

Staff Report to the **Agricultural Policy Advisory Commission**

Application Number: 181181

Applicant: Jessica Beckett Owner: Jessica Beckett APN: 060-192-04

Date: 11/15/2018 Agenda Item #: 8 Time: 1:30 p.m.

Project Description: Proposal to construct a single-family dwelling and to convert this dwelling to a future accessory dwelling unit and construct a future single-family dwelling within 200 feet of type 2D agricultural resource land. Requires an Agricultural Buffer Determination to reduce the 200-foot setback to a minimum of 49 feet from APN 060-192-17, 125 feet from APN 060-192-20, and 31 feet from APN 060-181-08 for the single family dwelling (future ADU) and to reduce the 200 foot setback to a minimum of 20' to APN 060-192-17, 115' to APN 060-192-20, and 70' to APN 060-192-20 for the future single family dwelling.

Location: Property located on the west side of Ocean Street Extension (2017 Ocean Street Extension), approximately .5-mile northwest from Ocean Street.

Permits Required: Agricultural Buffer Setback Determination **Staff Recommendation:**

Approval of Application 181181 based on the attached findings and conditions.

Exhibits

Project plans A.

D. Assessor's, Location, Zoning, and General Plan maps

B. **Findings** Conditions

Ε. Comments & Correspondence

Parcel Information

Parcel Size: 43,562

Existing Land Use - Parcel: Non-habitable garage

Commercial Agricultural Production Existing Land Use - Surrounding:

Project Access: Ocean Street Extension

Carbonera Planning Area:

Land Use Designation: AG (Agriculture)

CA (Commercial Agriculture) Zone District:

5th (District Supervisor: McPherson) Supervisorial District:

Within Coastal Zone: Inside x Outside

> County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Appealable to Calif. Coastal Comm. Yes x No

Services Information

Inside Urban/Rural Services Line:

__ Yes _x No

Water Supply:

Well Septic

Sewage Disposal: Fire District:

County Fire/Scotts Valley-Branciforte Fire Sphere of

Influence

Drainage District:

Outside Flood Zone District

Analysis and Discussion

The subject property is located at 2017 Ocean Street Extension and is approximately an acre in size. The parcel is located outside the Urban Services Line and can be characterized as a commercial agriculture neighborhood currently under agricultural production of field crops with associated residential development. The subject property is characterized by flat topography. The parcel is located within the Agriculture (AG) General Plan designation and the implementing zone district is (CA) Commercial Agriculture. The subject property is situated within 200 feet of three properties with Type 2D agricultural resource land, Assessor's Parcel Number 060-192-17, 060-192-20, and 060-181-08, located to the north and south of the subject property.

The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 49 feet from APN 060-192-17 (located to the south), 125 feet from APN 060-192-20 (located to the south), and 31 feet from APN 060-181-08 (located to the north) for construction of a single family dwelling. The applicant intends to convert this dwelling to an ADU in the future, at which time a new dwelling will be constructed.

Given future development plans, the applicant is also requesting consideration of agricultural buffer reduction for the future dwelling to eliminate the need for future required APAC review. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 20 feet to APN 060-192-17 (to the south), 115 feet from APN 060-192-20 (to the south), and 70 feet to APN 060-181-08 (to the north).

A reduced agricultural buffer is recommended due to the following findings:

- 1. The parcel is too narrow to provide a minimum 200-foot buffer setback from the adjacent Commercial Agriculture zoned property; and
- 2. The applicant is proposing a 6-foot solid six-foot solid board fence along the north and south property lines of the subject property, and
- 3. The applicant is proposing an evergreen hedge of agricultural buffer plantings, revised to reflect the input of the UC extension office agricultural horticulturist, to reduce the impact of agricultural activities on the proposed residential use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcels; and

- 4. 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; and
- 5. The proposed dwelling and future accessory dwelling unit are located toward Ocean Street Extension, which concentrates the residential development, retains the remainder of the subject property for agricultural production, and removes as little land as possible from production or potential production. These factors also minimize potential conflicts between the proposed residential development and the agricultural development on the subject property.

Recommendation

 Staff recommends that your Commission APPROVE the Agricultural Buffer Reductions, proposed under Application # 181181, 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

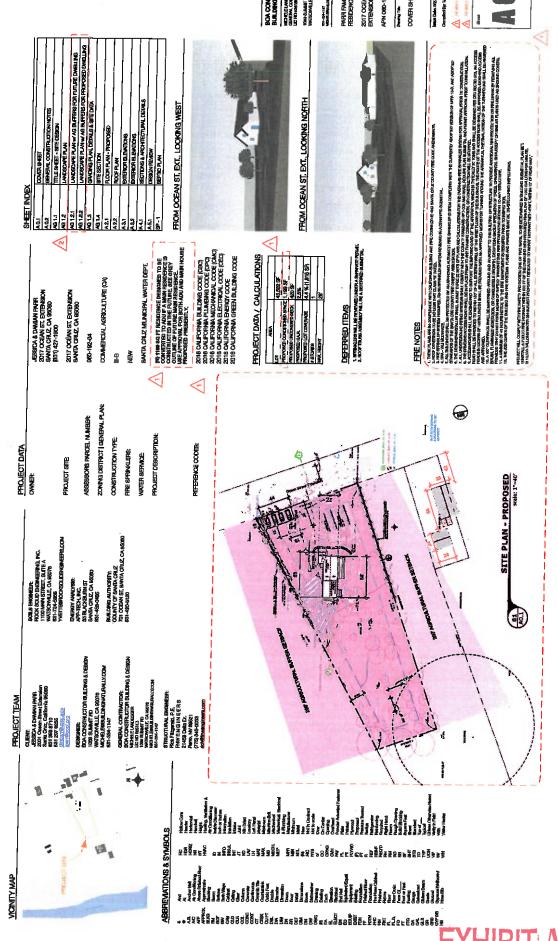
Phone Number: (831) 454-2255

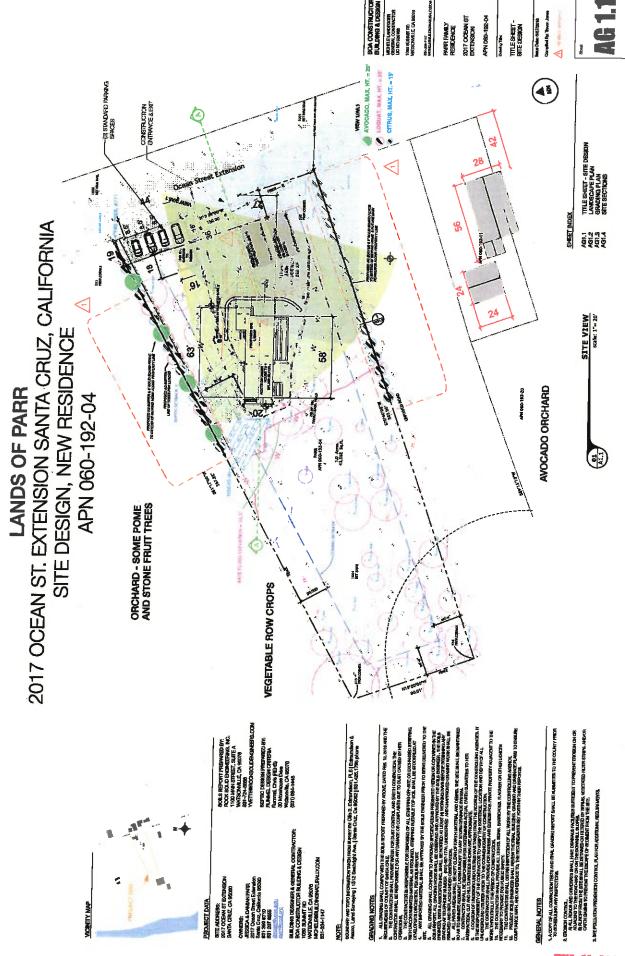
E-mail: sheila.mcdaniel@santacruzcounty.us

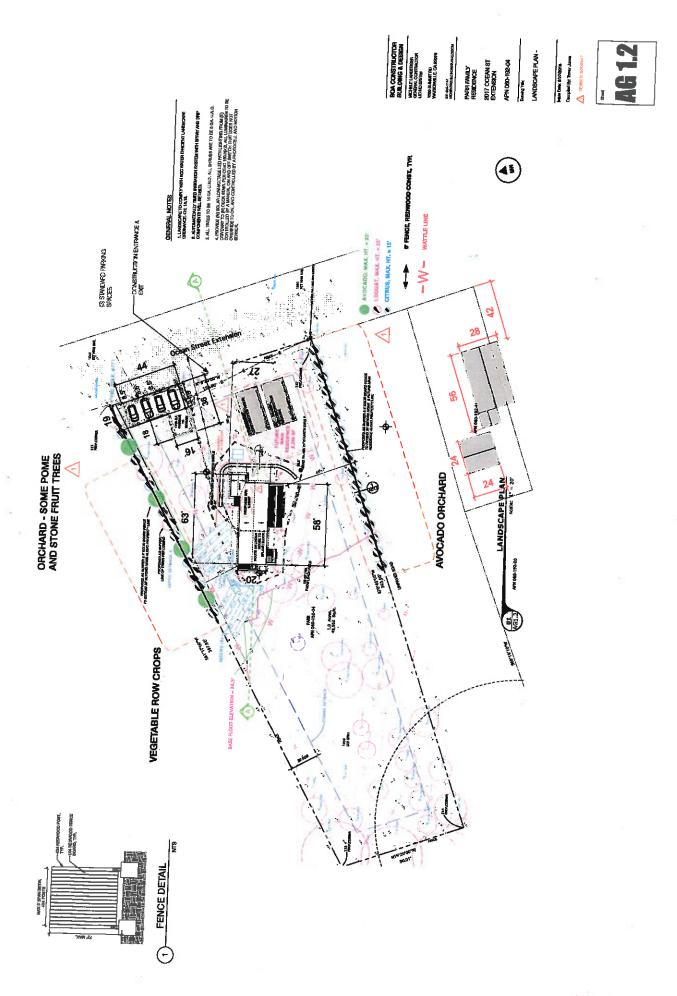
Report Reviewed By: Steven Guiney, AICP

Principal Planner Development Review

2017 OCEAN ST. EXTENSION SANTA CRUZ, CALIFORNIA PARR FAMILY RESIDENCE

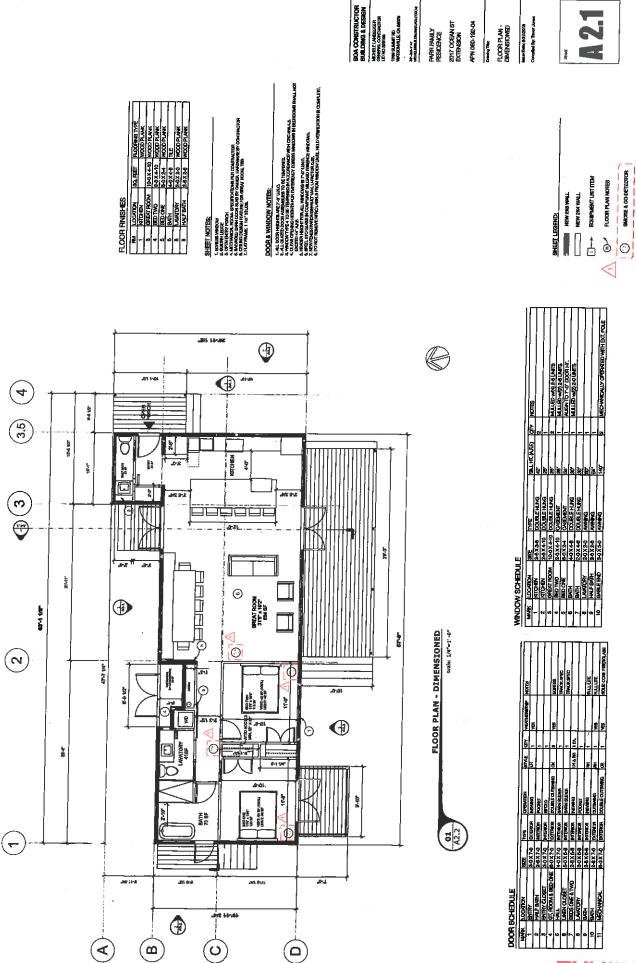


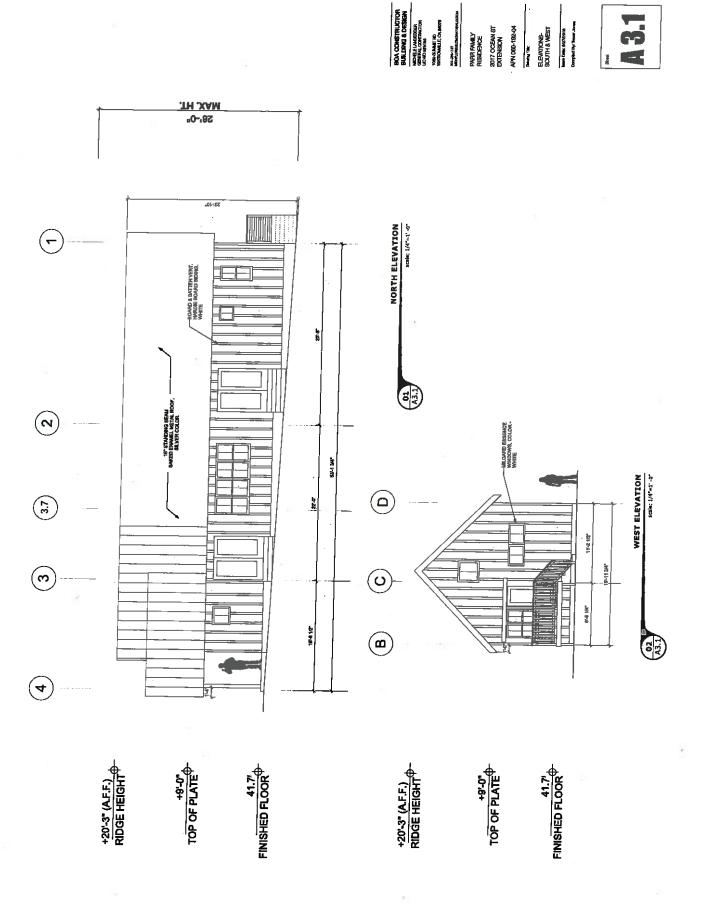




AG 12.1 PROPOSED SETBACK REDUCTIONS FOR FUTURE DWELLING 43 CITRUS, MAX. HT. = 1 (2) STANDARD PARGN3 SPACES ORCHARD - SOME POME AND STONE FRUIT TREES AVOCADO ORCHARD 24 JART LINGUISM CHAIN SPENN CHAINE AT THEIRE OF FENOING & PLANTING BUFFEF 13,562 Sqr. REPORTE SE VEGETABLE ROW CROPS FENCING & PLANTING BUFFER FENCE DETAIL MAX II' SPWN BETW AXA POSTS

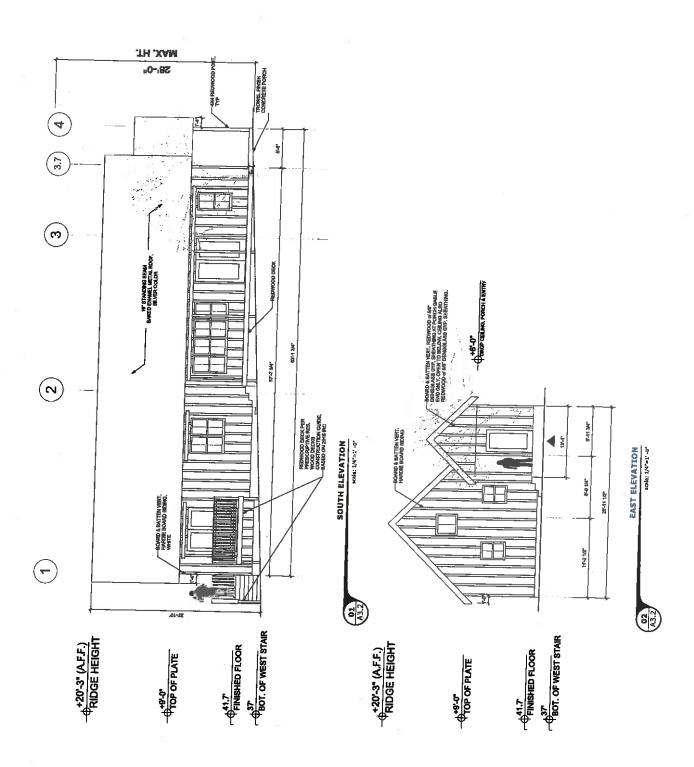
AG 122 2017 OCEAN ST EXTENSION 4PN 080-192-04 PROPOSED SETBACK REDUCTIONS FOR PROPOSED DWELLING 3. ALL TREES TO RE 18 GA, U.N.O., ALL BHRUBB ARE TO BE 5 CA, U.A 43 -W- WATTLE LINE LOGUAT, MAX, HT. = 20° CITRUS, MAX, HT. = 15° (3) STANDARD PARIQING SPACES (FUTURE ADU) ORCHARD - SOME POME AND STONE FRUIT TREES AVOCADO ORCHARD 24 LANDSCAPE PLAN SALVERS CONTRACTOR IN THE PLANT CONTRACTOR C FENCING & PLANTING BUFFEF AFM 560-192-20 1.0 Acres. THE LANGE VEGETABLE ROW CROPS FENCING & PLANTING BUFFER FENCE DETAIL MAX & SPAN BETW









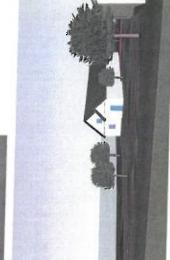












FROM OCEAN ST, EXT., LOOKING WEST



WEW 2



NEIGHBORHOOD CONTEXT PHOTOS







FROM OCEAN ST, EXT., LOOKING NORTH

SHADOW PLAN. 10:30 AM, JUN. 21

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

- 1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminates or minimizes the need for a 200-foot agricultural buffer setback; or
- 2. Permanent substantial vegetation (such as a Riparian Corridor or Woodland protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which eliminate or minimize the need for a two hundred (200) foot agricultural buffer setback; or
- 3. A lesser setback is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural development and the adjacent agricultural land, based on the establishment of a physical barrier (unless it is determined that the installation of a barrier will hinder the affected agricultural use more than it would help it, or would create a serious traffic hazard on a public or private right of way) or the existence of some other factor which effectively supplants the need for a two hundred (200) foot agricultural buffer setback; or
- 4. The imposition of a two hundred (200) foot agricultural buffer setback would preclude building on a parcel of record as of the effective date of this chapter, in which case a lesser buffer setback distance may be permitted, provided that the maximum possible setback distance is required, coupled with a requirement for a physical barrier (e.g. solid fencing and/or vegetative screening) to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

The subject property is too narrow to provide a 200-foot agricultural buffer setback and the imposition of a required 200-foot buffer would preclude building on this parcel of record. The proposed project provides the maximum possible setback, coupled with the solid board fence and vegetation buffer along the property line, consistent with the object 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 dwelling and future accessory dwelling unit is located toward Ocean Street Extension, which concentrates the residential development, retains the remainder of the subject property for agricultural production, and removes as little land as possible from production or potential production. These factors also minimize potential conflicts between the proposed residential development and the agricultural development on the subject property.

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential uses (single family dwelling and second unit) to APN 060-192-17, 060-192-20, and 060-181-08. 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, as necessary, 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 minimum development setback of 49 feet from APN 060-192-17, 125 feet from APN 060-192-20, and 31 feet from APN 060-181-08 for construction of a 1,199 square foot single-family dwelling. This permit authorizes conversion of this structure to an accessory dwelling unit at the time a single-family dwelling is proposed, as noted in condition III. A. 3, without approval of an Administrative Development Permit (Level IV).
 - 3. A minimum development setback of 20 feet to APN 060-192-17, 115 feet from APN 060-192-20, and 70 feet to APN 060-181-08 for construction of the future single-family dwelling within the proposed building envelope.
 - 4. Final plans shall show the location of the vegetative buffering barrier (and a 6-foot solid board fence used for the purpose of buffering adjacent agricultural land) which shall be composed of drought tolerant shrubbery.

APN: 060-192-04 Owner: Jessica Beckett

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.

- 5. 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 physical barrier (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.
 - 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. This permit shall allow future conversion of the proposed 1,199 square foot single-family dwelling to an accessory dwelling unit and construction of a future single-family dwelling within the proposed building envelope without an administrative use approval (IV).
- D. 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, it 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "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.

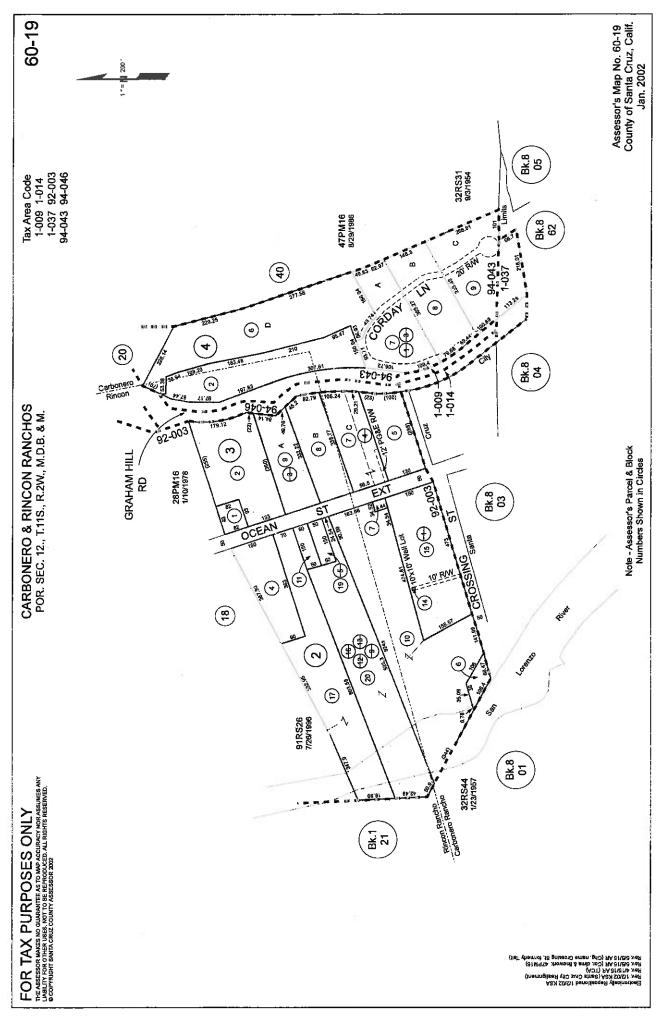
Please note: This permit expires three years from the effective date listed unless a building permit is obtained for the first phase of the project consisting of one of the primary structures described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the first phase building permit and to complete all of the construction under the first phase 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.

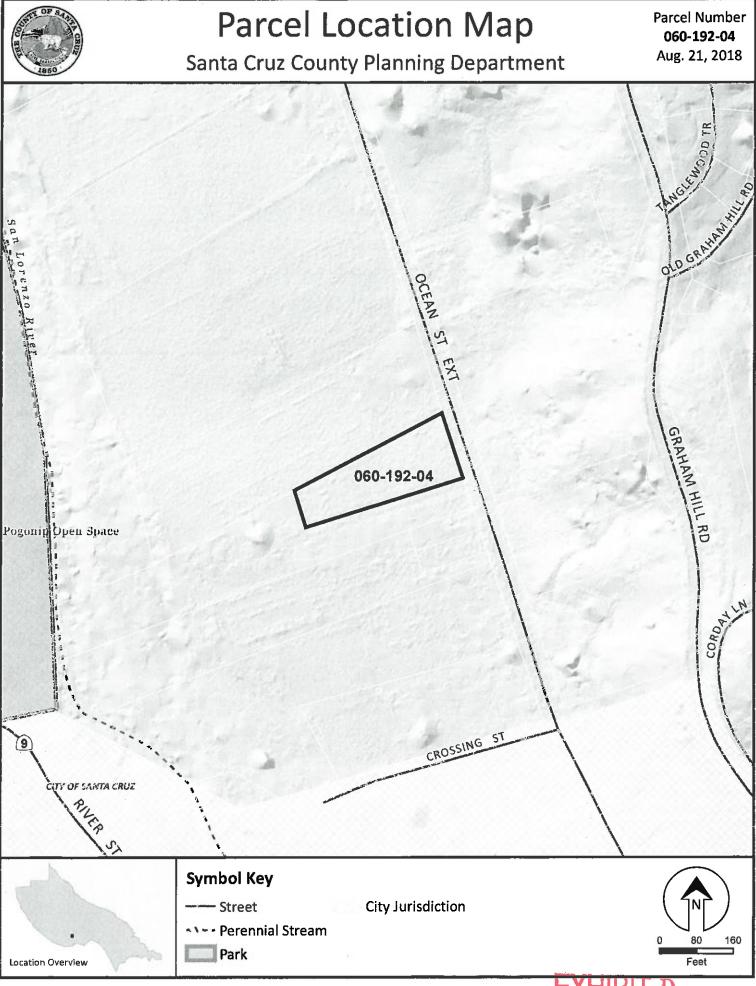
Approval Date:	

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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.



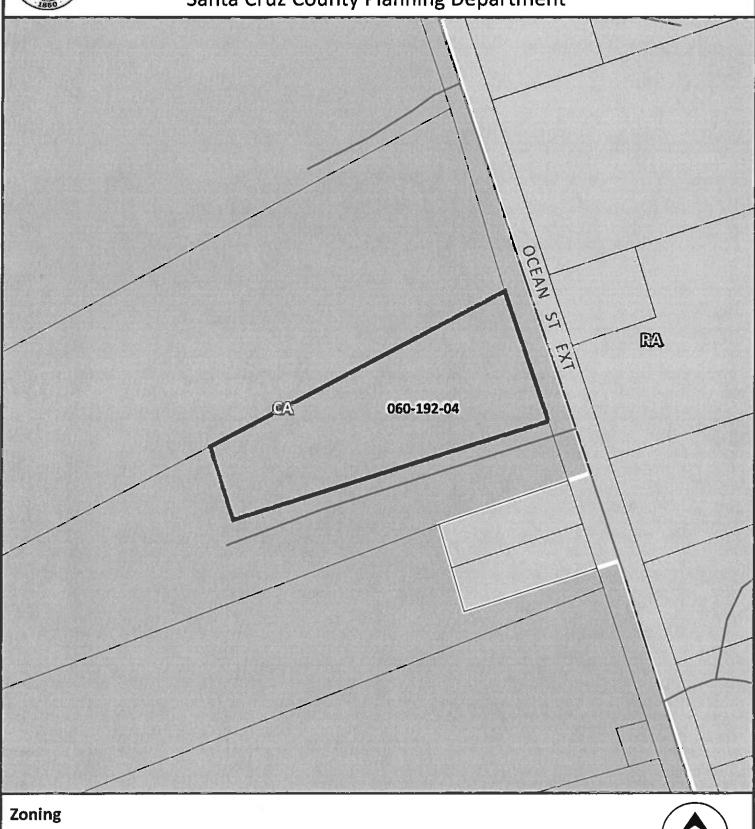




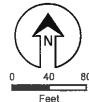
Parcel Zoning Map

Santa Cruz County Planning Department

Parcel Number **060-192-04** Aug. 21, 2018



- (CA) Commercial Agriculture
- (RA) Residential Agricultural



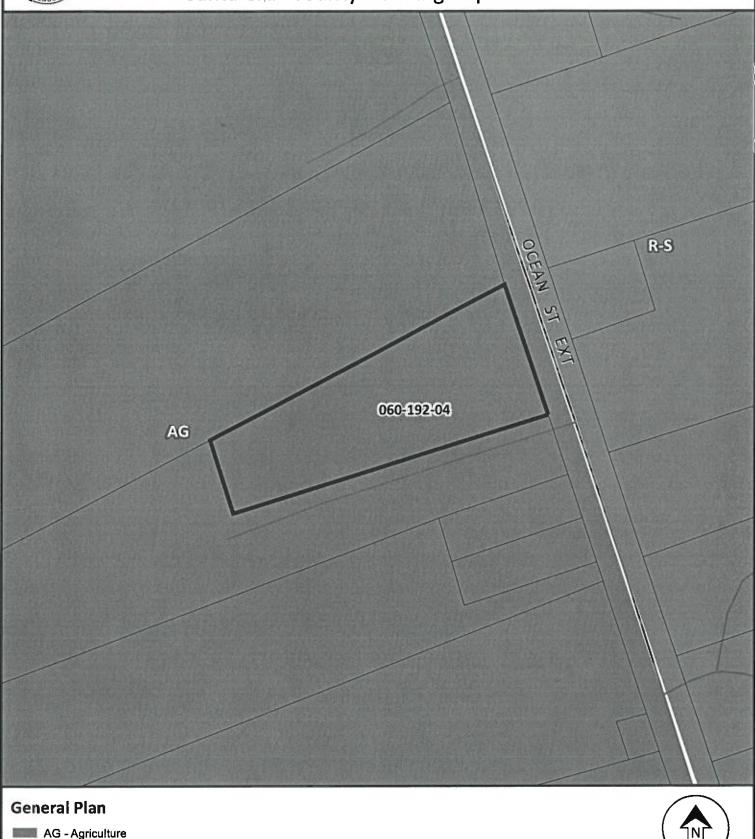


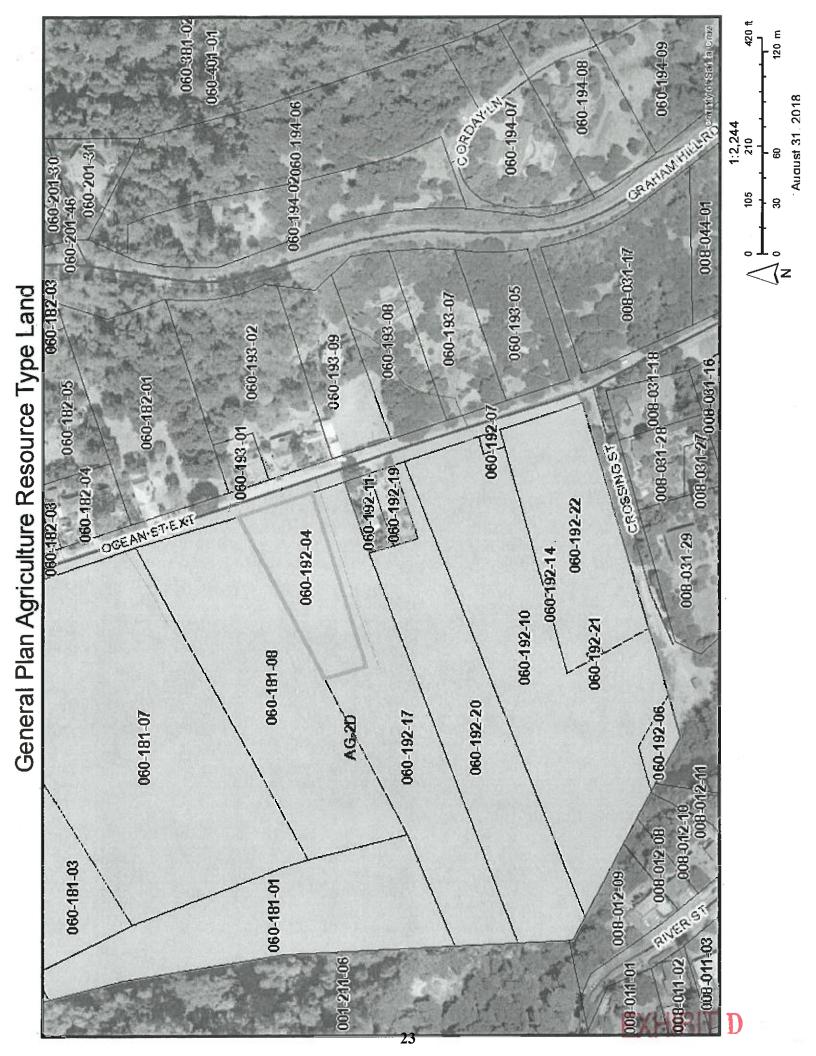
R-S - Residential-Suburban

Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number **060-192-04** Aug. 21, 2018





Sheila McDaniel

From:

Steven Tjosvold <satjosvold@ucanr.edu>

Sent:

Monday, June 4, 2018 11:37 AM

To:

Damian Parr

Cc:

Sheila McDaniel

Subject:

RE: Request for substitutes to Ag Buffer plants

Attachments:

Brockerhoff - 2011 - Worldwide Host Plants _with highlight.pdf

Hi Damian,

I will respond only in terms of host plants that might readily support light brown apple moth (LBAM). I think your list of alternatives, given below, are mostly suitable (with the exception of guava).

Locally, I only have evaluated non-crop hosts, that is, natives and weeds that were associated with perimeters of nurseries. So I need to use the attached research paper to help with the evaluation of your alternative plants. The research was looking at host range in New Zealand where LBAM is common. The researchers commonly monitored these evergreen crop hosts (I highlighted this portion in yellow) but they did not show up on the "most commonly recorded host plants" (Table 1). Given this, and my observations of local species, I think species such as avocado, citrus, loquat, and pineapple guava have morphological, growth and developmental characteristics that might be less suitable for LBAM colonization. I'm leaving guava out of an alternative list because that species was not evaluated in New Zealand.

This does not mean these will not be hosts; it just means that they are less likely to be important hosts. LBAM is identified in this research paper as being the most polyphagous host known to man!

I'm prone to not being stuck on a strict list of buffer plants because indigenous predators and parasitoids seem to be doing an outstanding job in keeping LBAM at low populations. So choosing hosts that don't greatly support their colonization and having a readily available bio-control is generally hopefull for the prospects of LBAM management.

I'm copying this email to Sheila McDaniel to let her know of my findings.

Regards,

Steve Tjosvold Environmental Horticulture Farm Advisor University of California Cooperative Extension 1430 Freedom Blvd Suite E Watsonville, CA. 95076 831 763 8013

From: Sheila McDaniel [mailto:Sheila.McDaniel@santacruzcounty.us]

Sent: Friday, June 1, 2018 1:28 PM

To: Steven Tjosvold <satjosvold@ucanr.edu>

Subject: RE: Request for substitutes to Ag Buffer plants

EXHIBIT E