement of the single family home and a future building envelope.

Sincerely,

Janice Gali

Joseph Gali

Gali Vineyard

Sheila McDaniel

From: Juan Hidalgo
Sent: Tuesday, February 11, 2014 11:10 AM
To: Sheila McDaniel
Subject: RE: Proposed location adjacent to vineyard operation

Good Morning Sheila,

In order to answer your question it is good to note the following definitions in agricultural law:

California Code of Regulations 6000:

"Home use" means use in a household or its immediate environment.

This definition includes household, home, garden and residential use (site) situations.

Additionally, the federal definition of "Residential Use" means "the use of a pesticide or device in, on, or around any structure, vehicle, article, surface or area associated with the household, including but not limited to areas such as non-commercial outbuildings, non-commercial greenhouses, pleasure boats, and recreational vehicles; or in or around any preschool or day care facility." (Reference: Code of Federal Regulations, Title 40 (CFR 40), Part 157, Section 157.21)

Based on the definitions above a garage would be a structure associated with the household and therefore the user of the aluminum phosphide would be required to stay 100 feet from the garage.

Juan Hidalgo
Deputy Agricultural Commissioner
Santa Cruz County
Department of Agriculture
175 Westridge Drive
Watsonville, CA 95076
831-763-8080
Fax 831-763-8255
agc035@agdept.com

From: Sheila McDaniel
Sent: Tuesday, February 11, 2014 9:49 AM
To: Juan Hidalgo
Subject: FW: Proposed location adjacent to vineyard operation

Juan,

Does the law provide any distinction about whether the 100 feet applies to only habitable portions of the building or not, ie. does the 100 feet apply to proposed garages or the entire building regardless of use of the residential building space? The applicant has mentioned that while the building is located 35 feet from the property line, the habitable portion of the structure is approximately 55 feet from the property line.

Thank you,

Sheila

From: Sheila McDaniel
Sent: Tuesday, February 11, 2014 8:37 AM
To: Juan Hidalgo
Subject: RE: Proposed location adjacent to vineyard operation

Juan,

They are growing grapes.

Thank you,

Sheila

From: Juan Hidalgo
Sent: Thursday, February 06, 2014 3:31 PM
To: Sheila McDaniel
Cc: MaryLou Nicoletti
Subject: RE: Proposed location adjacent to vineyard operation

Good Afternoon Sheila,

I hope that you are doing well. The person that is using the aluminum phosphide is correct about the distance requirements.

Aluminum Phosphide labels have the following restriction:

"THE USE OF THIS PRODUCT IS STRICTLY PROHIBITED WITHIN 100 FEET OF ANY BUILDING WHERE HUMANS AND/OR DOMESTIC ANIMALS DO OR MAY RESIDE ON SINGLE OR MULTI-FAMILY RESIDENTIAL PROPERTIES AND NURSING HOMES, SCHOOLS (EXCEPT ATHLETIC FIELDS), DAYCARE FACILITIES AND HOSPITALS."

A residential dwelling built within 100 feet of the property line of the person using the aluminum phosphide will have an impact on the ability of that person to continue to use the product to control burrowing pests in that area.

Do you know what agricultural commodity the person using the aluminum phosphide has?

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From: Sheila McDaniel
Sent: Wednesday, February 05, 2014 4:34 PM
To: MaryLou Nicoletti; Juan Hidalgo
Subject: Proposed location adjacent to vineyard operation

Marylou,

I have an application where they have proposed a residential dwelling within 35 feet of a property line and I recommended approval with fencing and a hedge. The neighbor came in today and informed me that they are using aluminum phosphide and by law they are not allowed to apply it to the soil within 100 feet of a habitable building and they are concerned about the proposed operation compromising their operation. She has asked me to relocate the

building to at least 100 feet to respect the operational requirements of the ordinance. I intend on notifying your commission regarding this issue and will defer to your commission regarding the appropriate setback. Please let me know is there is anything I may need to know about this issue.

Thank you,

Sheila

p.s My number is 454-2255 should you want to discuss this issue.