



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **151170**

Applicant: Chuck Burket
Owner: Mike Shaw
APN: 050-191-04

Date: December 17, 2015
Agenda Item #: 8
Time: 1:30 p.m.

Project Description: Proposal to recognize a reconstructed 1,137 square foot dwelling without the benefit of a permit (including the original 610 square foot cabin and an addition of approximately 527 square feet), and to construct a 497 square foot garage addition and a 473 square foot second floor bedroom addition with a 93 square foot deck. The proposed improvements are located within 200 feet of Type 2C Agricultural Resource (20 feet southeast from APN 050-421-03 and 60 feet north from APN 050-191-03) and Type 1A Agricultural Resource (140 feet northeast of APN 050-241-01). Requires an Agricultural Buffer Reduction Determination by the Agricultural Policy Advisory Commission.

Location: Property located on the northeast side of Amesti Road, (288 Amesti Road), about one mile northwest from Green Valley Road in Watsonville within the Pajaro Valley Planning Area.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 151170, based on the attached findings and conditions.

Exhibits

- | | |
|------------------|--------------------------------------|
| A. Project plans | D. Assessor's, Location, Zoning, and |
| B. Findings | General Plan, Agricultural Resource |
| C. Conditions | maps |

Parcel Information

Parcel Size:	9.83 acres
Existing Land Use - Parcel:	Residential, no present agricultural use
Existing Land Use - Surrounding:	North-cut flower nursery, West- apple orchard, south-home site, east-Pinto Lake
Project Access:	Amesti Road (50 foot right-of-way)
Planning Area:	Pajaro Valley
Land Use Designation:	O-R, AG (Existing Parks and Recreation, Agriculture)
Zone District:	PR, CA (Parks and Recreation and Commercial)

Supervisory District:	Agriculture)	
Within Coastal Zone:	2 (District Supervisor: Friend)	
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Inside	<input checked="" type="checkbox"/> Outside
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Services Information

Inside Urban/Rural Services Line:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Water Supply:	Pajaro Valley Water Management Agency	
Sewage Disposal:	Septic	
Fire District:	Pajaro Valley Fire Protection District	
Drainage District:	Flood Zone 7	

Project Setting/Background

Property is approximately 9.83 acres in size and located on the northeast side of Amesti Road, (288 Amesti Road), about one mile from Green Valley Road within the Pajaro Valley Planning area of Watsonville outside the Urban Service Line and can be characterized as prime agricultural land area with flat topography. The property is zoned CA (Commercial Agriculture) and PR (Parks and Recreation) and designated AG (Agriculture) and O-R (Existing Parks and Recreation). The property contains a Type 2C Agricultural Resource designation. This agricultural resource category is for agricultural lands outside the Coastal Zone which would be considered as Type 1A, except for one or more limiting factors, such as parcel size, topographic conditions, soil characteristics or water availability or quality, which may adversely affect continued productivity or which restrict productivity to a narrow range of crops. Despite such limitations, these lands are considered suitable for commercial agricultural use.

The subject property contains an approximately 1,137 square foot dwelling constructed in 2005 without the benefit of a building permit according to the assessor's records. Originally, the property contained a 610 square foot single family dwelling constructed in 1920 in the present location of the reconstructed dwelling. This structure was demolished in 2005 prior to reconstruction of the replacement dwelling.

The property also contains a 2,400 square foot 1 story tractor barn (noted as a workshop on the site plan) completed in 2012 with a building permit. A garage/shed located adjacent to the north property line was constructed between 1988 and the present without the benefit of a building permit. A travel trailer is also located along the north property line without the benefit of a permit. A partially constructed greenhouse, a few small sheds, and large storage containers are also located on the property.

The property is surrounded on all sides by property zoned Commercial Agricultural, with exception of a small pocket residential property to the west and adjacent to Amesti Road. The property is located adjacent to two active agricultural operations, one located to the north and one located to the west of the subject property. The eastern edge of the site is located along Pinto Lake. The property to the south is not currently farmed and contains scattered trees throughout.

The property to the north (APN 050-421-03) contains a cut flower nursery that is mapped as

Type 2C Agricultural Resource land. There are a series of greenhouses approximately 15 feet from the property line located toward the center to rear of the site and additional greenhouses located toward the central front portion of the property. A vegetative buffer extends along this property line, approximately 25 feet west of the greenhouses within 15 feet from the property line.

The property to the west contains an apple orchard (APN 050-241-01) and is mapped as Type 1A Agricultural Resource. Type 1A agricultural lands comprise areas of known high productivity which are not located in any utility assessment district for which bonded indebtedness has been incurred. These lands essentially meet the U.S. Department of Agriculture Natural Resource Conservation Service and the California Department of Food and Agriculture criteria for "prime" and "unique" farmland and "prime" rangeland.

Project Information

The purpose of this application is to recognize the reconstructed 1,137 square foot dwelling and to construct a 497 square foot garage addition and a 473 square foot second floor bedroom addition with a 93 square foot deck above the garage.

The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 20 feet southwest of APN 050-421-03, 140 feet east of APN 050-241-01, and 60 feet north from APN 050-191-03.

North Property Line Reduction to APN 050-421-03



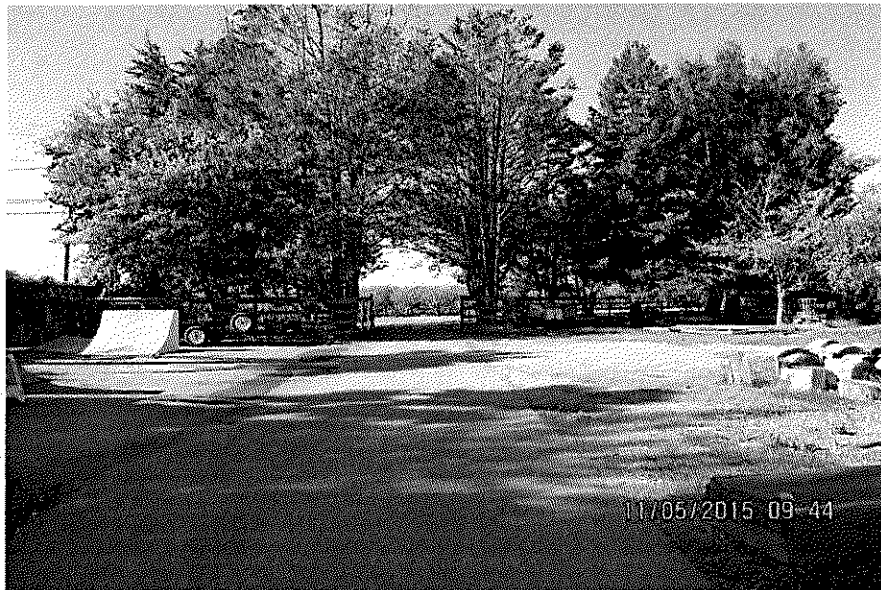
A reduced agricultural buffer is recommended along the north property line due to the fact that: the preexisting house was located in this location; the house is currently constructed and a requirement to relocate the dwelling back further from the property line would create an undue hardship; an existing mature vegetative buffer is located along most of the adjoining property providing protection between the existing dwelling and cut flower nursery as noted in the picture; and 6 foot wood fencing extends adjacent to the dwelling and fencing is proposed to extend along the property line adjacent to the proposed addition and additional vegetative buffer is proposed between the house and property line. It is recommended that the plant selection be revised to reflect a species on the recommended plant list to ensure that the species is not a host

to the light brown apple moth.

Additional considerations include the fact that there is an unpermitted travel trailer (single family unit) also located approximately 20 feet from the property line that is required to be addressed as a condition of approval by either removing the unit or obtaining a building permit/discretionary permit. Second units are permitted within the CA zone district with an administrative permit with public notice. It is recommended that the proposed 20 foot agricultural reduction be extended to the travel trailer in the event the applicant would like to seek a use approval for the second unit. This project is conditioned to require a 6 foot solid board fence and an evergreen vegetative buffer along the property line a minimum of 20 feet beyond the edge of the travel trailer.

West Property Line Reduction to APN 050-241-01

Mature vegetation is located along the west property line, providing adequate protection from potential pesticide drift from the apple orchard. Six foot solid board fencing is recommended along the property line as well.



South Property Line Reduction to APN 050-191-03



This parcel is zoned R-1 and designated Agriculture by the General Plan and includes a Type 2C Agricultural Resource designation. The parcel is approximately 14,000 square feet in size and contains a single family dwelling. A reduction request has been included in the project description pursuant to the Agricultural Protection Ordinance, which requires a minimum 200 foot buffer from all properties containing an agricultural resource. This ordinance also requires properties with a resource designation be zoned Commercial Agricultural. The proposed addition is approximately 60 feet from the north property line of APN 050-191-03. It is clearly evident that this property is too small to be farmed and is not properly designated as an agricultural resource parcel. The reduction on this site is recommended for these reasons. The planning department intends to evaluate this site to ensure the accuracy of the zoning and resource designations and to correct any mapping errors determined to exist.

Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 20 south from APN 050-241-03, 60 feet north from APN 050-191-03, and 140 east of APN 050-241-01 feet from the adjacent CA zoned property known as APN 050-191-04, proposed under Application # 151170, 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: Sheila McDaniel
Santa Cruz County Planning Department

Application #: 151170
APN: 050-191-04
Owner: Mike Shaw

701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2255
E-mail: sheila.mcdaniel@co.santa-cruz.ca.us

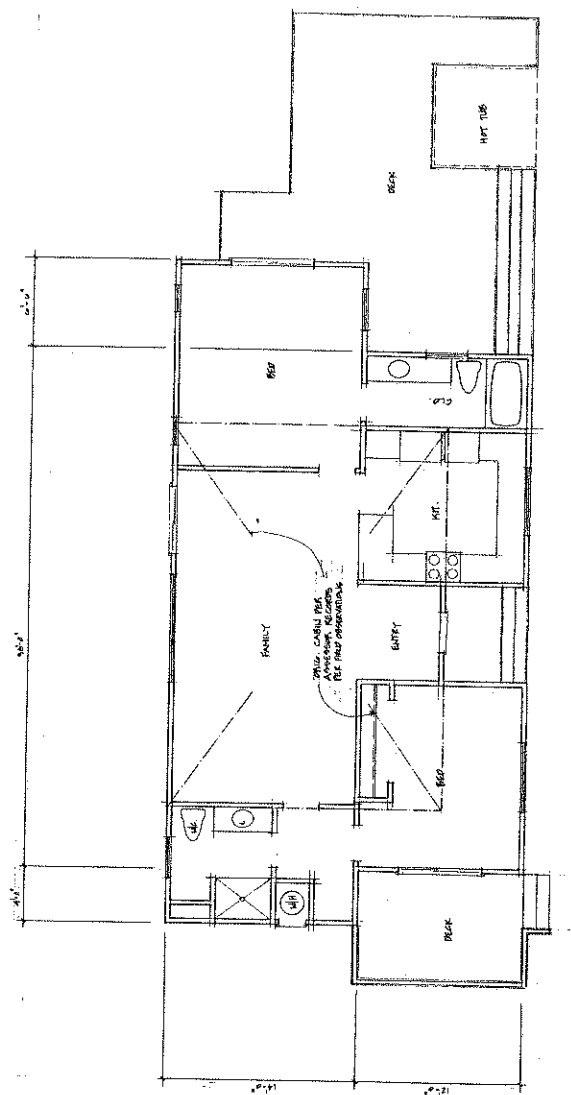
Report Reviewed By: Steven Guiney, AICP
Principal Planner
Development Review

[illegible]

THE FINAL DRAFT
P.O. BOX 2175
SANTA CRUZ, CA 95063
831-475-5038

ADDITION TO A SINGLE FAMILY DWELLING
SHAW RESIDENCE
288 AMESTI ROAD
WATSONVILLE, CA 95076

ENCLAVE
 60
 CINCINNATI
 DATE
 6-10-15
 NAME
 NOTED
 JOB NO.
 2015-05
 SHEET 2
 A




~~EXISTING FLOOR PLAN~~
1157 #

DELAWARE	DATE	2015-05	A2
C8	6-16-15	NOTED	
CHICAGO	RECALL	ADVIS. PNC.	
		BUDGET \$	

~~PROPOSED LOWER FLOOR PLAN~~
7-6-61 4:17 PM TOT. ADV. 44° 11' 0"

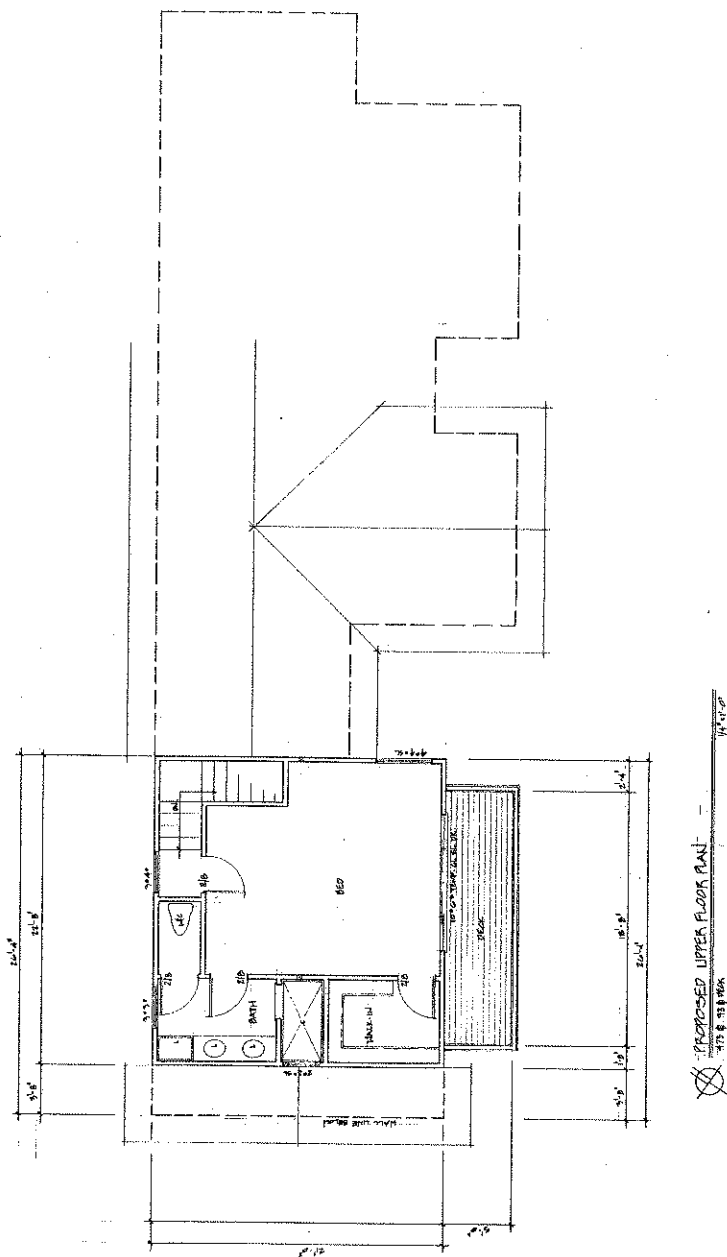
REVISIONS	BY



THE FINAL DRAFT
 P.O. BOX 2175
 SANTA CRUZ, CA 95063
 831-475-5038

ADDITION TO A SINGLE FAMILY DWELLING
SHAW RESIDENCE
 288 AMESTI ROAD
 WATSONVILLE, CA 95076

DRAWN BY: []
 CHECKED BY: []
 DATE: 7-17-15
 PROJECT: 15070
 SHEET: 2
A3
 0.5 SHEETS



~~PROPOSED UPPER FLOOR PLAN~~
 7/17/15

**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

The existing dwelling is currently setback approximately 20 feet from the north property line. A reduced agricultural buffer is recommended along the north property line due to the fact that: the preexisting house was located in this location; the house is currently constructed and a requirement to relocate the dwelling back further from the property line would create an undue hardship; existing mature vegetative buffer is located along most of the adjoining property (along the property line) providing protection between the existing dwelling and cut flower nursery; and fencing is proposed along the property line and additional vegetative buffer is proposed between the house and property line. Plant selection is required to be revised to reflect a species on the recommended plant list to ensure that the species is not a host to the light apple brown moth. Furthermore, mature vegetation is located along the west property line, providing adequate protection from potential pesticide drift from the apple orchard. Six foot solid board fencing is recommended along the property line as well.

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.

**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 proposed residential improvements are located in the northwest portion of the property, which concentrates the non-agricultural improvements in the corner of the site and removes as little as agricultural land as feasible. The concentration of residential improvements minimizes conflicts between the residential use and agricultural use.

Conditions of Approval

- I. This permit authorizes a reduction in the 200 foot agricultural buffer setback to 20 southwest of APN 050-421-03 and 140 east of APN 050-241-01. 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 copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 2. A development setback of a minimum of 20 south from APN 050-241-03, and 140 east of APN 050-241-01 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 050-191-04.
 3. 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 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.

- C. The owner shall remove the travel trailer (residential unit), garage/shed, greenhouse, and large storage containers from the subject property that were constructed without the benefit of a permit. Alternatively, the applicant may obtain required building permits and/or discretionary permits for these structures. A second unit requires an administrative permit with public notice prior to issuance of a building permit (provided that a 20 foot setback is met and a vegetative buffer and 6 foot solid board fencing is constructed along the property line).
- 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: _____

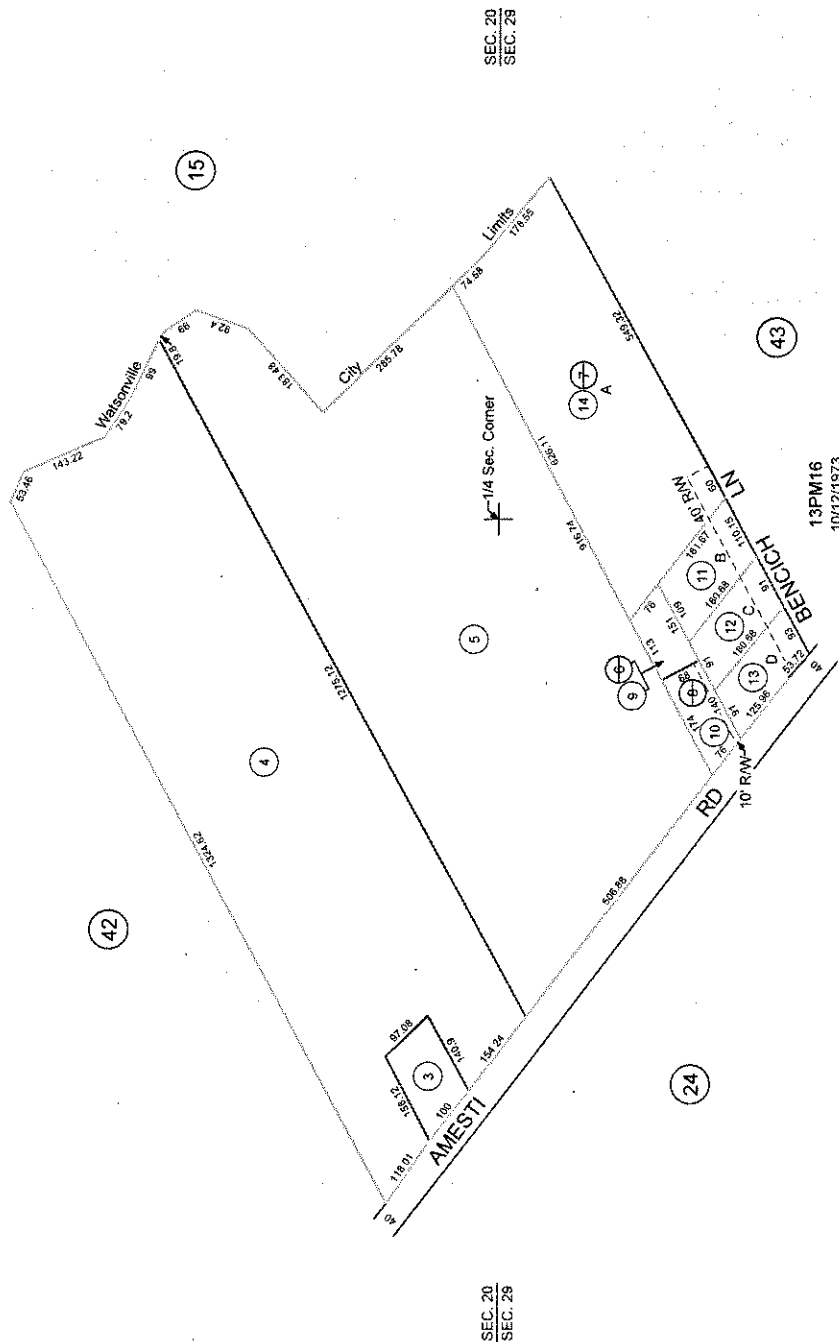
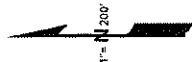
Expiration Date: _____

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.

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

Tax Area Code
69-258

50-19



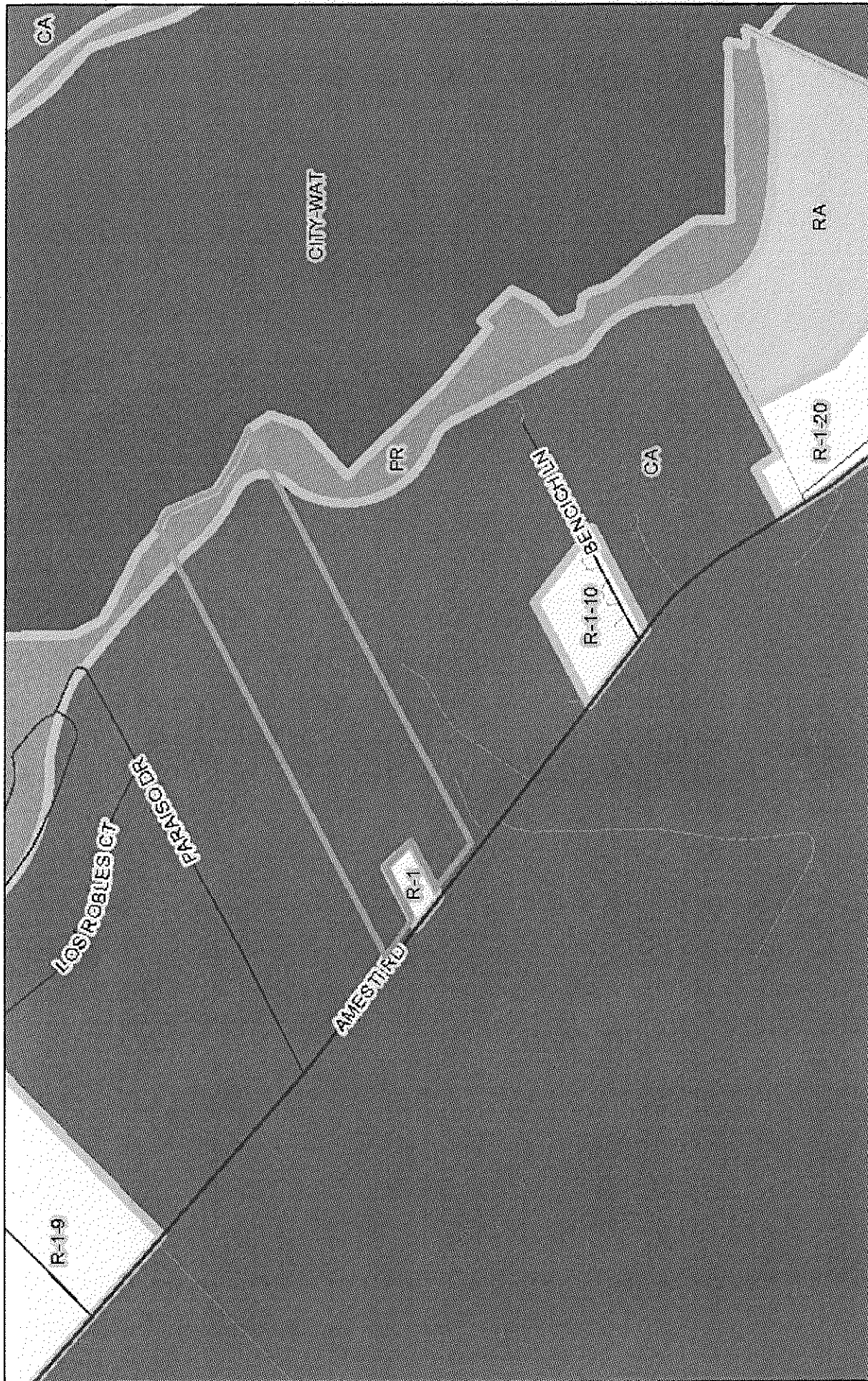
**Note - Assessor's Parcel & Block
Numbers Shown in Circles.**

Assessor's Map No. 50-19
County of Santa Cruz, Calif.
May 2000

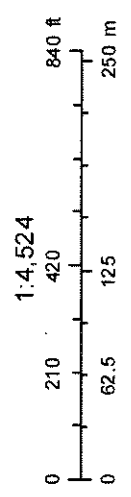
Electronically redrawn 5/15/00 KSA
Rev. 5/15/00 KSA (Per to Pg. 42)
Rev. 12/20/13 mc (Added Bench Ln)

~~EXHIBIT~~ (b)(7)(C)

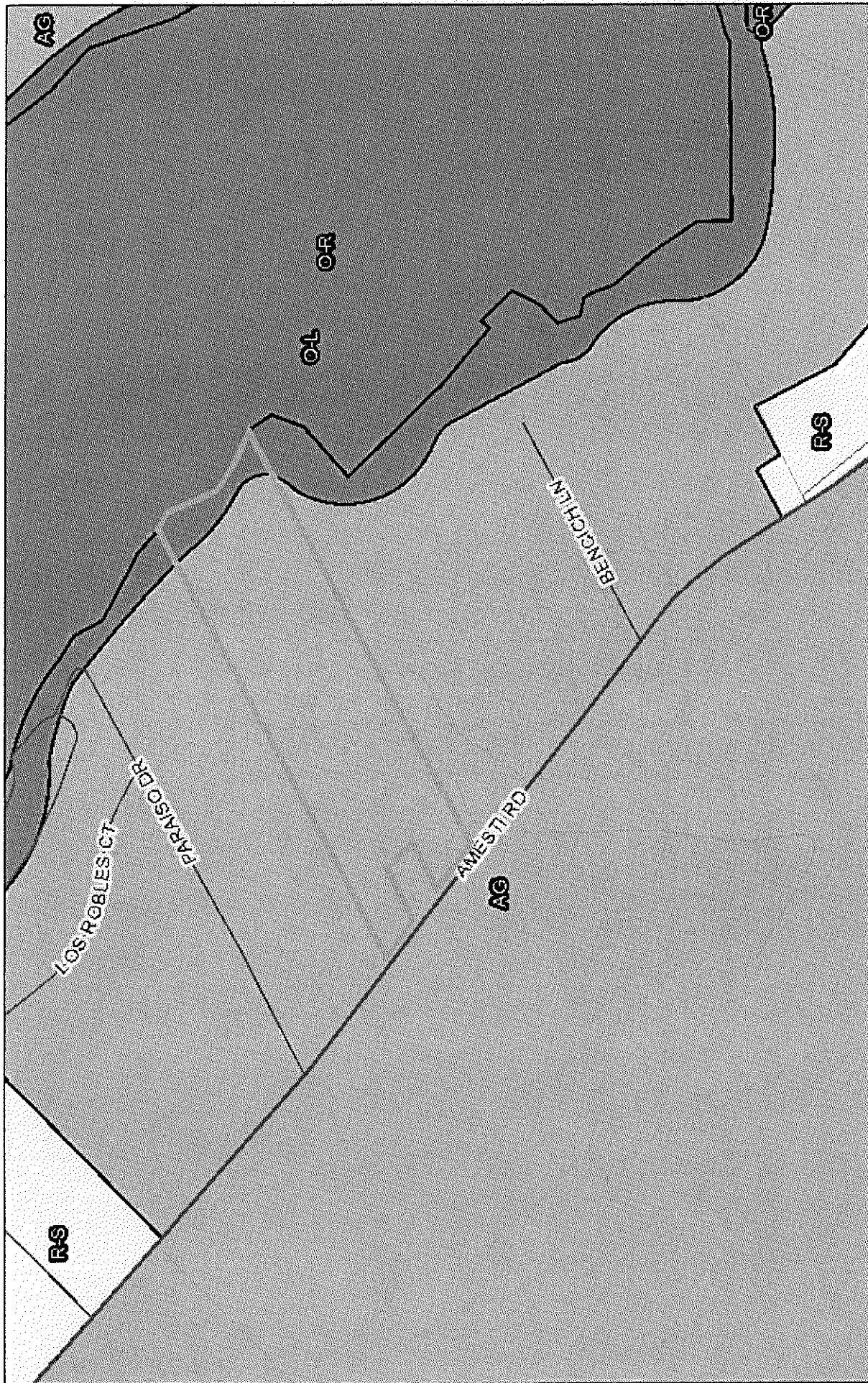
Zoning



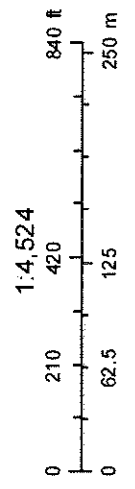
December 7, 2015



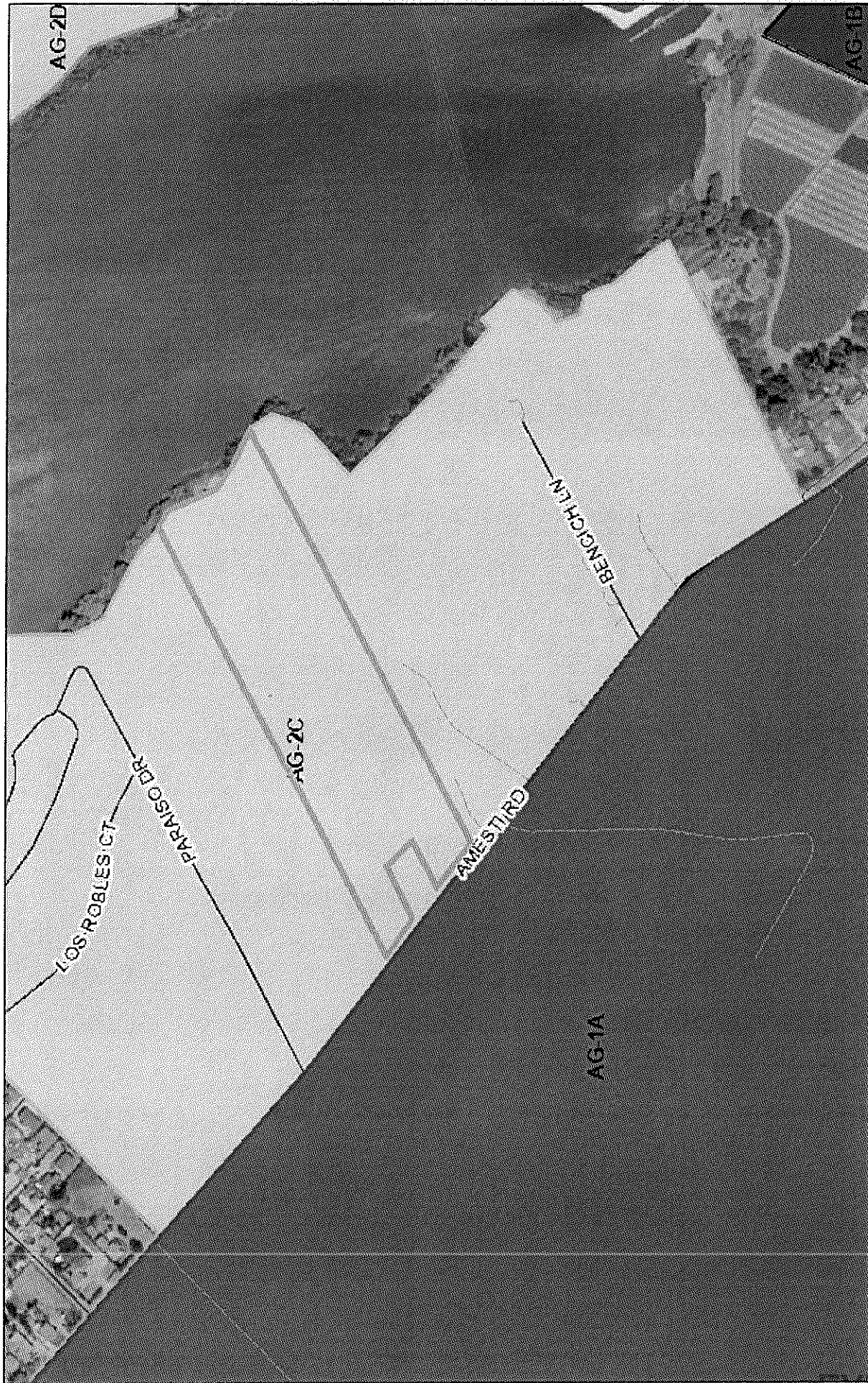
General Plan



December 7, 2015



Agricultural Resource Type



December 7, 2015