



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **141229**

Applicant: Eadie Consultants

Owner: Raeid Farhat

APN: 051-411-20

Date: February 15, 2018

Agenda Item #:

Time: 1:30 p.m.

Project Description: Proposal to rezone the subject parcel from R-1-10 to R-1-6, divide it into nine new parcels accessed by a new right-of-way, and construct nine new single-family dwellings.

Location: Property located on at the southeast corner of the intersection of Trembley Lane and Cunningham Lane in Watsonville (*no situs*).

Permits Required: Agricultural Buffer Determination to reduce the required buffer from 200 to 10 feet to APN 051-022-01.

Staff Recommendation:

- Staff recommends that your Commission recommend that the Board of Supervisors **APPROVE** the Agricultural Buffer Reduction described above, and as proposed under Application # 141229, based on the attached findings and recommended conditions.

Exhibits

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

Parcel Information

| | |
|------------------------------------|---|
| Parcel Size: | 2.287 acres |
| Existing Land Use - Parcel: | Vacant |
| Existing Land Use - Surrounding: | Residential and Agricultural |
| Project Access: | Trembley Lane |
| Planning Area: | Pajaro Valley |
| Land Use Designation: | Urban Low Density Residential |
| Zone District: | R-1-10 (proposed to be rezoned to R-1-6) |
| Supervisory District: | Fourth (District Supervisor: Caput) |
| Within Coastal Zone: | <input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside |
| Appealable to Calif. Coastal Comm. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Services Information

| | |
|-----------------------------------|---|
| Inside Urban/Rural Services Line: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Water Supply: | Watsonville |
| Sewage Disposal: | County of Santa Cruz |
| Fire District: | Pajaro Fire Protection District |
| Drainage District: | Zone 7 |

Background

The subject parcel is located within the urban services line (USL) and is a part of the residential neighborhood located east of Green Valley Road in Watsonville. This neighborhood is an island of residential development surrounded by agriculturally-zoned land. The subject parcel is on the eastern edge of the neighborhood with Commercial Agriculture-zoned land located directly adjacent to the east.

The subject parcel is currently zoned R-1-10 (Single-family residential, 10,000 square foot minimum parcel size) and is vacant. The property owner proposes to rezone the parcel to R-1-6 (Single-family residential, 6,000 square foot minimum) and divide the parcel into nine new single-family residential parcels. Based upon the submitted calculations, the rezoning would allow for an additional three parcels over that allowed under its current R-1-10 zoning. No change to the General Plan designation (Urban Low Density Residential) is proposed.

From Trembley Lane, the subject parcel is level and then, on its eastern side, it slopes down to its eastern boundary which abuts the Commercial Agriculture (CA) zoned parcel. That parcel is about nine acres in size and is divided into two distinct areas separated by a riparian corridor. The first area is about one-half acre and is directly adjacent to the proposed residential development. It appears to have supported a small hydrangea-growing operation that now appears defunct. The second area is on the eastern side of the riparian area and is about 8.5 acres in size. The northern portion of this area appears to be uncultivated, with the southern half supporting row crops.

Because the CA-zoned parcel is mapped as having a Type 1A agricultural resource, County Code 16.50 requires a 200 foot agricultural buffer setback to the proposed homes. If approved, the

subdivision would result in six of the new lots being located either partially or entirely within the 200 foot agricultural buffer setback. Because of this, the property owner requests to reduce the buffer to 10 feet, i.e. a reduction of 190 feet, to APN 051-022-01.

Analysis

For agricultural buffer reduction requests that are part of a proposed subdivision, County Code 16.50.095(C) allows buffer reductions if two criteria are met. The criteria are that the parcel must be located within the Urban Services Line (USL) and be suitable for development at buildout level within the carrying capacity of the area. The subject parcel meets these criteria because it is located within the USL and is suitable for development within the densities allowed by the General Plan, i.e. 6,000 to 10,000 square feet per unit.

In addition to the two criteria, one or more special circumstances must exist (16.50.095(C)(2)). In this case, the special circumstance is that the imposition of the 200-foot agricultural buffer setback would hinder infill development. The parcel is about 350 feet wide. If the 200 foot agricultural buffer setback were applied, it would leave about 40 percent of the parcel available for development. In this scenario, the project would not meet the General Plan density requirement as it appears that there would be room for just three parcels at the current zoning (R-1-10) or four new parcels at the proposed zoning (R-1-6) instead of the nine proposed new parcels. Infill development, then, would be limited in this established neighborhood which is located within the Urban Services Line where at least 50 homes are located partially or entirely within the 200 foot agricultural buffer. County Code Compliance staff have not received any complaints about agricultural operations in this area.

Two existing physical characteristics offer some buffering benefits. The first is the elevation change between the proposed residential and agricultural parcels. There is about 30 feet of elevation change from the highest point on the parcel down to the property line shared with the agricultural use. However, in the vicinity of the proposed 10 foot agricultural buffer, the elevation change is about two feet. Given the variation in slope, then, the topography will offer the agricultural use some buffering benefits. In addition, a riparian area which includes mature trees, buffers all but half an acre of the agricultural use from the proposed residential use. Excluding the half acre portion of the agricultural use, the riparian area provides about 75 feet buffer to the rest of APN 051-022-01. With the proposed ten foot buffer, this would provide an effective buffer of about 85 feet at the narrowest point and about 130 feet at the widest point.

Given these considerations, staff is supporting the request to reduce the agriculture buffer to 10 feet. To compensate for this reduced buffer and to ensure that agricultural activities will not be negatively impacted by the proposed development, conditions of approval are included requiring that an eight-foot tall solid board fence be constructed between the subject parcel and APN 051-022-01. In addition, an evergreen hedge to parallel the fence is also required. The fence and evergreen hedge would be constructed within the 10 foot buffer. Finally, each new property owner of parcels located within the proposed subdivision with agricultural buffer setback less than the required 200 feet would 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 recommend that the Board of Supervisors **APPROVE** the Agricultural Buffer Reduction described above, and as proposed under Application # 141229, 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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Development Review

**Required Findings for Agricultural Buffer Setback Reduction
for Proposed Subdivision Outside of the Coastal Zone
County Code Section 16.50.095(C)**

(c) Outside of the Coastal Zone, notwithstanding the provisions of Section 16.50.095(b) an agricultural buffer setback distance of less than 200 feet may be established for subdivision developments involving habitable uses on proposed parcels adjacent to lands designated as an Agricultural Resource by the County's General Plan maps, provided that,

1. The proposed land division site is:

(a) Located within the Urban Services Line,

The subject parcel is located within the Urban Services Line.

(b) Suitable for development at buildout level within the carrying capacity of the area;

The subject parcel is suitable for development at the General Plan density designation which specifies 6,000 to 10,000 square feet of net developable land per unit. A geologic report, which included extensive physical investigation on site, determined that the site is safe for the proposed residential use based upon the report's recommendations. The report was accepted by the County geologist.

and

2. The Agricultural Policy Advisory Commission (APAC) finds that one or more of the following special circumstances exist:

(a) Significant topographic differences exist between the agricultural and non-agricultural uses which minimize or eliminate the need for a 200 foot setback; or

Although there is only about two feet of elevation difference between the requested 10 foot agricultural buffer reduction to the shared property line, there is about 20 feet of elevation between most of the development and the shared property line. This elevation difference will provide some buffering for the agriculture use which is located at an elevation below the proposed residential development.

(b) Permanent substantial vegetation (such as, a Riparian Corridor or Woodland permanently protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which minimize or eliminate the need for a 200 foot setback; or

All but a half-acre of the adjacent CA-zoned parcel is separated from the proposed residential development by a riparian corridor. This riparian corridor is lined with trees that will buffer the majority of the agricultural use from the proposed residential use. The approximately half-acre area that is not buffered by the riparian corridor appears to be used to grow ornamental plants.

(c) The imposition of the 200 foot agricultural buffer setback would, in a definable manner, hinder: infill development or the development of a cohesive neighborhood, or otherwise, create a project incompatible with the character and setting of the existing surrounding residential development; and

The subject parcel is located in a residential neighborhood which is developed at urban densities and surrounded almost entirely by agriculture-zoned land, creating an island of urban development. The entire eastern edge of this "island" of residential development directly abuts a Type 1A agriculture resource. Over 50 homes in the neighborhood are partially or entirely located within the 200 foot agricultural buffer area. Given that the County has no record of there being ongoing conflicts arising as a result of the proximity of the residential use to the agricultural uses, the addition of the proposed development to the neighborhood appears unlikely to result in negative

impacts for the adjacent agricultural use.

In addition, without a reduction of the required 200 foot agricultural buffer setback, it would be impossible for the development to meet the General Plan density range of one unit for every 6,000 to 10,000 square feet of net developable area. This is because the parcel is about 350 feet wide. Subtracting the 200 foot buffer would leave less than half of the parcel available for development. This would be insufficient area to provide the six parcels possible under the current R-1-10 zoning (Single-family zoning with a 10,000 square foot minimum parcel size) as well as the nine parcels proposed under the proposed zoning of R-1-6 (Single-family zoning with a 6,000 square foot minimum parcel size). Given this, staff supports the buffer reduction to 10 feet.

and

3. APAC determines the need for agricultural buffering barriers based upon an analysis of the adequacy of the existing buffering barriers, the density of the proposed land division and the proposed setback reduction, in the event that APAC finds that one or more of the above special circumstances exist; and

As described in the findings above, the installation of solid board fencing and an evergreen vegetative buffer, which are included as conditions of approval, in addition to the existing buffering provided by the riparian corridor and topographic differences between the residential and agricultural uses, will provide an adequate buffer for the adjacent agricultural use. This proposed buffer will protect the adjacent agriculture use sufficiently to allow the development of the subject parcel's infill residential development at the density required by the General Plan designation.

and

4. The approving body finds that the proposed reduction of the agricultural buffer setback(s) will not hinder or adversely affect the agricultural use of the commercial agricultural lands located within 200 feet of the proposed development.

(This finding will be made when this item goes to the Board of Supervisors' since it is the approving body.)

CONDITIONS OF APPROVAL

Exhibit A: Two sheets by Roper Engineering: Sheet AG1 dated October 15, 2014 and Sheet T1 revised to May 9, 2017.

- I. This permit authorizes an Agricultural Buffer Setback reduction of 190 feet (establishing an agricultural buffer of 10 feet) from the proposed residential use to APN 051-022-01. 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.
- II. Prior to recordation of the Final Map, the following requirements shall be met:
 - A. The agricultural buffer of 10 feet shall be clearly shown on the Final map.
- III. Prior to issuance of a Building Permit for each new parcel created that is within the 200 the applicant/owner shall:
 1. An agricultural buffer setback of a minimum of 10 feet from the adjacent Commercial Agriculture zoned parcel APN 051-022-01 must be shown on the new lots located along the subdivision's eastern edge.
 2. Within the 10 foot agricultural buffer setback described above, final building permit plans shall show the location of the evergreen hedge and eight-foot tall fence to be located along the subject parcel's eastern boundary (the exact location should meet the intent of buffering adjacent agricultural land) which shall be composed of drought tolerant shrubbery. The shrubs utilized shall attain a minimum height of ten feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by the Water District and Planning Department staff. Plants shall either be selected by the project biologist or shall be selected from the plant list prepared by APAC.
 3. The owner of each new lot 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. The required vegetative and physical barriers (eight foot tall solid board fence) 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.

V. 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.

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: _____

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.

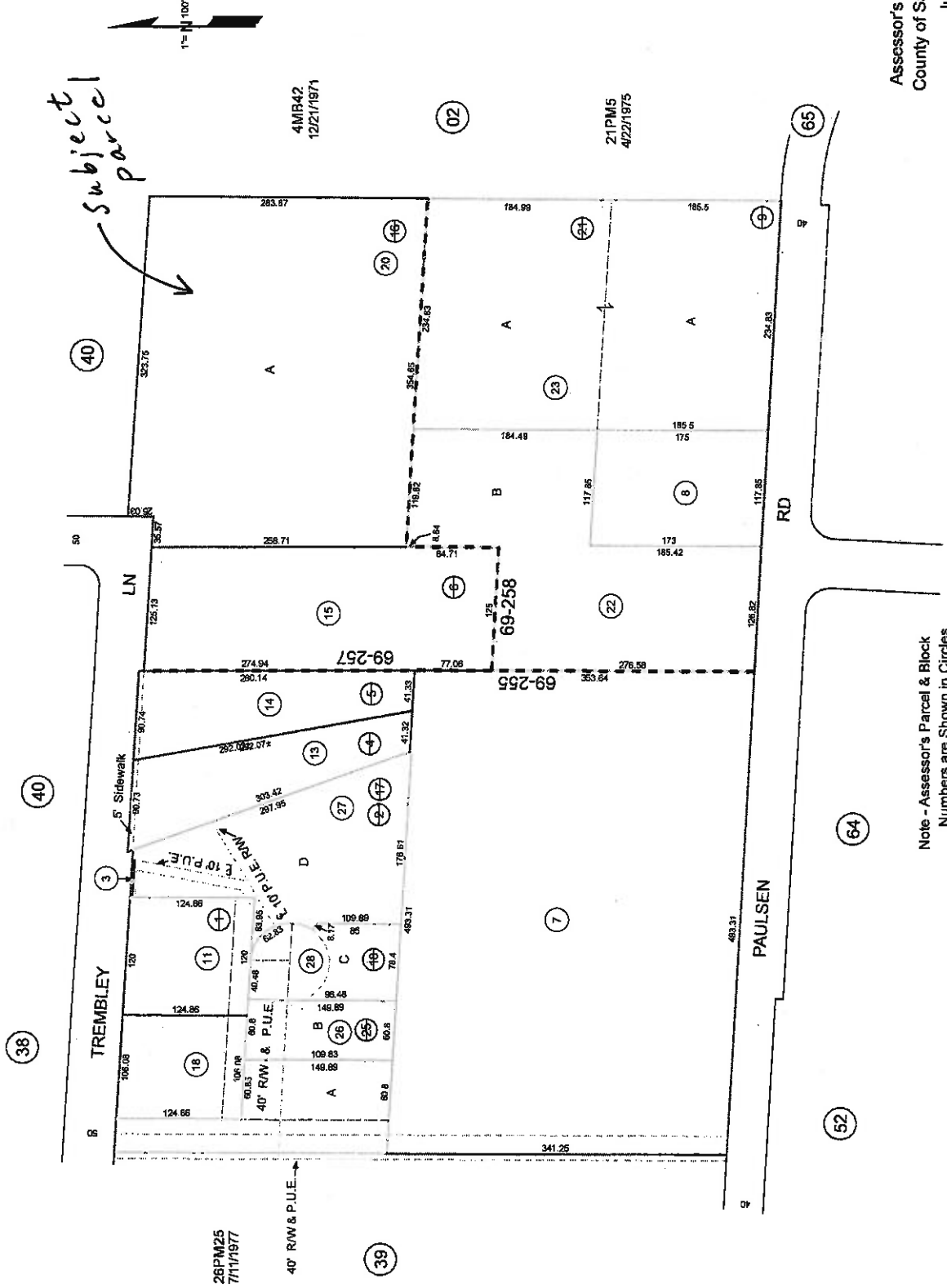
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POR. RANCHO DE LOS CORRALITOS
POR. SEC. 21, T.11S., R.2E., M.D.B. & M.

Tax Area Code
69-255 69-257
69-258

51-41



Assessor's Map No. 51-41
County of Santa Cruz, Calif.
July 2000

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

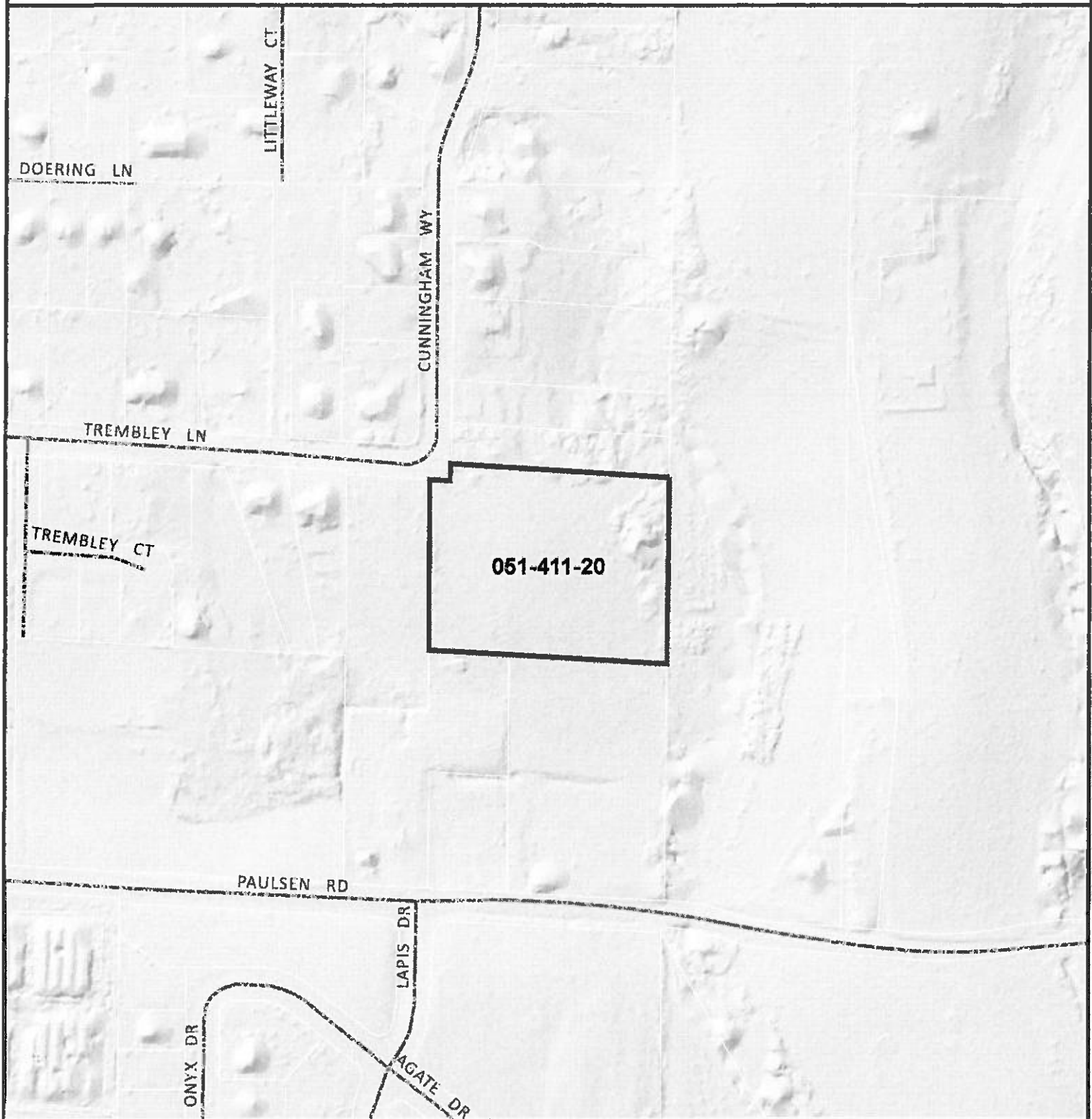
Electronically redrawn 7/19/00 KSA
Rev. 8/12/01 (changed page refs.)
Rev. 7/23/07 CB (Cor R/W on 1-11 & 10 as per 26PM25)
Rev. 11/15/08 CB (Spatial Adjustment)
Rev. 11/15/08 CB (Spatial Adjustment)



Parcel Location Map

Santa Cruz County Planning Department

Parcel Number
051-411-20
Feb. 2, 2018



051-411-20



Location Overview

Symbol Key

— Street



0 80 160
Feet





Parcel Zoning Map

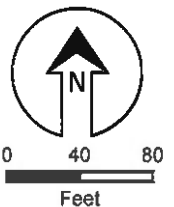
Santa Cruz County Planning Department

Parcel Number
051-411-20
Feb. 2, 2018



Zoning

-  (CA) Commercial Agriculture
-  (R-1) Single-Family Residential





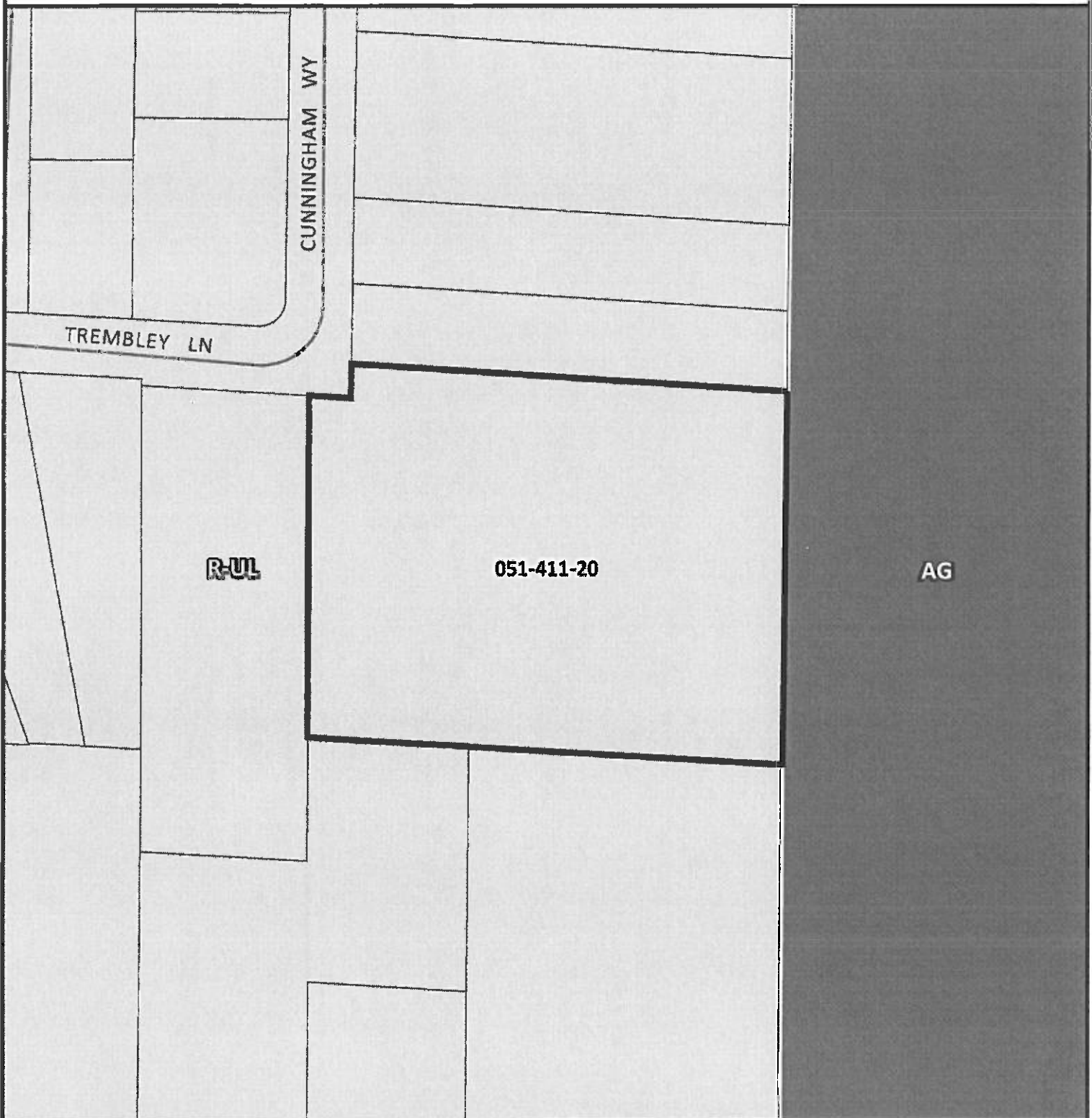
Parcel General Plan Map

Santa Cruz County Planning Department



Parcel Number

051-411-20

Feb. 2, 2018



General Plan

-  AG - Agriculture
-  R-UL - Residential - Urban Low Density



0 40 80
Feet