



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **151242**

Applicant: Eadie Consultants

Date: July 20, 2017

Owner: James Cochran

Agenda Item #:

APN: 059-033-05

Time: 1:30 p.m.

Project Description: Proposal to modify an existing residence, demolish an existing accessory structure and to construct a new detached garage with an accessory dwelling unit above within 200 feet of a Type 3 Agricultural Resource (approximately 142 feet from APN 059-023-12). Requires an Agricultural Buffer Determination for the proposed accessory dwelling unit.

Location: Property located on the south side of Coast Road, about 50 feet south from the intersection with Highway 1 (5221 Coast Road).

Permits Required: Agricultural Buffer Determination

Staff Recommendation:

- Recommend approval of Application 151242 to the Zoning Administrator, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	2.14 acres
Existing Land Use - Parcel:	Rural residential
Existing Land Use - Surrounding:	Agriculture, rural residential, rail corridor, Highway 1
Project Access:	Coast Road
Planning Area:	Bonny Doon
Land Use Designation:	AG (Agriculture)
Zone District:	RA (Residential Agriculture)
Supervisory District:	3 (District Supervisor: Ryan Coonerty)
Within Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Services Information

Inside Urban/Rural Services Line: Yes X No
Water Supply: City of Santa Cruz
Sewage Disposal: Septic
Fire District: CalFire (County Fire Department)
Drainage District: None

Analysis and Discussion

The proposed project is to modify an existing residence, demolish an accessory structure, and to construct an accessory dwelling unit of approximately 800 square feet (over a proposed garage of approximately 1,000 square feet) on a 2 acre parcel. The project is located at 5221 Coast Road. The proposed building site for the accessory dwelling unit is within 200 feet of Commercial Agricultural land to the south. The applicant is requesting a reduction in the 200 foot agricultural buffer setback (to 142 feet from APN 059-023-12) for the proposed upper floor accessory dwelling unit.

The subject property is characterized by relatively level topography with a steep cut down to the railroad tracks to the south. The parcel is located outside of the Urban Services Line and can be characterized as a small rural residential neighborhood adjacent to commercial agricultural land. The parcel is located within the Agriculture (AG) General Plan designation and the implementing zone district is (RA) Residential Agriculture. Commercial Agriculture zoned land is situated within 200 feet at the south side of the parcel at Assessor's Parcel Number 059-023-12.

A reduced agricultural buffer is recommended due to the fact that the parcel is not deep enough to allow sufficient building area if the required 200 foot setbacks were maintained from the Commercial Agriculture zoned property. An existing railroad corridor (approximately 125 feet in width) with steeply cut embankments is located between the proposed accessory dwelling unit and the existing Commercial Agriculture zoned parcel. This separation and railroad embankment are sufficient to reduce the impact of agricultural activities on the proposed residential use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcel(s). The applicant will 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.

Coastal Development Permit

This review is a component of a Coastal Development Permit application that will be heard and acted upon by the Zoning Administrator. The action(s) of your Commission will be forwarded to the Zoning Administrator as a recommendation for the final action by that decision-making body.

Recommendation

- Staff recommends that your Commission recommend **APPROVAL** of the Agricultural Buffer Reduction from 200 feet to about 142 feet to the accessory dwelling from the adjacent CA zoned property known as APN 059-023-12 to the Zoning Administrator, proposed under Application Number 151242, 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

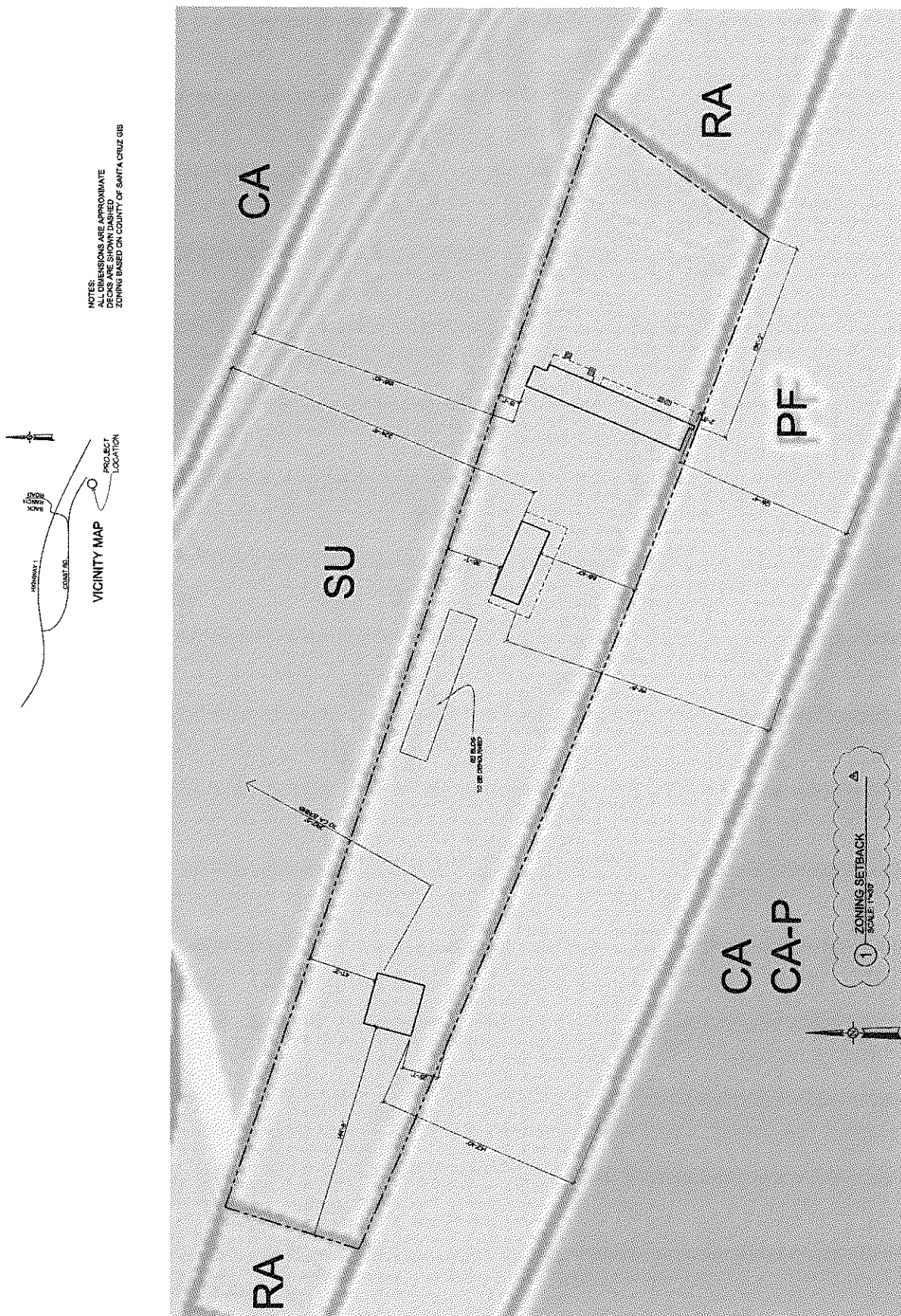
Report Prepared By: Randall Adams
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3218
E-mail: randall.adams@santacruzcounty.us

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

1000

Preparation: The first step in developing a grazing plan is to determine the carrying capacity of the land. This is the maximum number of animals that can be grazed on the land without causing damage to the vegetation or soil. Factors that affect carrying capacity include the type of vegetation, the quality of the soil, the amount of water available, and the climate. Once the carrying capacity has been determined, the next step is to develop a grazing schedule. This schedule should take into account the needs of the animals, the condition of the land, and the weather. The grazing schedule should be flexible enough to allow for changes in the carrying capacity or the condition of the land. Finally, the grazing plan should be implemented and monitored. The manager should keep a record of the number of animals grazed, the condition of the land, and the weather. This information can be used to adjust the grazing plan as needed.



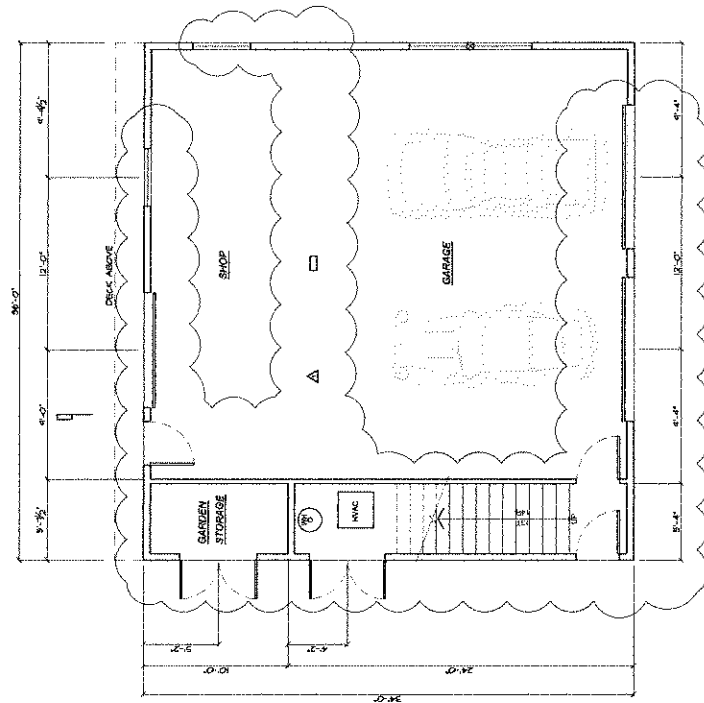


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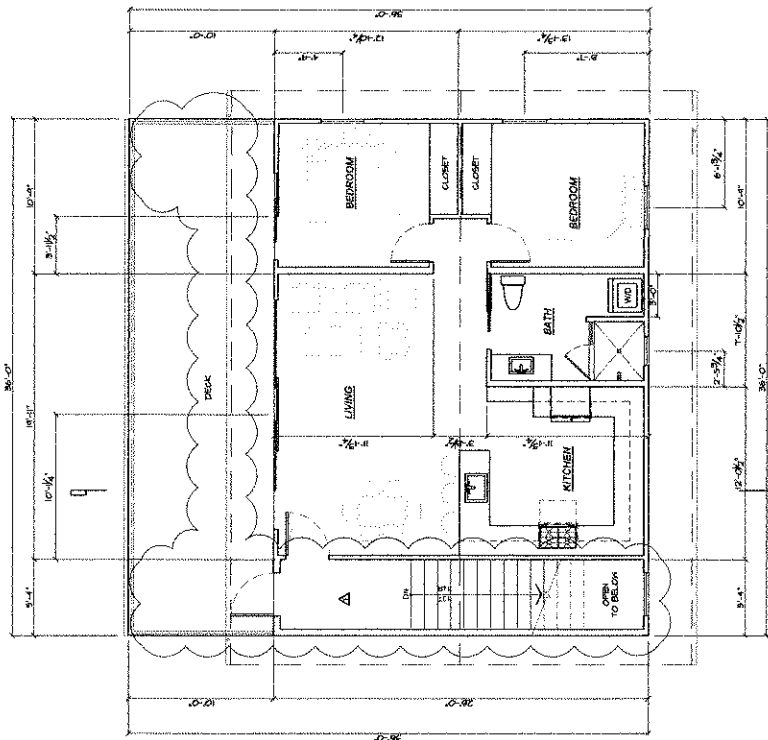
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DATE: 1/26/2016	DATE: 1/26/2016
PROJECT: 101.457.1778	PROJECT: 101.457.1778
CLIENT: ANDREW KOLB DESIGNS	CLIENT: ANDREW KOLB DESIGNS

5221 COAST RD.
 SANTA CRUZ, CA 95060
 APN 009-033-05
 GARAGE / ADU FLOOR PLANS

A2.1
 SHEET



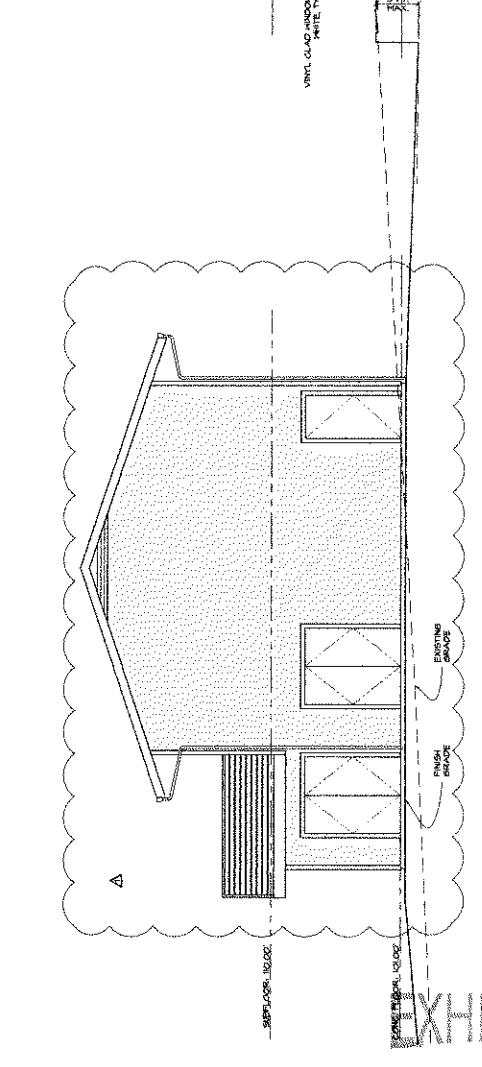
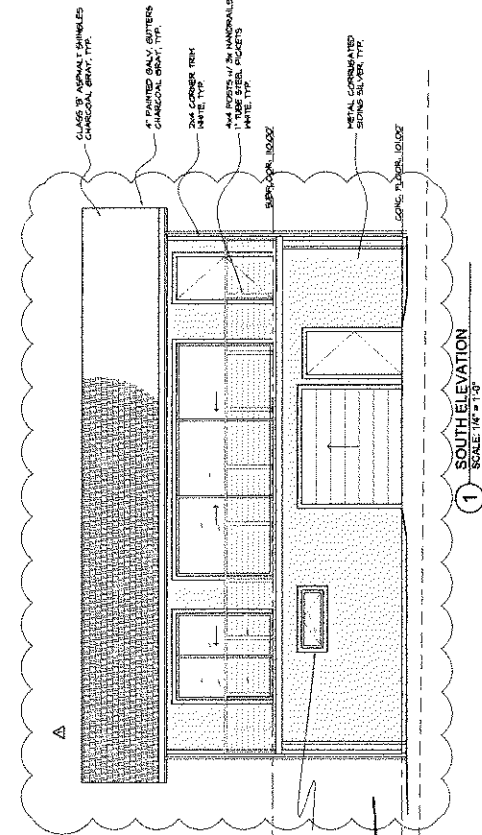
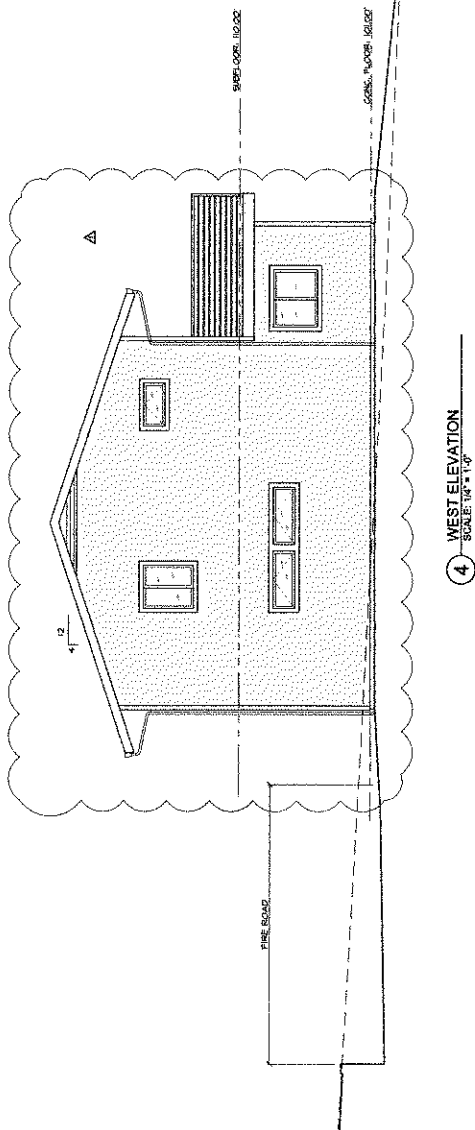
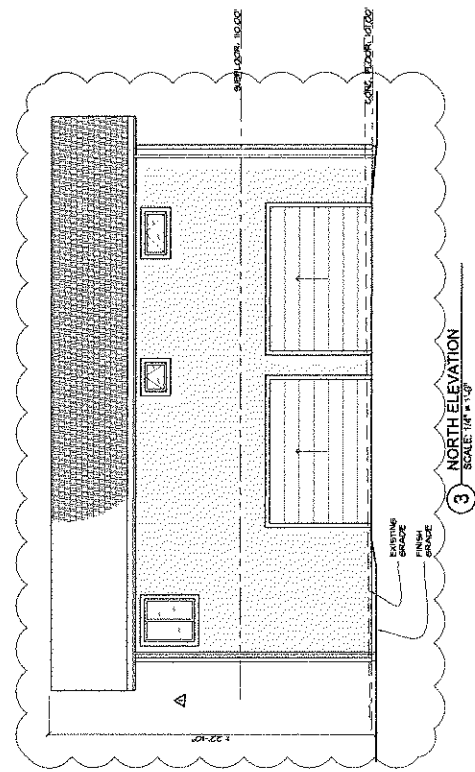
1 GARAGE (FIRST) FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 1224 SF (includes stairs)



2 ADU (SECOND) FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 ADU 800 SF
 DECK 300 SF (includes stairs)

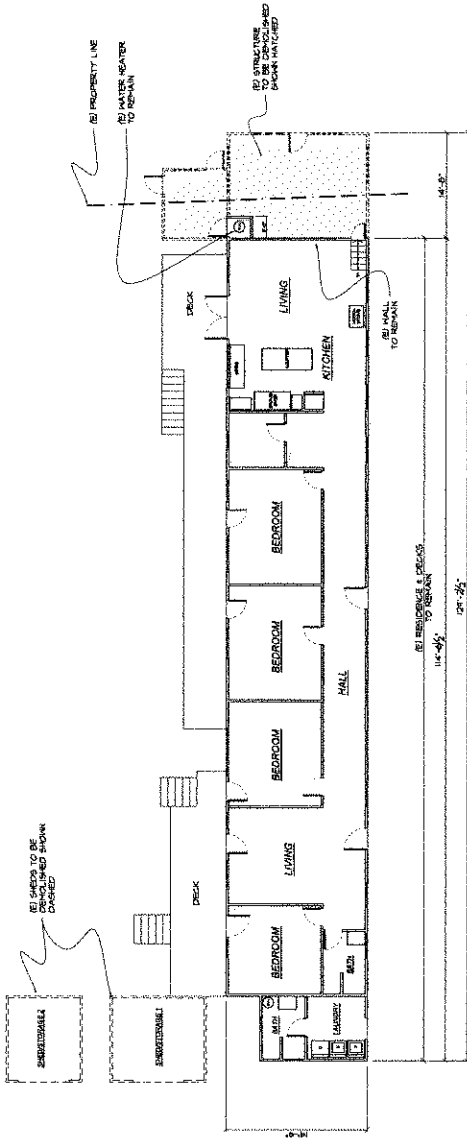
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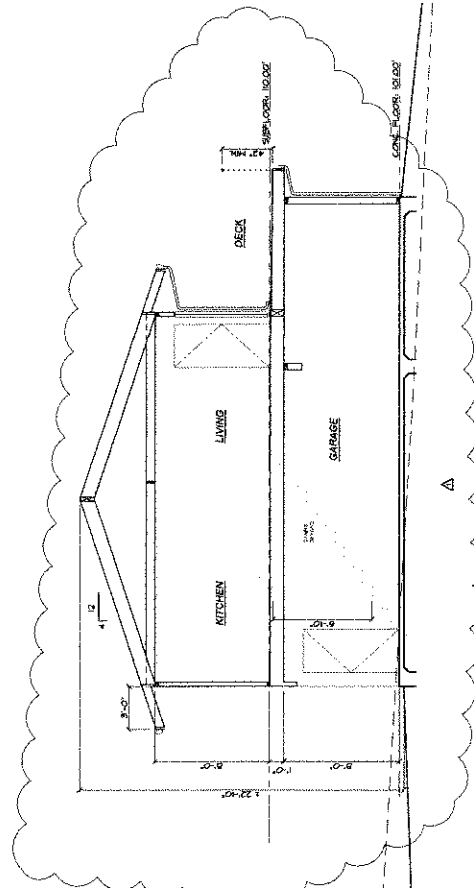


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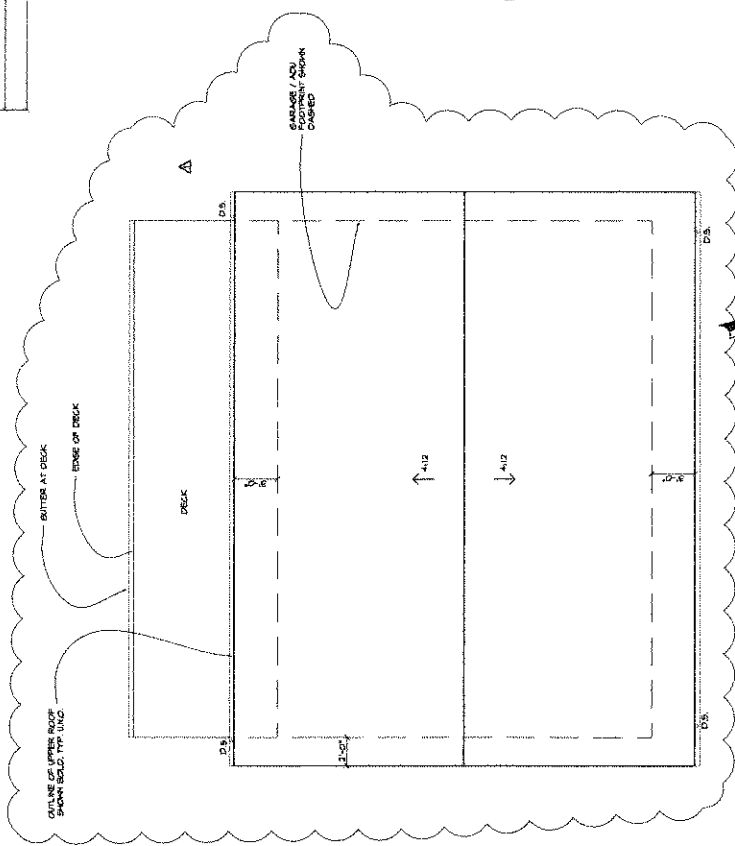
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2 EXISTING & PROPOSED RESIDENCE
 SCALE: 1/8" = 1'-0"



AA GARAGE / ADU SECTION
 SCALE: 1/8" = 1'-0"



1 GARAGE / ADU ROOF PLAN
 SCALE: 1/8" = 1'-0"

**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

Not applicable.

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

This finding can be made, in that a substantial separation exists, in the form of a railroad corridor, between the subject parcel and APN 059-023-12 to allow for a reduction in the required 200 foot setback to about 142 feet. The proposed building site is located across the railroad corridor (approximately 125 feet in width) with a substantial drop in topography down to the railroad tracks between the proposed development and the Commercial Agriculture zoned parcel, and existing buffering vegetation is located within the railroad corridor so additional landscaping and solid fences have not been requested.

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.

This finding can be made, in that the development of the subject parcel within the required yard setbacks would not be possible without a reduction of the 200 foot agricultural buffer setback. Additionally, the development of the subject property would be severely constrained if a 200 foot agricultural buffer setback is applied (removing approximately 80 feet of depth from the property, which is only 95 feet deep at the northern end). Given the horizontal separation from the Commercial Agricultural parcel (due to the location of a 125 feet wide railroad corridor with a substantial drop in topography), the presence of buffering vegetation within the railroad corridor, and the location of an existing residence on the subject property, a reduction in the agricultural buffer setback is considered appropriate. And, for the reasons listed above, no physical barrier or vegetative buffer is necessary to prevent conflicts between the non-agricultural development and the Commercial Agriculture zoned land on APN 059-023-12.

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN (059-023-12). 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. The following conditions are recommended to be added to any approval of the Zoning Administrator for Coastal Development Permit 151242:
- II. 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.
- III. 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 142 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 059-023-12.
 3. If required, 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.

- IV. 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. If required, 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.
- V. Operational Conditions
- A. If required, 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.
- VI. 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: _____ Per Coastal Development Permit

Expiration Date: _____ Per Coastal Development Permit

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

FOR TAX PURPOSES ONLY

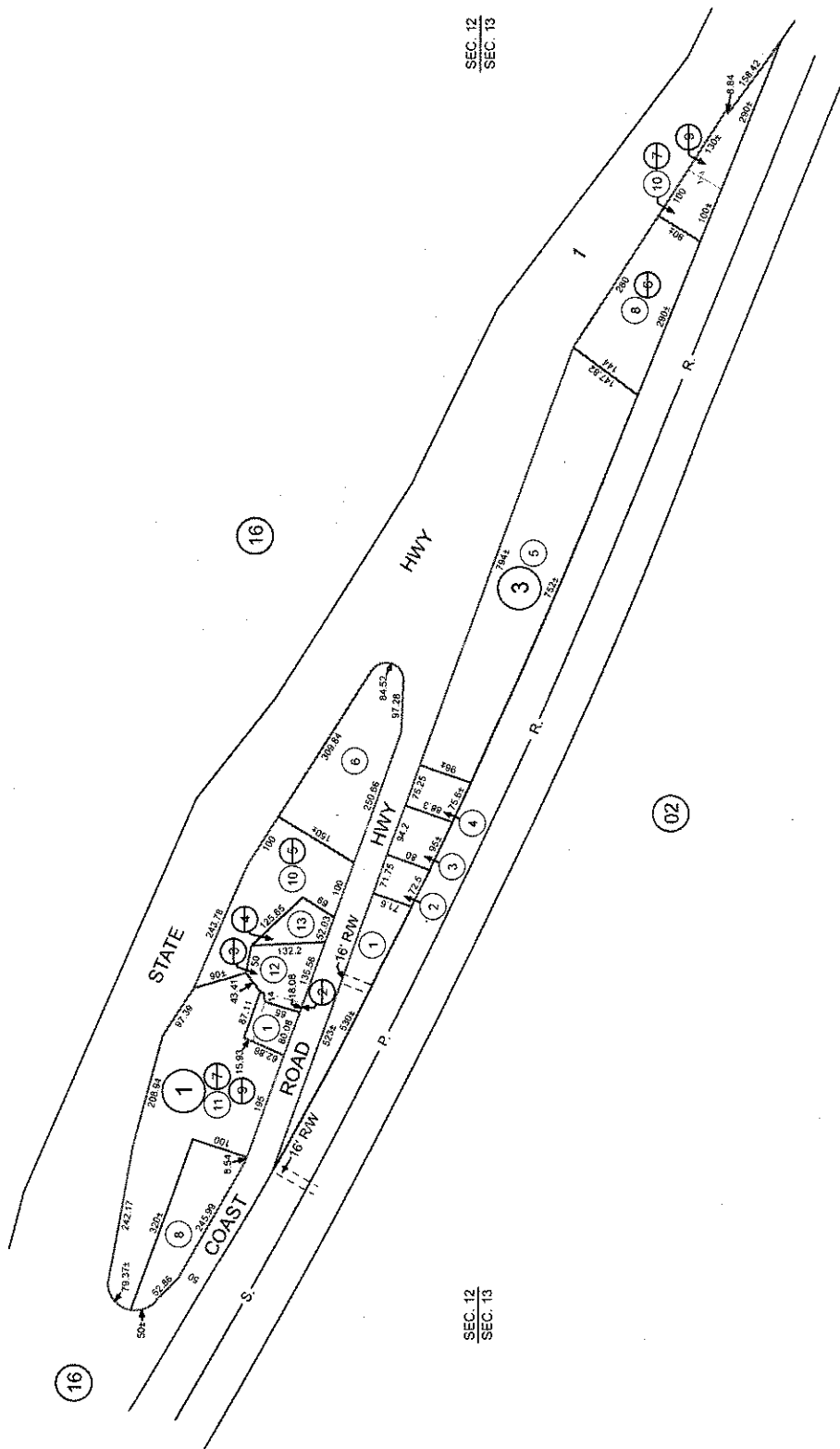
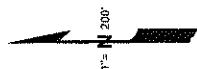
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REFUGIO RANCHO

POR. SECS. 12 & 13, T.11S., R.3W., M.D.B. & M.

Tax Area Code
92-007

59-03



Electronically redrawn 7/3/99 KSA
Rev. 6/20/13 me (spatial adjustment)

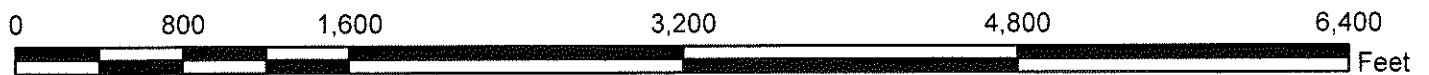
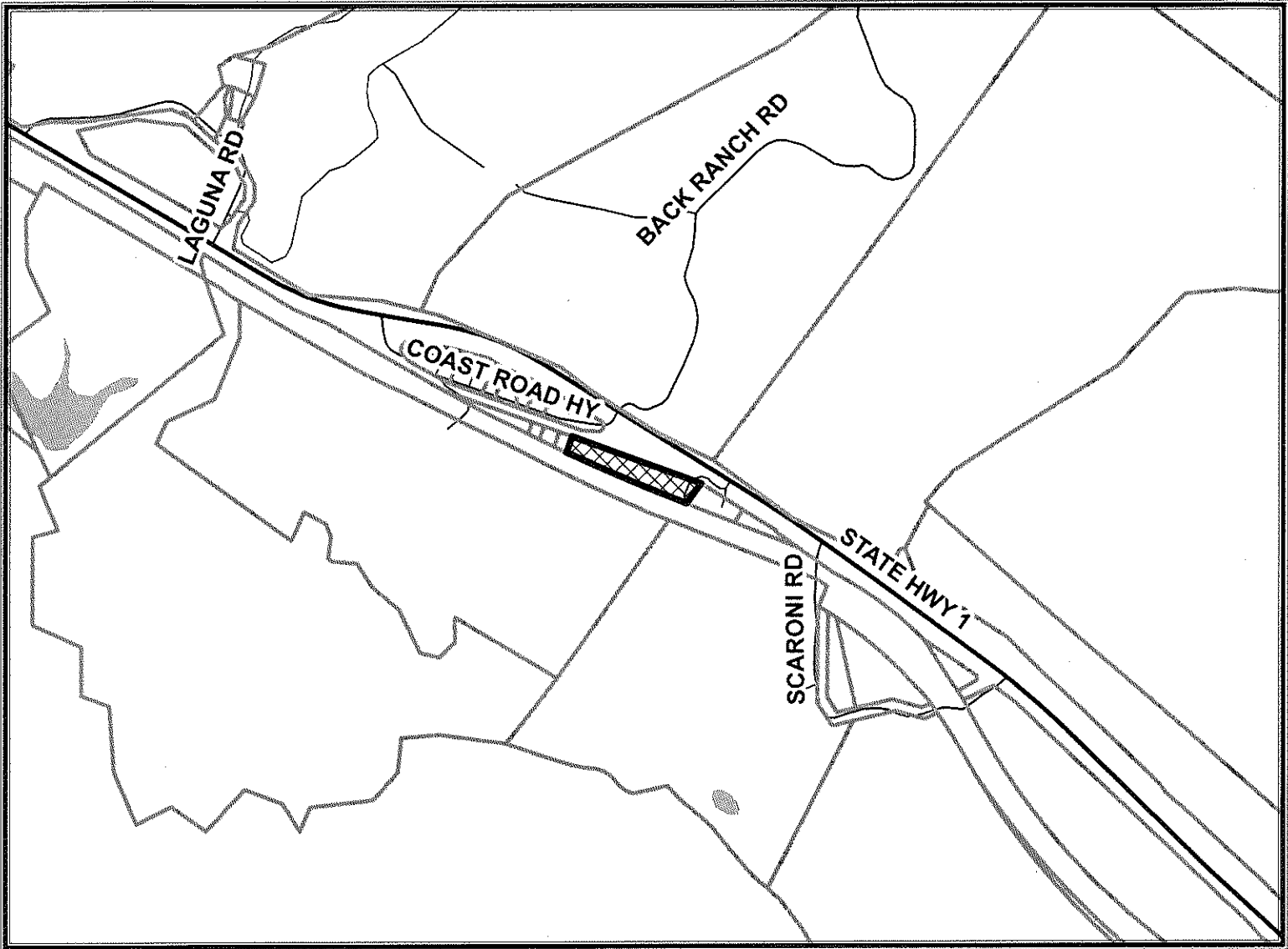
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Assessor's Map No. 59-03
County of Santa Cruz, Calif.
July 1999






EXHIBIT D

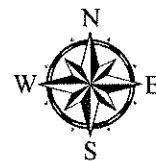


Location Map



LEGEND

-  APN: 059-033-05
-  Assessors Parcels
-  Street
-  State Highways
-  Lakes

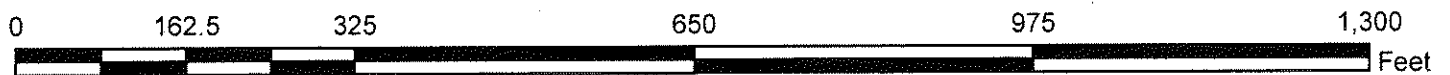
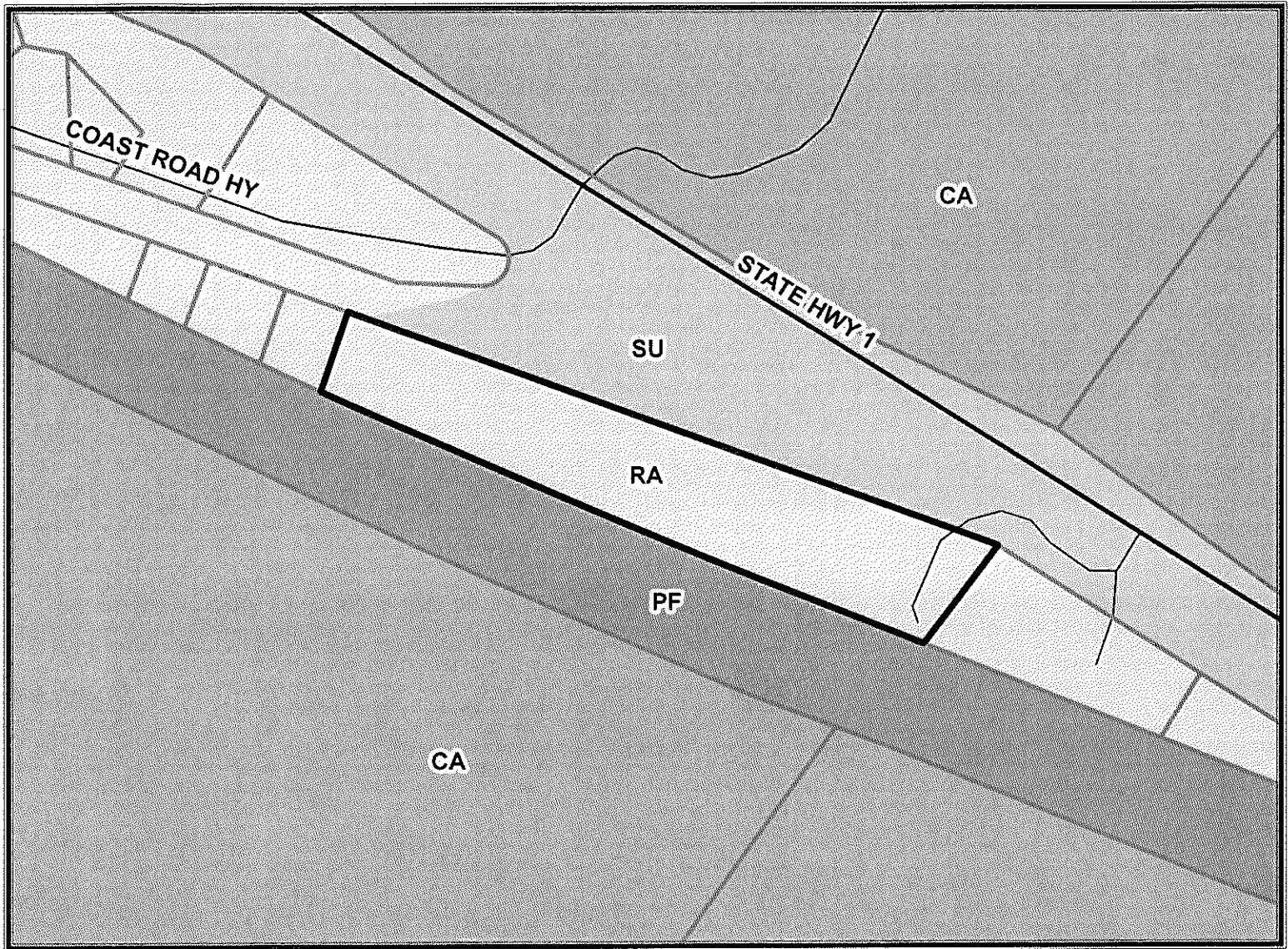


Map Created by
County of Santa Cruz
Planning Department
September 2015

EXHIBIT D



Zoning Map



LEGEND

- APN: 059-033-05
- Assessors Parcels
- Street
- State Highways
- AGRICULTURE RESIDENTIAL
- SPECIAL USE
- AGRICULTURE COMMERCIAL
- PUBLIC FACILITY

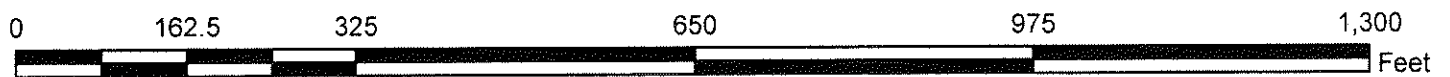
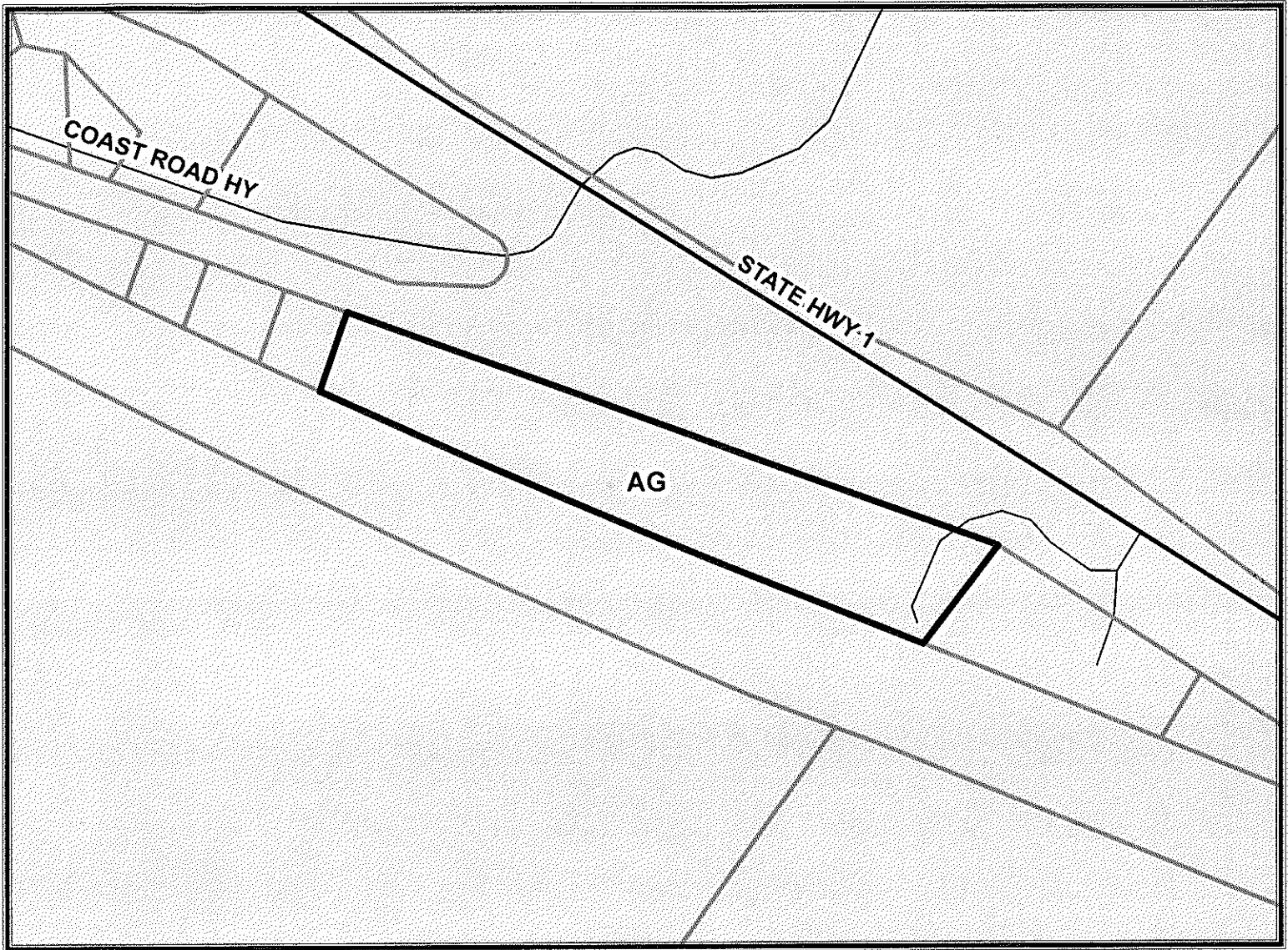


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September 2015






EXHIBIT D

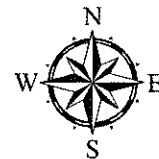


General Plan Designation Map



LEGEND

-  APN: 059-033-05
-  Assessors Parcels
-  Street
-  State Highways
-  Agriculture



Map Created by
County of Santa Cruz
Planning Department
September 2015

EXHIBIT D