



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **171126**

Applicant: Peter Guiley
Owner: Merry Alpha Downs
APN: 108-171-01

Date: 7/20/2017
Agenda Item #: 8
Time: 1:30 p.m.

Project Description: Proposal to construct a single-family dwelling with an attached garage within 200 feet of Type 1A Agriculture Resource Land (approximately 100 feet from APN 108-301-14). Requires an Agricultural Buffer Reduction Determination.

Location: Property located on the west side of Corralitos Road, approximately 1 mile northeast from Freedom Boulevard.

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 171126, based on the attached findings and conditions.

Exhibits

- | | |
|---|--|
| A. Categorical Exemption (CEQA determination) | D. Project plans |
| B. Findings | E. Assessor's, Location, Zoning, and General Plan maps |
| C. Conditions | |

Parcel Information

Parcel Size:	Approximately 15 acres
Existing Land Use - Parcel:	Berries
Existing Land Use - Surrounding:	North-Apples
	South-Berries
	East- Berries
	West-Not in production
Project Access:	Corralitos Road, Approximately 50 foot right-of-way
Planning Area:	Eureka Canyon
Land Use Designation:	AG (Agriculture)

Zone District: CA (Commercial Agriculture)
Supervisory District: 2nd District (District Supervisor: Zach Friend)
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: County Fire
Drainage District: Zone 7

Analysis and Discussion

The proposed project is to construct a 2,783 square foot single story single-family dwelling with an attached garage of approximately 600 square feet on an approximately 15 acre parcel. The project is located on the west side of Corralitos Road, approximately 1 mile northeast from Freedom Boulevard. The building site is within 200 feet of Commercial Agricultural land to the north. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 100 feet from APN 108-301-14.

The subject property is characterized by flat topography. The parcel is located outside the Urban Services Line and can be characterized as an agricultural neighborhood. The parcel is located within the Agriculture (AG) General Plan designation and the implementing zone district is (CA) Commercial Agriculture. Commercial Agriculture zoned land is situated within 200 feet at the north side of the parcel at Assessor's Parcel Number 108-301-14.

A reduced agricultural buffer is recommended due to the fact that the existing power pole providing electric service to the property limits the potential location of the proposed dwelling on the site, as well as the requirement of Cal fire to stay within 600 feet of the existing fire hydrant. The proposed dwelling complies with the required 200 foot buffer to the east and south property lines and minimizes loss of berry crops by location of the improvements in the northeast corner of the site. The applicant is proposing a 6 foot solid six-foot wood fence at the northern side of the parcel with an evergreen hedge of ceonothus plantings 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 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

- 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 100 feet to the single-family dwelling from the adjacent CA zoned property known as APN 108-301-14, proposed under Application # 171126, 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
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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 171126

Assessor Parcel Number: 108-171-01

Project Location: No situs address

Project Description: Proposal to construct a single-family dwelling with an attached garage within 200 feet of Type 1A Agriculture Resource Land (approximately 100 feet from APN 108-301-14). Requires an Agricultural Buffer Reduction Determination.

Person or Agency Proposing Project: Peter Guiley

Contact Phone Number: (831) 566-3062

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
- E. ☒ **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Construction of a single family dwelling

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

Sheila McDaniel, Project Planner

Date: _____

EXHIBIT A

**Required Findings for Agricultural Buffer Setback Reduction
County Code Section 16.50.095(D)**

1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminates or minimizes the need for a 200 foot agricultural buffer setback; or
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 proposed dwelling is proposed in the northeast corner of the site. The proposed dwelling is located 100 feet south of APN 108-301-14. This parcel contains an established apple orchard. The 100 foot setback is proposed so that the proposed dwelling may meet the requirement to be within 600 feet of a fire hydrant and to provide electric service from the existing power pole located on Corralitos Road, and meets all other required 200 foot agricultural buffer setbacks. Plans includes a 6 foot solid board fence along the north property line as well as a vegetative buffer.

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 subject property is developed with berries. The proposed improvements are located so that residential improvements meet site development standards such as the connection to the existing power pole and the fire hydrant, while also meeting the required 200 foot agricultural buffer setbacks to all surrounding agriculture resource lands where feasible. The proposed location of the improvements achieves these objectives, with exception of the required 200 foot buffer setback to the north property line, but more importantly, the proposed project minimizes the loss of agricultural land associated with berry production by location of improvements in the corner of the site. Reduction in the 200 foot buffer to 100 feet at the northeast corner would remove as little land as possible from production.

**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.

The proposed residential use is located in the northeast corner of the site and supports the continued agricultural development of the site and will thus not reduce, restrict or adversely affect agricultural resources on the property or the economic viability of commercial agricultural operations, of the area.

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

The proposed residential use is ancillary to agricultural production on site.

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 residential use is sited in the northeast corner of the site and would minimize conflicts with the agricultural operation on site and surrounding agricultural operations by addition of a solid board fence and vegetative buffer.

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 property is entirely developed with berry crops and no site area is available that would not result in a loss of agricultural land. Notwithstanding, the proposed dwelling is located in the northeast corner of the site, which minimizes loss of agricultural land by concentrating development in the front part of the site.

CONDITIONS OF APPROVAL

- I. This permit authorizes construction of a single-family dwelling with an attached garage within 200 feet of Type 1A Agriculture Resource Land (approximately 100 feet from APN 108-301-14). 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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 100 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 108-301-14.
 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.

4. Water Efficient Landscape Plan (including a signed Water Efficient Landscape Checklist and Certificate) prepared in accordance with the requirements of the Water Efficient Landscape Ordinance (County Code Chapter 13.13) by a certified/licensed landscape architect, landscape contractor, civil engineer, landscape irrigation designer, landscape irrigation auditor, or water manager.
 - 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.

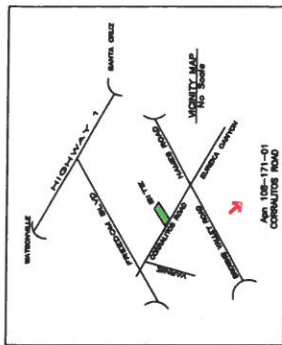
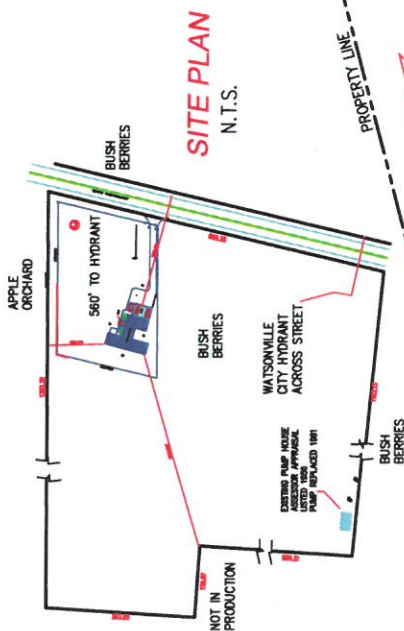
Please note: This permit expires three years from the effective date listed below or if additional discretionary permits are required for the above permitted project, this permit shall expire on the same date as any subsequent approved discretionary permit(s) unless a building permit (or permits) is 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: _____

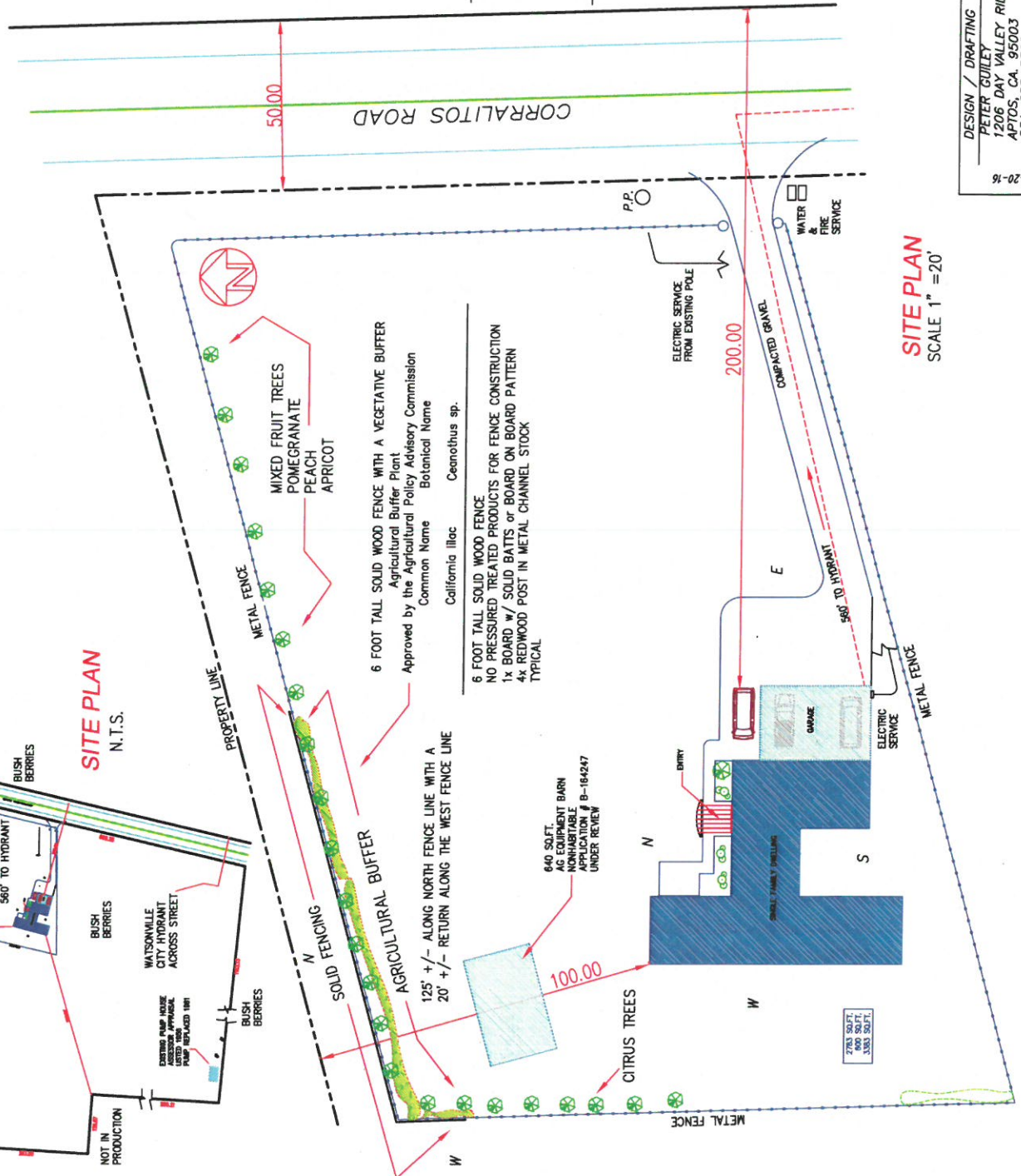
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors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



PROPOSED PROJECT
CONSTRUCT A SINGLE FAMILY DWELLING
WITHIN 200' OF A AGRICULTURAL RESOURCE TYPE A1
REQUIRES A AG BUFFER REDUCTION DETERMINATION
DWELLING LOCATED IN THE NORTH EAST CORNER OF PARCEL
HOUSE 2783 SQ.FT.
GARAGE 600 SQ. FT.
ZONING CA
FIRE--LRA
APN 108-171-01 14.982 ACRES
PARCEL IS FLAT
NO GRADING

REQUEST FOR A AG BUFFER REDUCTION
DUE TO THE LOCATION OF THE EXISTING
POWER POLE ON CORRALITOS ROAD
FOR UNDER GROUND SERVICE.
ALSO TO STAY WITHIN THE REQUIRED CAL FIRE
STRUCTURE DISTANCE TO THE EXISTING
WATSONVILLE CITY FIRE HYDRANT NEAR
THE SOUTH BOUNDARY OF THE PARCEL

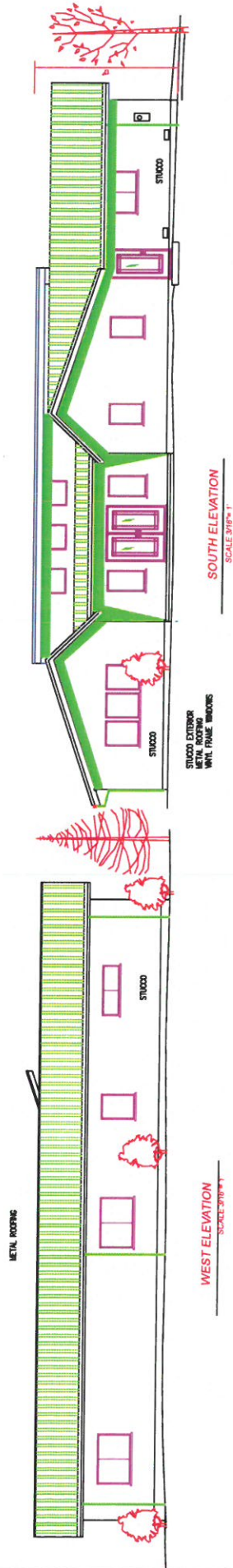
ADJACENT PARCEL CROPS
BUSH BERRIES ON THE SOUTH AND EAST SIDES
APPLES ON THE NORTH SIDE
THE WEST SIDE IS NOT IN PRODUCTION



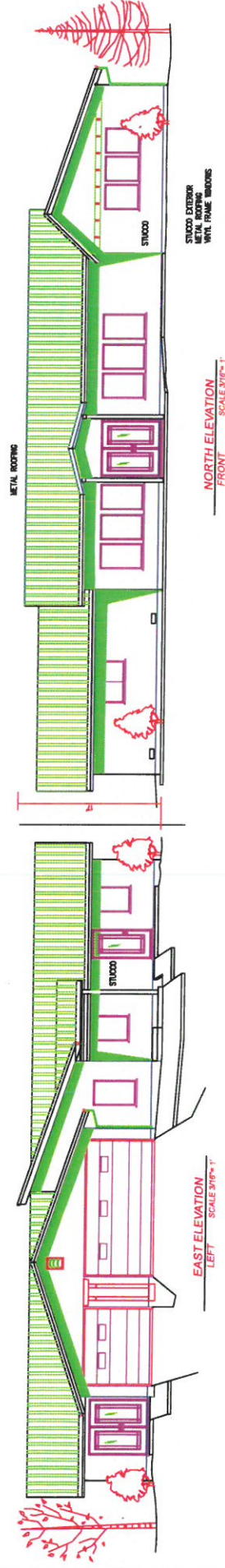
DESIGN / DRAFTING	OWNER
PETER GUILLEY 1206 DAY VALLEY RIDGE APTOS, CA. 95003 831-688-5362	JENSEN CORRALITOS ROAD CORRALITOS, CA. 95076 831-724-9195

APN 108-171-01

1 SITE
2 ELEVATIONS
3 FLOOR

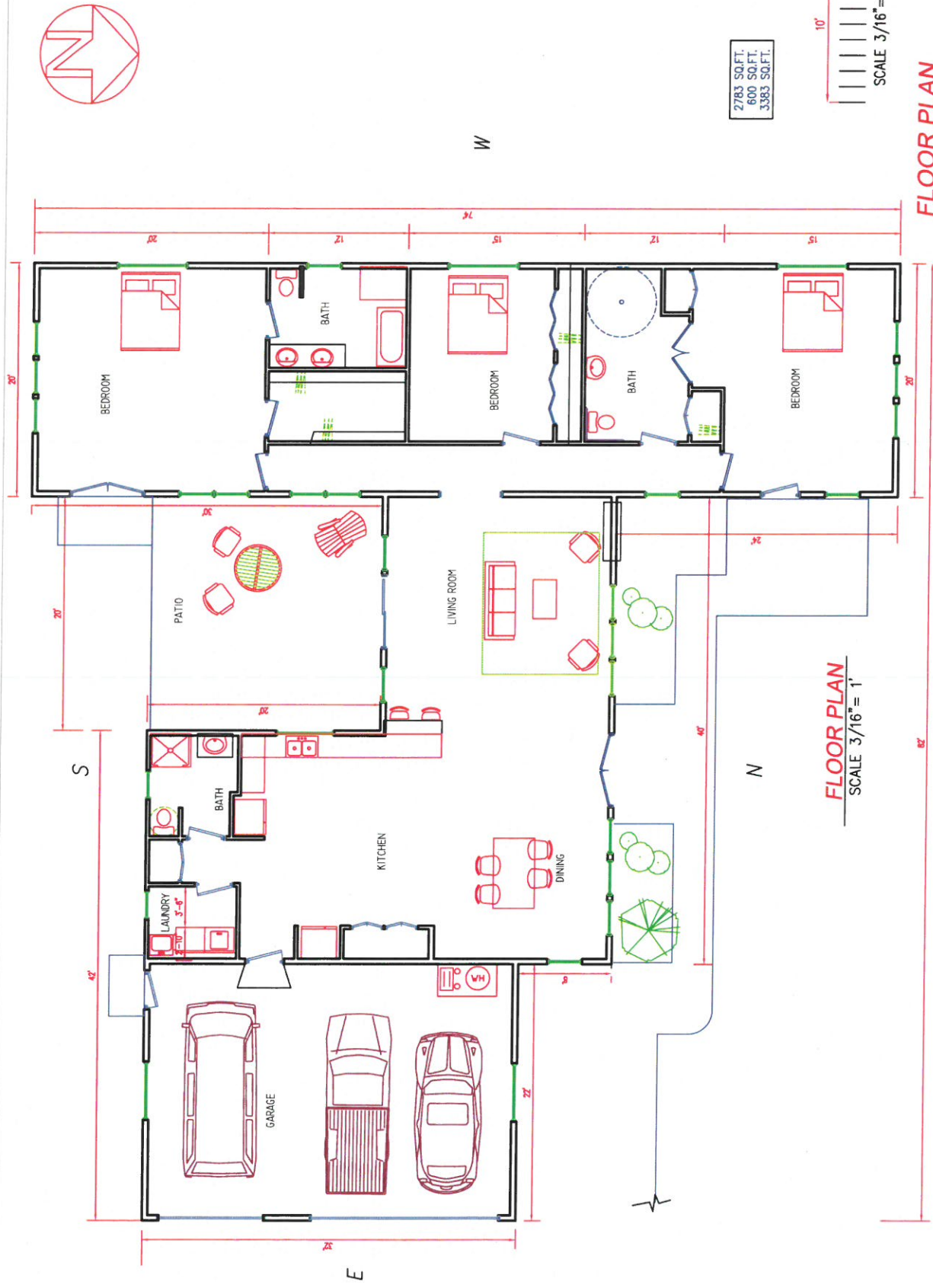


ELEVATION PLAN
SCALE 1/8" = 1'



ELEVATION PLAN
SCALE 1/8" = 1'

DESIGN / DRAFTING	OWNER
PETER GUILLEY	JENSEN
1206 DAY VALLEY RIDGE	CORRALITOS ROAD
4PTOS, CA. 95003	CORRALITOS, CA. 95076
831-688-5362	831-724-8195
	APN 108-171-01



2783 SQ.FT.
600 SQ.FT.
3383 SQ.FT.

10'
SCALE 3/16" = 1'

FLOOR PLAN
SCALE 3/16" = 1'

FLOOR PLAN

DESIGN / DRAFTING	OWNER
PETER GUILLEY	JENSEN
1206 DAY VALLEY RIDGE	CORRALITOS ROAD
APTOS, CA. 95003	CORRALITOS, CA. 95076
831-688-5362	831-724-9195
9-20-16	APN 108-171-01

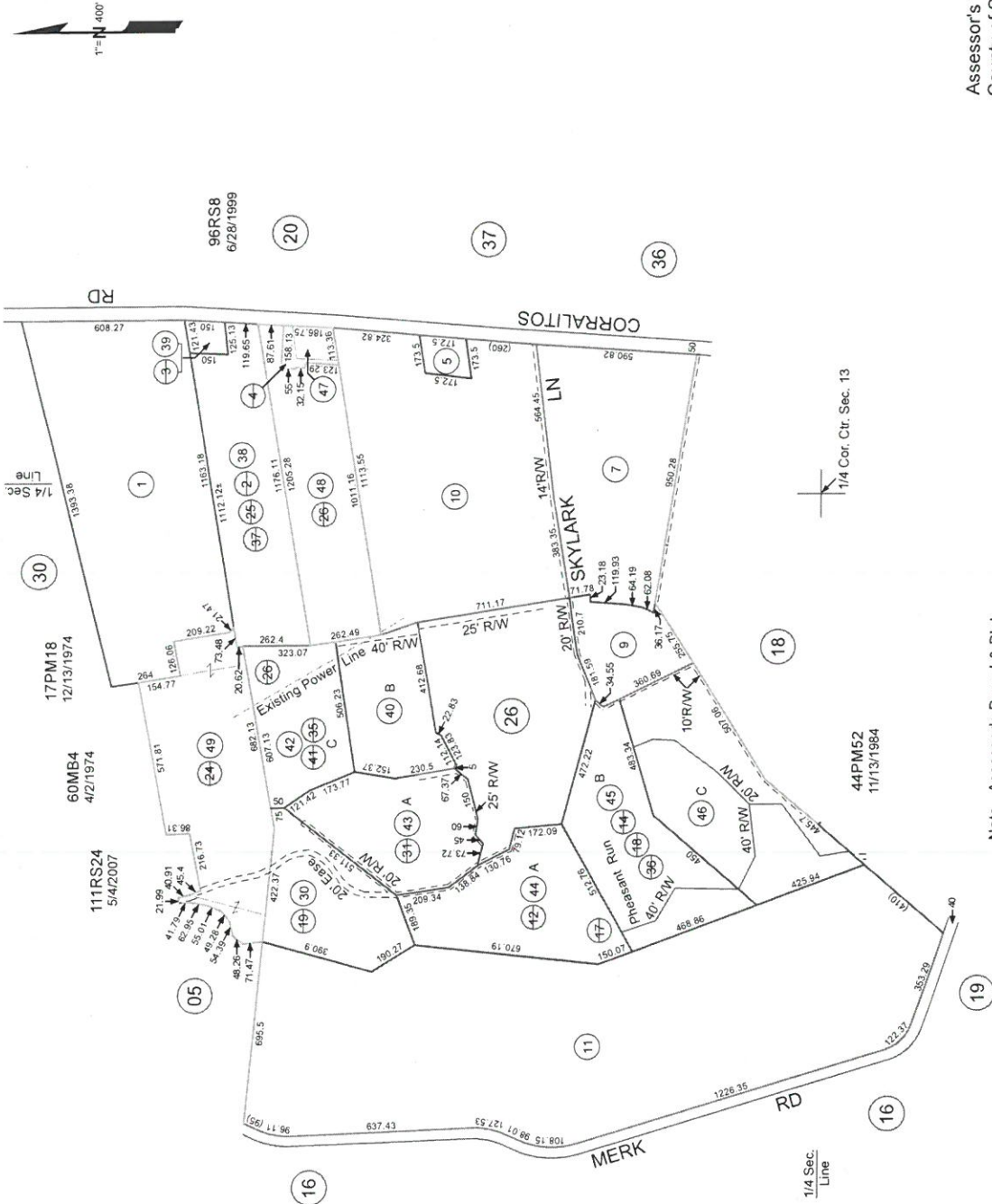
FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE MAP. ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1997

RANCHO DE LOS CORRALITOS
POR. SEC. 13, T. 11S., R. 1E., M.D.B. & M.

Tax Area Code
69-262

108-17



Assessor's Map No. 108-17
County of Santa Cruz, Calif.
Feb. 1997

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

Electronically Redrawn 2/5/97 rw
Rev. 4/9/95 CB (Tax Consolidation)
Rev. 5/5/93 CB (9/5/85)
Rev. 10/10/01 mvm (changed page refs.)
Rev. 7/5/02 DD (2-025902 LBA, 1-49 por to pg 05)
Rev. 1/7/08 id (111RS24)
Rev. 6/22/11 CB (Cor. dims on 1-05)

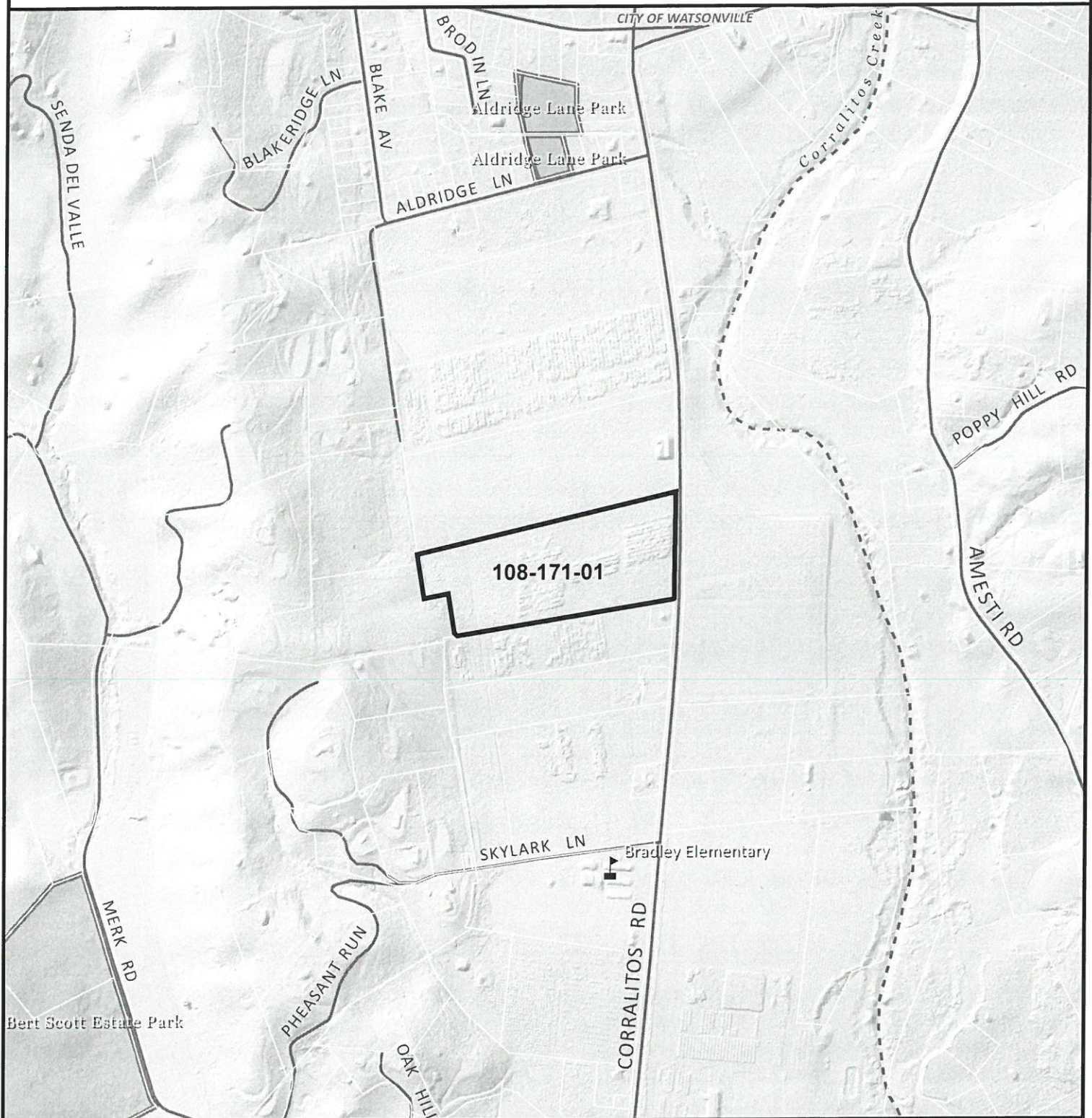
EXHIBIT E



Parcel Location Map

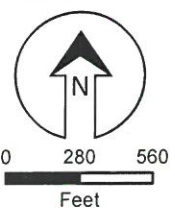
Santa Cruz County Planning Department

Parcel Number
108-171-01
Jun. 20, 2017



Symbol Key

- School
- Park
- Street
- City Jurisdiction
- Perennial Stream





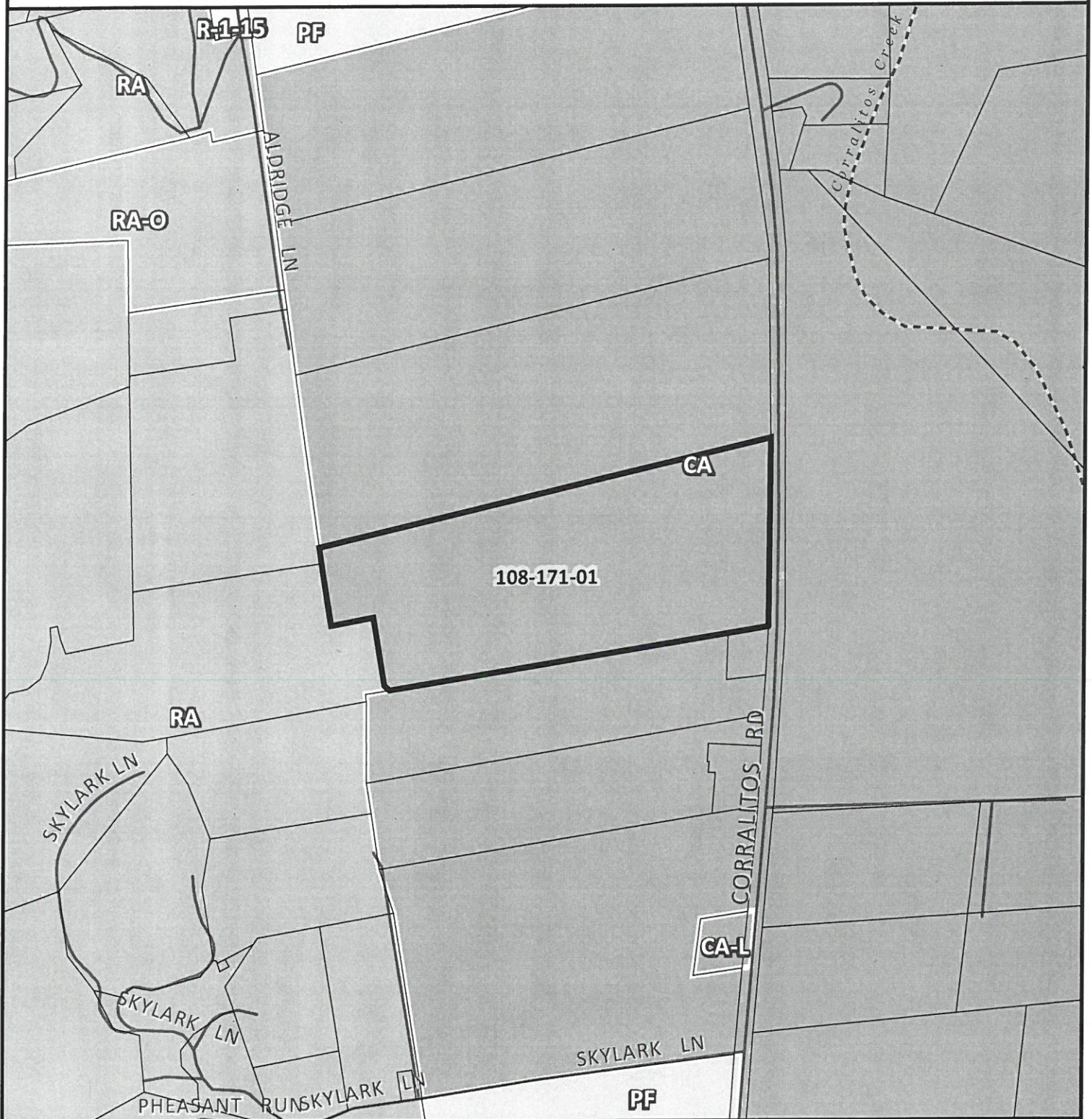
Parcel Zoning Map

Santa Cruz County Planning Department

Parcel Number

108-171-01

Jul. 6, 2017



Zoning

-  (CA) Commercial Agriculture
-  (PF) Public & Community Facilities
-  (R-1) Single-Family Residential
-  (RA) Residential Agricultural

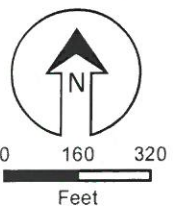


EXHIBIT E



Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number

108-171-01

Jun. 20, 2017



General Plan

- AG - Agriculture
- P - Public Facilities
- R-R - Residential-Rural

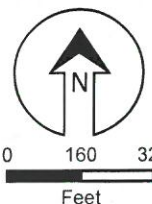
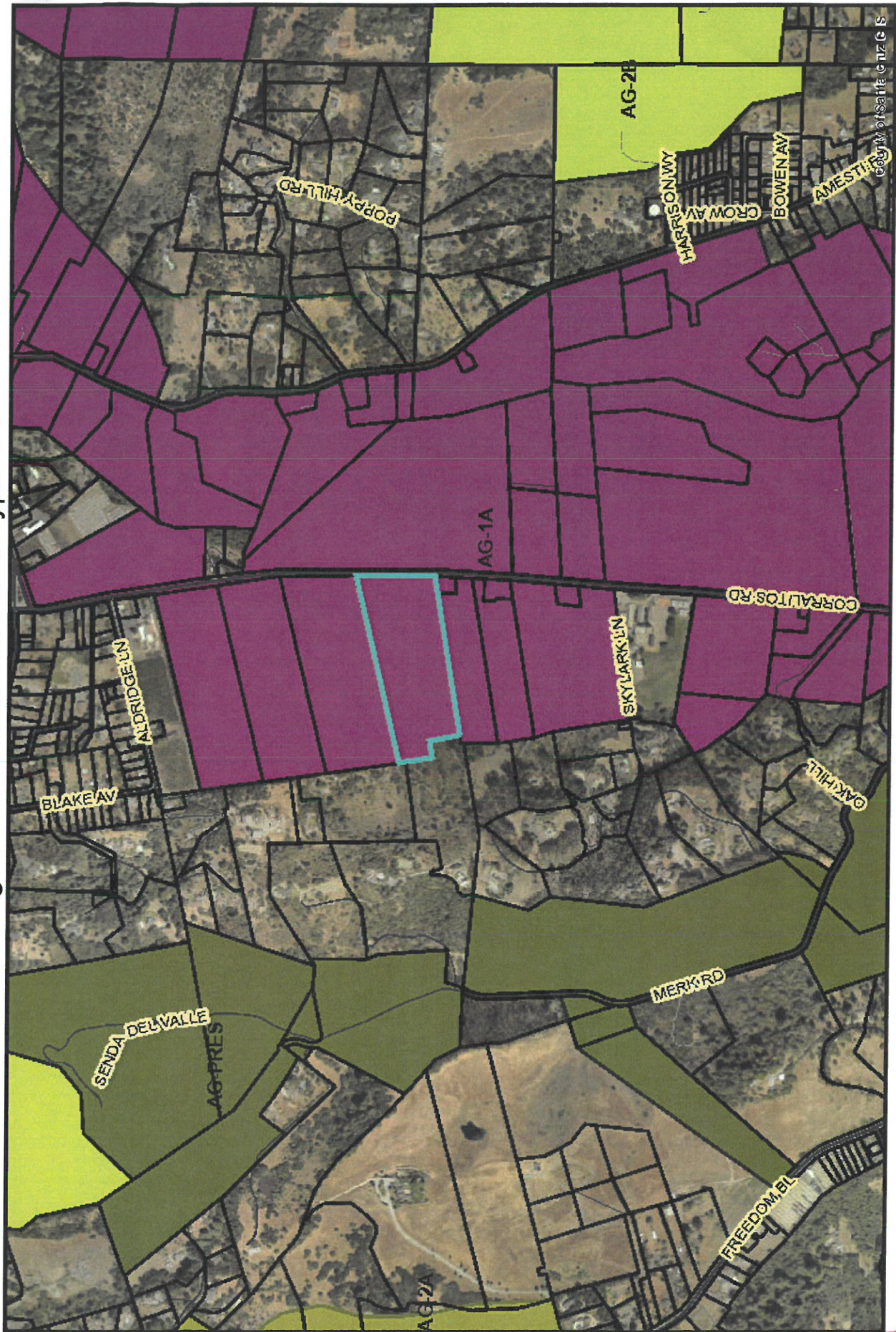
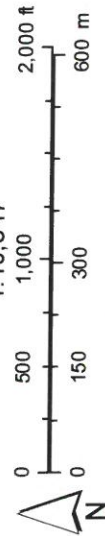


EXHIBIT F

Agriculture Resource Land-Type 1A



1:10,847



June 20 2017

EXHIBIT E