



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

**Application Number: 191193**

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**Applicant:** Peter Guiley  
**Owner:** Adolfo Garcia-Nava  
**APN:** 050-401-04

**Date:** May 21, 2020  
**Agenda Item #:** 7  
**Time:** 1:30 p.m.

**Project Description:** Proposal to construct a single family dwelling and accessory dwelling unit and reduce the required 200 foot agricultural buffer setback to 102 feet to the northwest (Type 2D agricultural resource) and 184 feet to the southwest (Type 1A agricultural resource).

**Location:** Property located on the north east side of Amesti Road, approximately 960 feet southeast of Rianda Road.

**Permits Required:** Agricultural Buffer Determination

### **Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 191193, based on the attached findings and conditions.

### **Analysis and Discussion**

The building site for the proposed single family dwelling and accessory dwelling unit is located within 200 feet of Commercial Agriculture (CA) zoned land to the northwest and southwest. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 102 feet from APN 050-401-01 and to 184 feet from APN 050-181-01.

The subject property is characterized by relatively level topography. The parcel is located in a transition area from an urbanized single family residential neighborhood to the south and commercial agricultural uses to the north. The parcel is located within the Agriculture (AG) General Plan designation and the implementing zone district is (RA) Residential Agriculture. CA zoned land is situated within 200 feet of the property to the northwest and southwest at APNs 050-401-01 and 050-181-01. There is a developed residential property to the northwest between the subject property and APN 050-401-01, and Amesti Road is located between the subject property and APN 050-181-01.

A reduced agricultural buffer is recommended due to the fact that the 70 foot wide parcel would not allow any building area if the required 200 foot setback was maintained from the CA zoned property to the northwest. The applicant is proposing a solid six-foot fence to the northwest and

southwest of the building site with an evergreen hedge of plantings to reduce the impact of existing or future agricultural activities on the proposed residential use, and to therefore protect the agricultural interests on the CA zoned parcels. 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 102 and 184 feet to the single-family dwelling from the CA zoned properties known as APN 050-401-01 and 050-181-01, proposed under Application 191193, 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.sccoplanning.com](http://www.sccoplanning.com)**

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Report Reviewed By: Jocelyn Drake  
Principal Planner  
Development Review

### **Exhibits**

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

# 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: 191193

Assessor Parcel Number: 050-401-04

Project Location: No Situs, Amesti Road, Watsonville

**Project Description: Agricultural Buffer Setback Reduction**

**Person or Agency Proposing Project: Peter Guiley**

**Contact Phone Number: (831) 688-5362**

- 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 residence and accessory dwelling unit in an area designated for residential uses.

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

\_\_\_\_\_  
Randall Adams, 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

This finding can be made, in that the 40 foot width of the Amesti road right-of-way to the southwest and the adjacent residential parcel to the northwest create physical separation from the surrounding Commercial Agriculture (CA) zoned parcels. The effective agricultural setbacks to the proposed habitable structures would be 102 and 184 feet, respectively, where 200 feet is typically required. An agricultural buffer barrier consisting of a six foot tall solid wood fence enhanced with evergreen shrubs, combined with the existing physical separation, would be adequate to prevent conflicts between the non-agricultural development and the adjacent CA zoned parcels. The proposed barrier facing Amesti Road is set back from the street and shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic.

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 the existence of a developed residential property to the northwest and the Amesti Road right of way to the southwest, combined with an agricultural buffer barrier consisting of a six foot tall solid wood fence enhanced with evergreen shrubs would be adequate to prevent conflicts between the non-agricultural development and the adjacent CA zoned parcels.

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 narrow 70 foot wide parcel would preclude construction of any buildings if the 200 foot setback from the CA zoned parcel to the northwest was applied. An agricultural buffer barrier consisting of a six foot tall solid wood fence enhanced with evergreen shrubs would be adequate to prevent conflicts between the non-agricultural development and the adjacent CA zoned parcels.

## **Conditions of Approval**

- I. This permit authorizes an Agricultural Buffer Setback as indicated on the approved Exhibit "D" for this permit. 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 from the single-family dwelling to the adjacent Commercial Agriculture zoned parcels at a minimum of 102 feet to APN 050-401-01 and 184 feet to APN 050-181-01.
    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. A Water Efficient Landscape Plan 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. WELO-exempt projects, residential projects of up to two units, or landscapes where at least 30% of the water

use is provided by graywater, recycled water or captured rainwater may provide either a signed Water Efficient Landscape Checklist or a Water Efficient Landscape Plan.

- a. Any landscape plan submitted to comply with SCCC Ch. 13.13 shall include a Water Efficient Landscape Plan Submittal Compliance Statement.
  - 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. Landscape Installation Certificate prepared in accordance with the Water Efficient Landscape Ordinance (County Code Chapter 13.13) shall be provided.
  - 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. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this

development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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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: \_\_\_\_\_

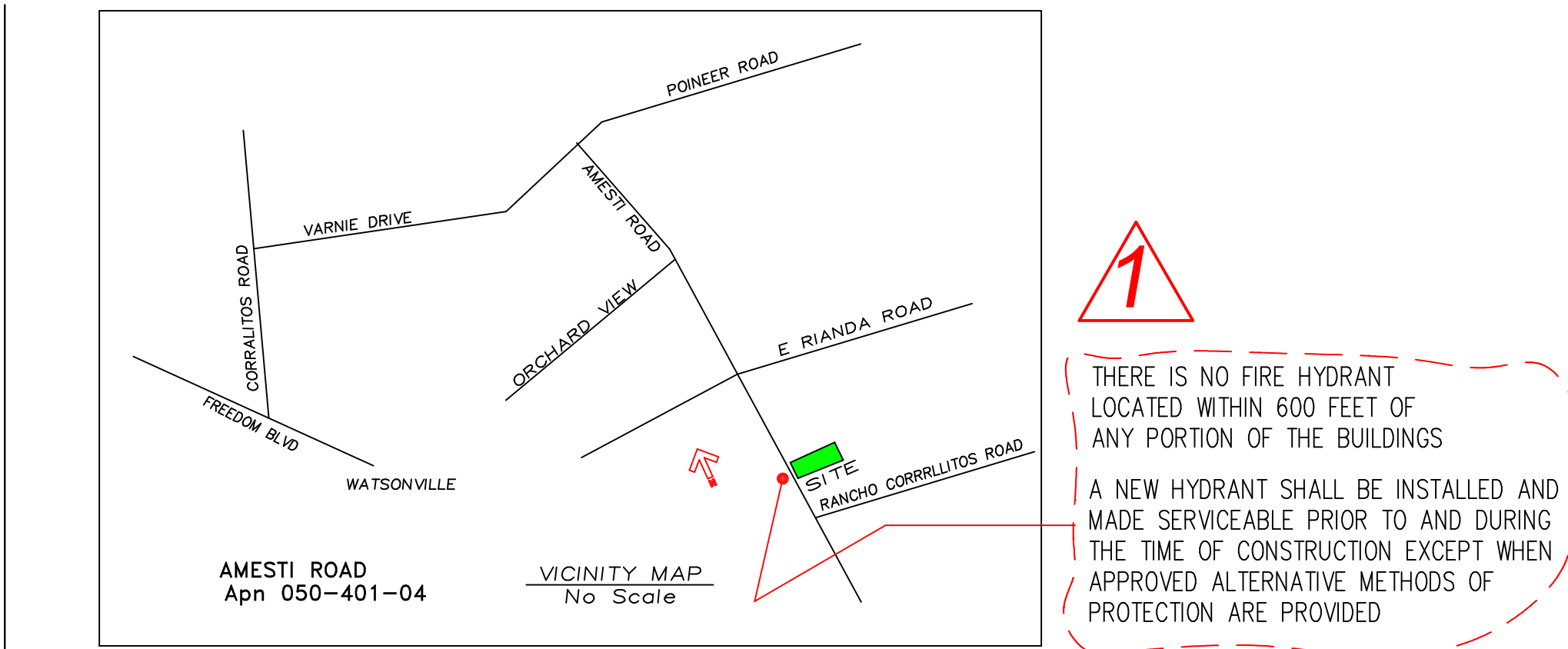
Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

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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.

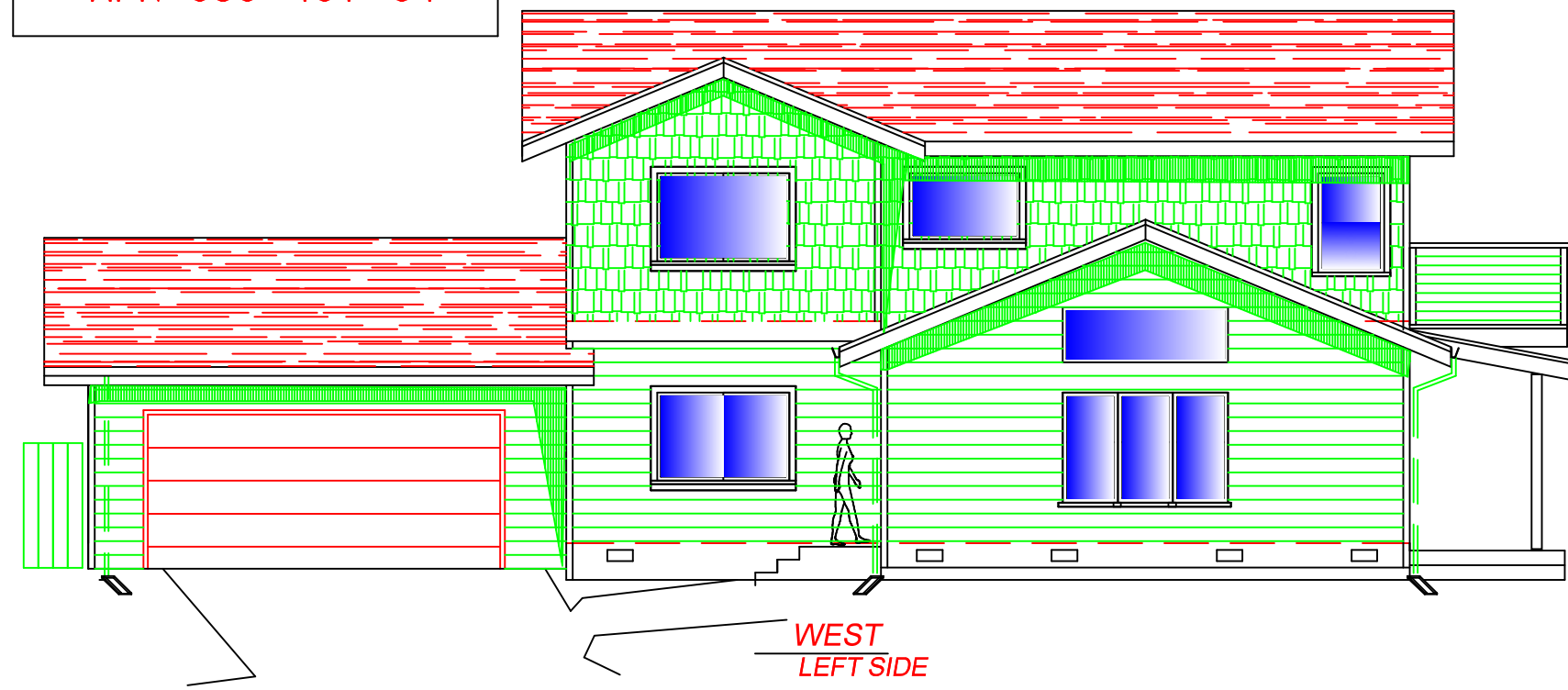




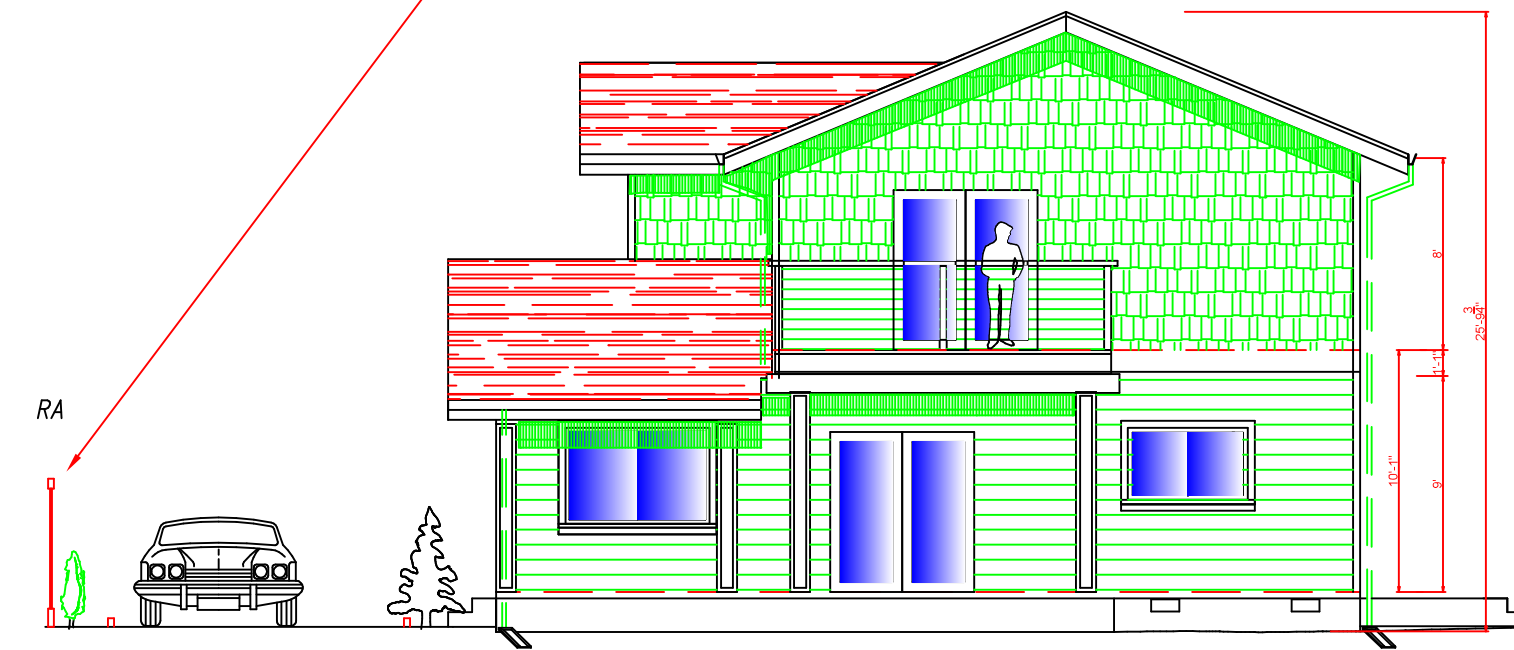
	REVISION BLOCK 11-15-19
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SINGLE STORY ADU  
SCALE 1/8" = 1'

AMESTI ROAD  
APN 050-401-04



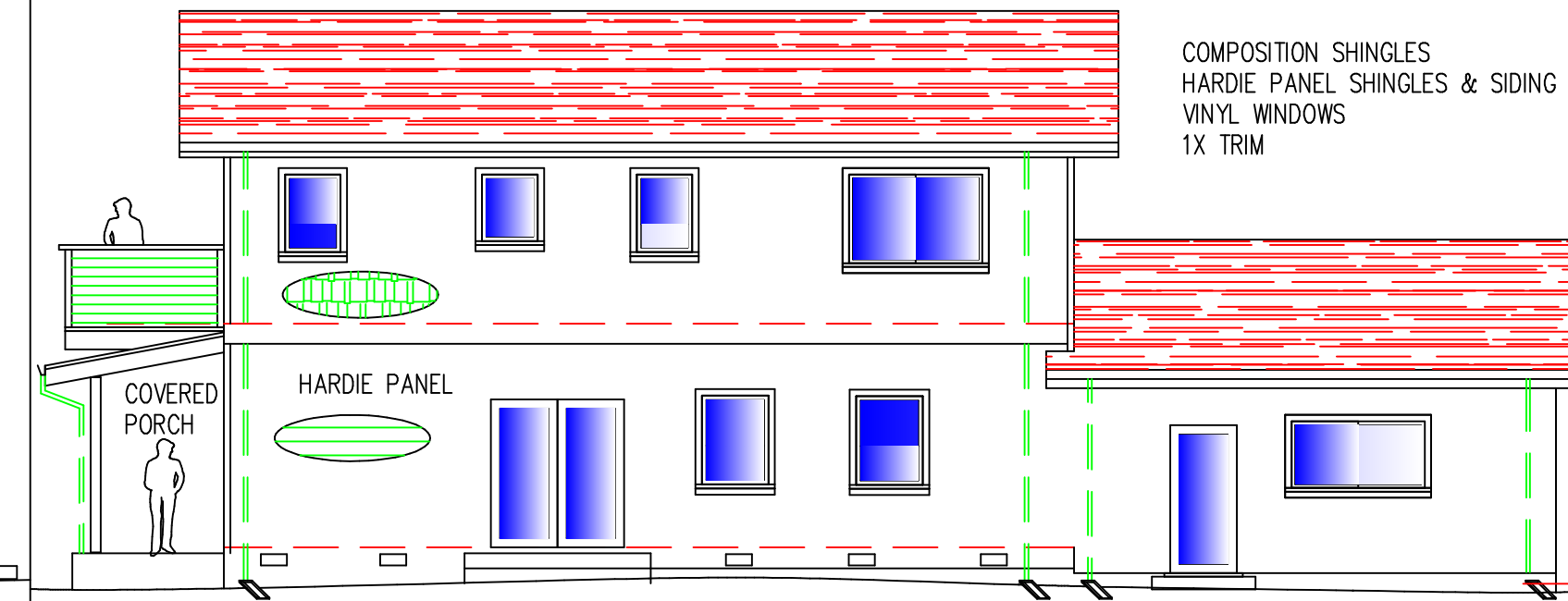
WEST  
LEFT SIDE



NORTH  
FRONT

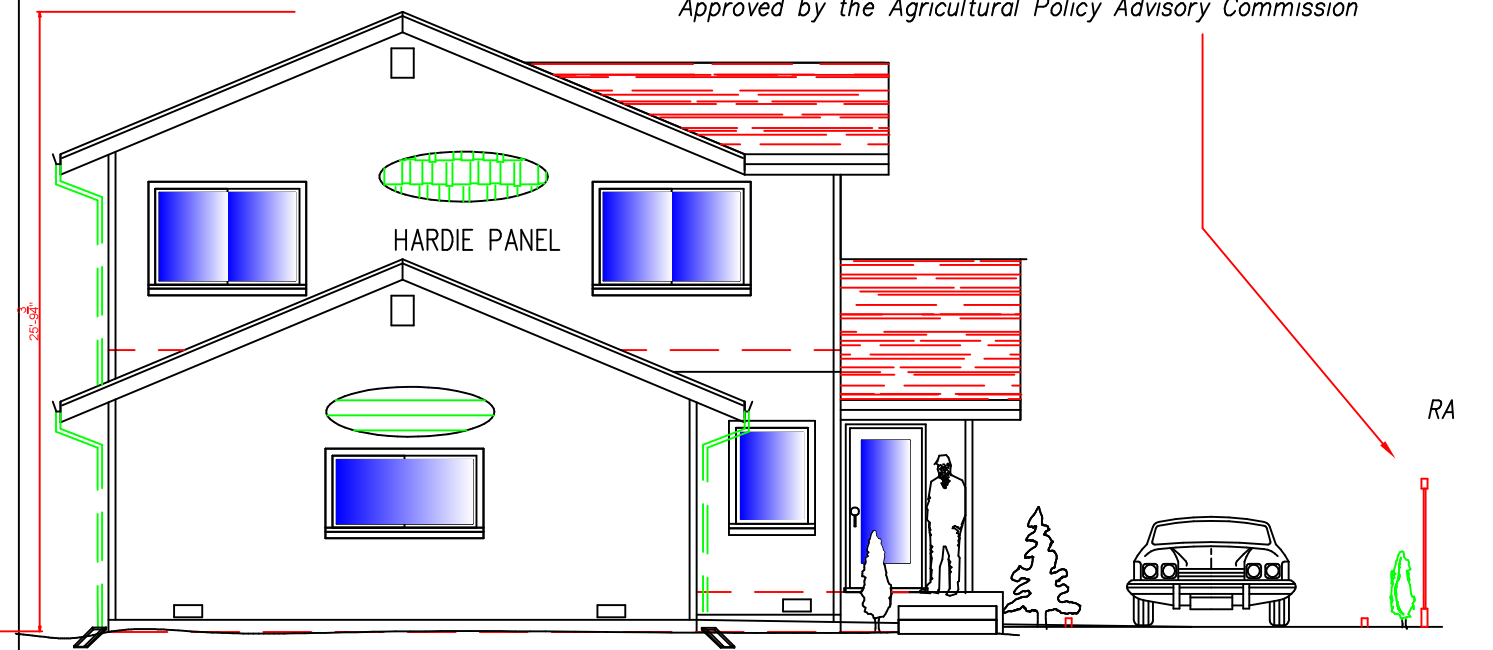
### ELEVATION PLAN

SCALE 1/8" = 1'



EAST  
RIGHT SIDE

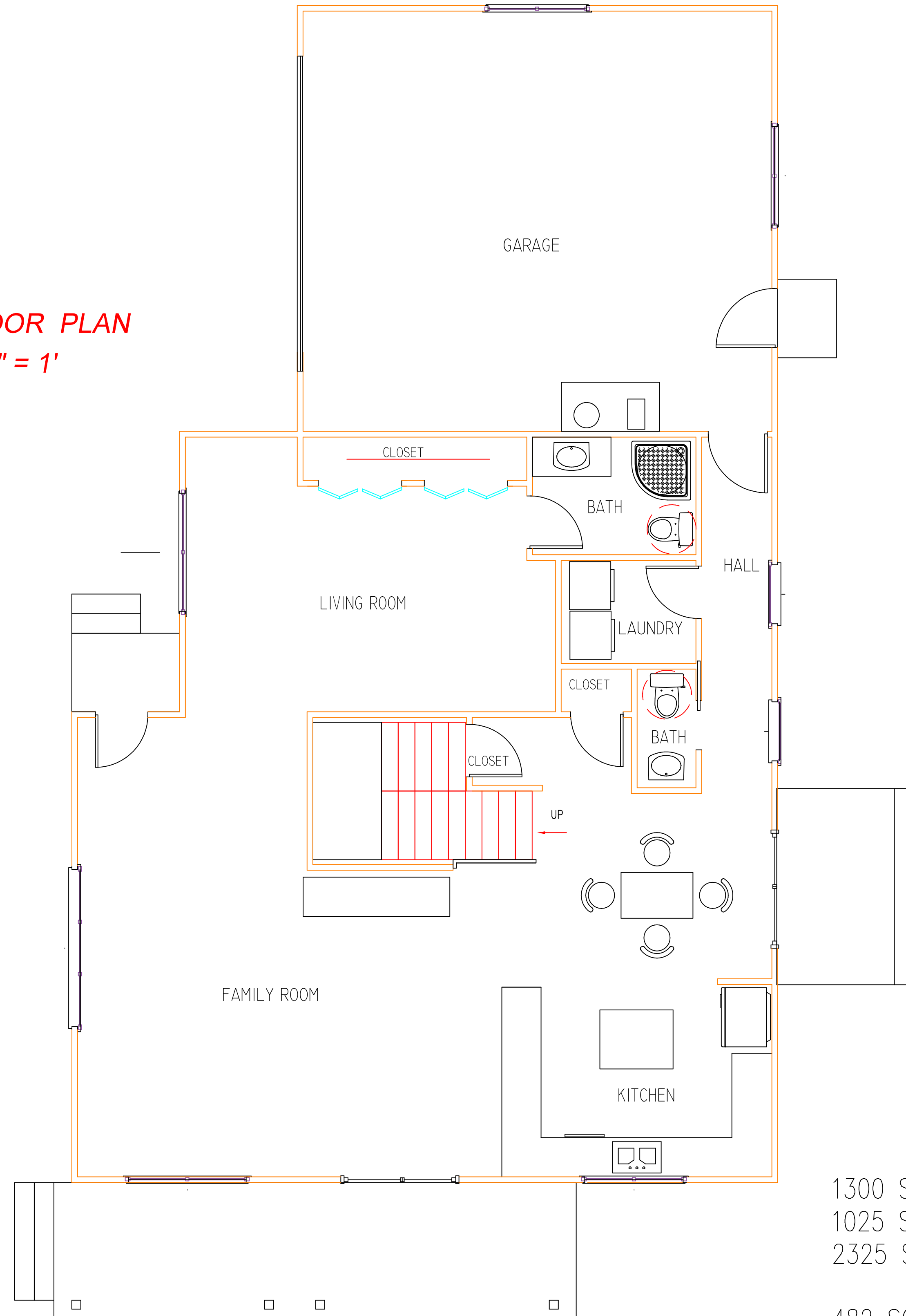
COMPOSITION SHINGLES  
HARDIE PANEL SHINGLES & SIDING  
VINYL WINDOWS  
1X TRIM



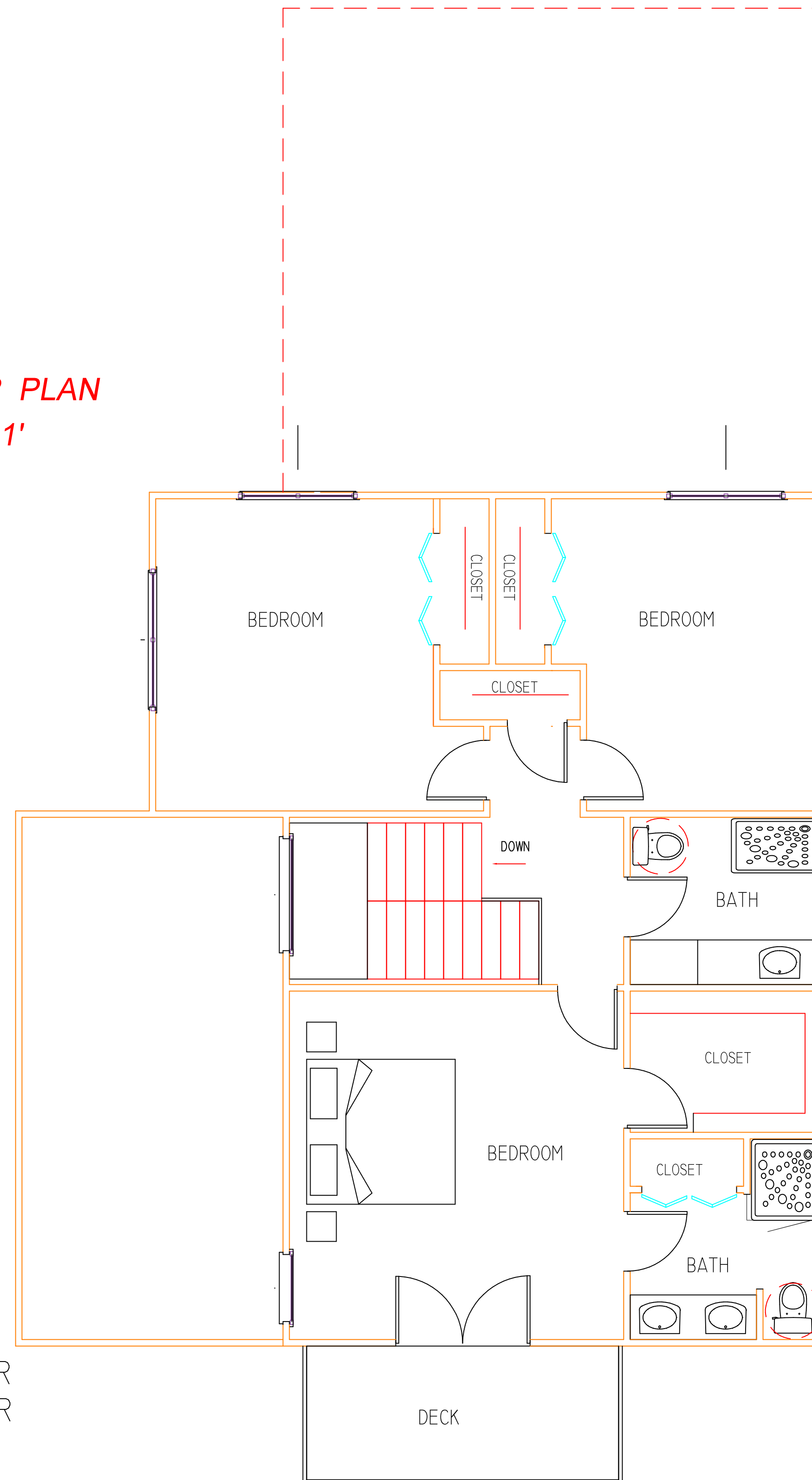
SOUTH  
REAR

6 FOOT TALL SOLID WOOD FENCE WITH A VEGETATIVE BUFFER  
Agricultural Buffer Plant  
Approved by the Agricultural Policy Advisory Commission

LOWER FLOOR PLAN  
SCALE 1/4" = 1'



UPPER FLOOR PLAN  
SCALE 1/4" = 1'

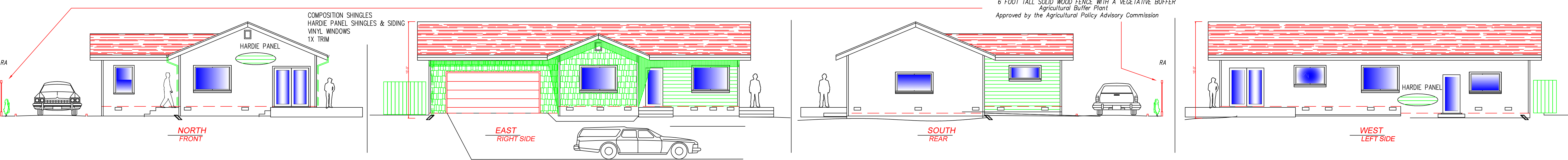


1300 SQ.FT. LOWER FLOOR  
1025 SQ.FT. UPPER FLOOR  
2325 SQ.FT. TOTAL

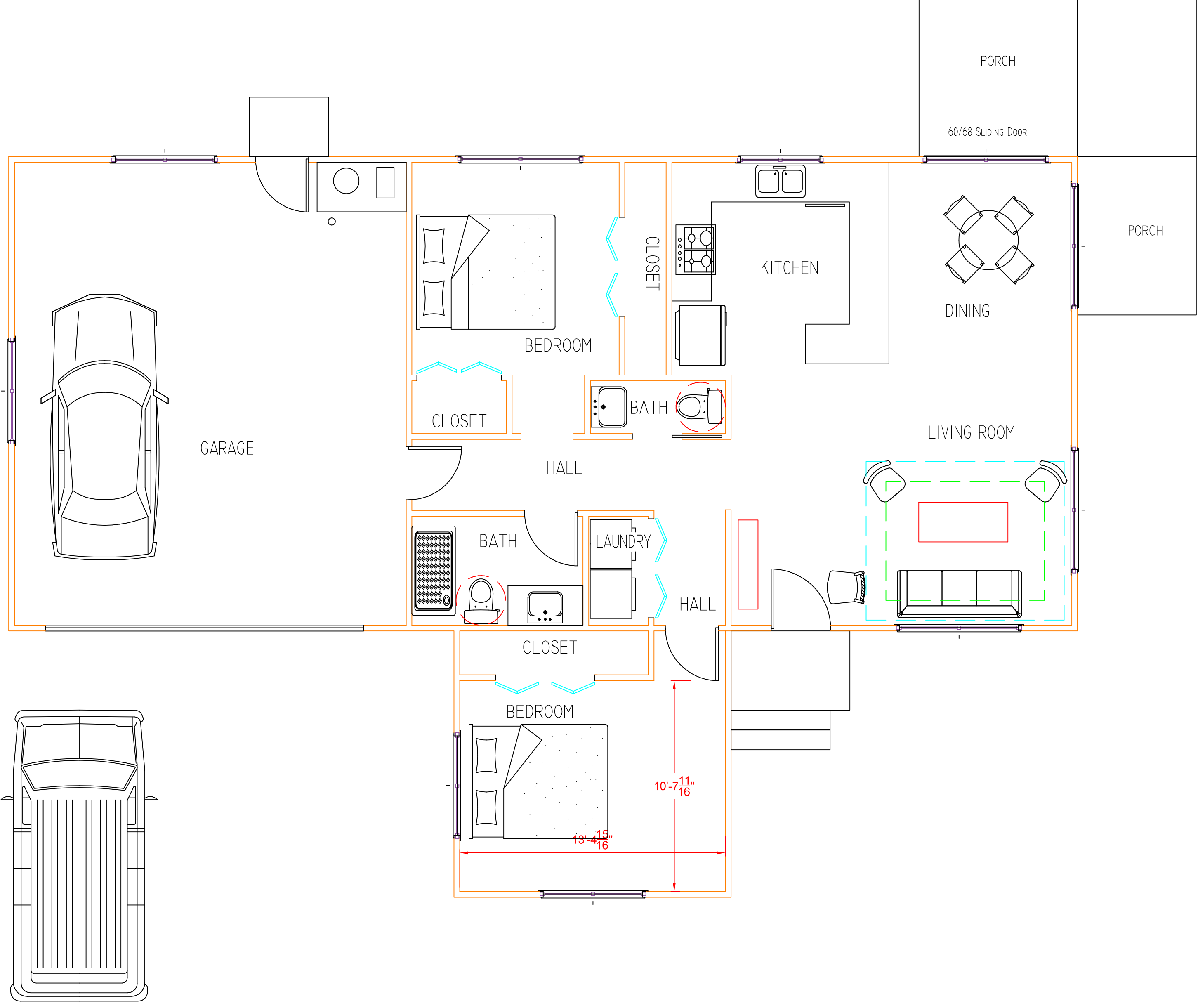
482 SQ.FT. GARAGE



AMESTI ROAD  
APN 050-401-04



ELEVATION PLAN  
SCALE 1/8" = 1'

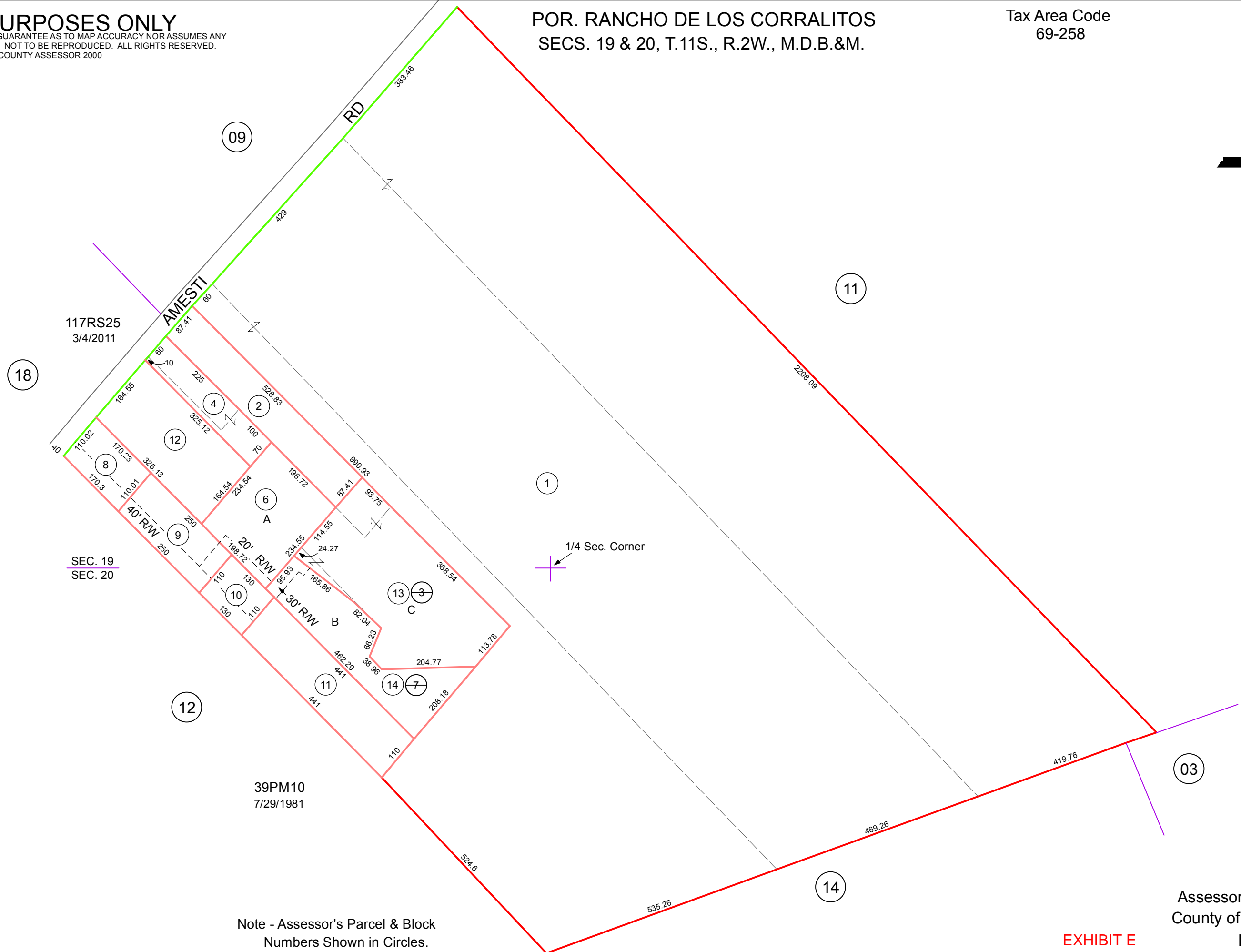


FLOOR PLAN  
SCALE 1/4" = 1'

1000 SQ.FT. FLOOR  
480 SQ.FT. GARAGE

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

Tax Area Code  
69-258



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

Assessor's Map No. 50-40  
County of Santa Cruz, Calif.  
May 2000



Electronically redrawn 5/5/00 KSA  
Rev. 5/5/00 KSA (Por. from Pg. 11)  
Rev 5/9/11 CB ( 117RS25)  
Rev 3/8/12 CB (Spatial Adjustment)  
Rev 9/28/15 AR (14-0029073 to 75, LBA 1-13 & 14)



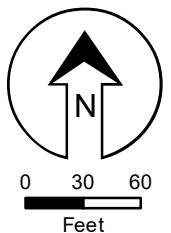
## Parcel Location Map



**Parcel: 05040104**

-  Study Parcel
-  Assessor Parcel Boundary

Map printed: 12 May, 2020



**EXHIBIT E**



# Parcel General Plan Map



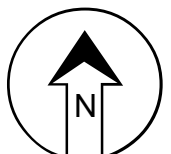
Mapped  
Area

AG

050-401-04  
(R-S)

R-S

AG *Agricultural*  
R-S *Residential Suburban*

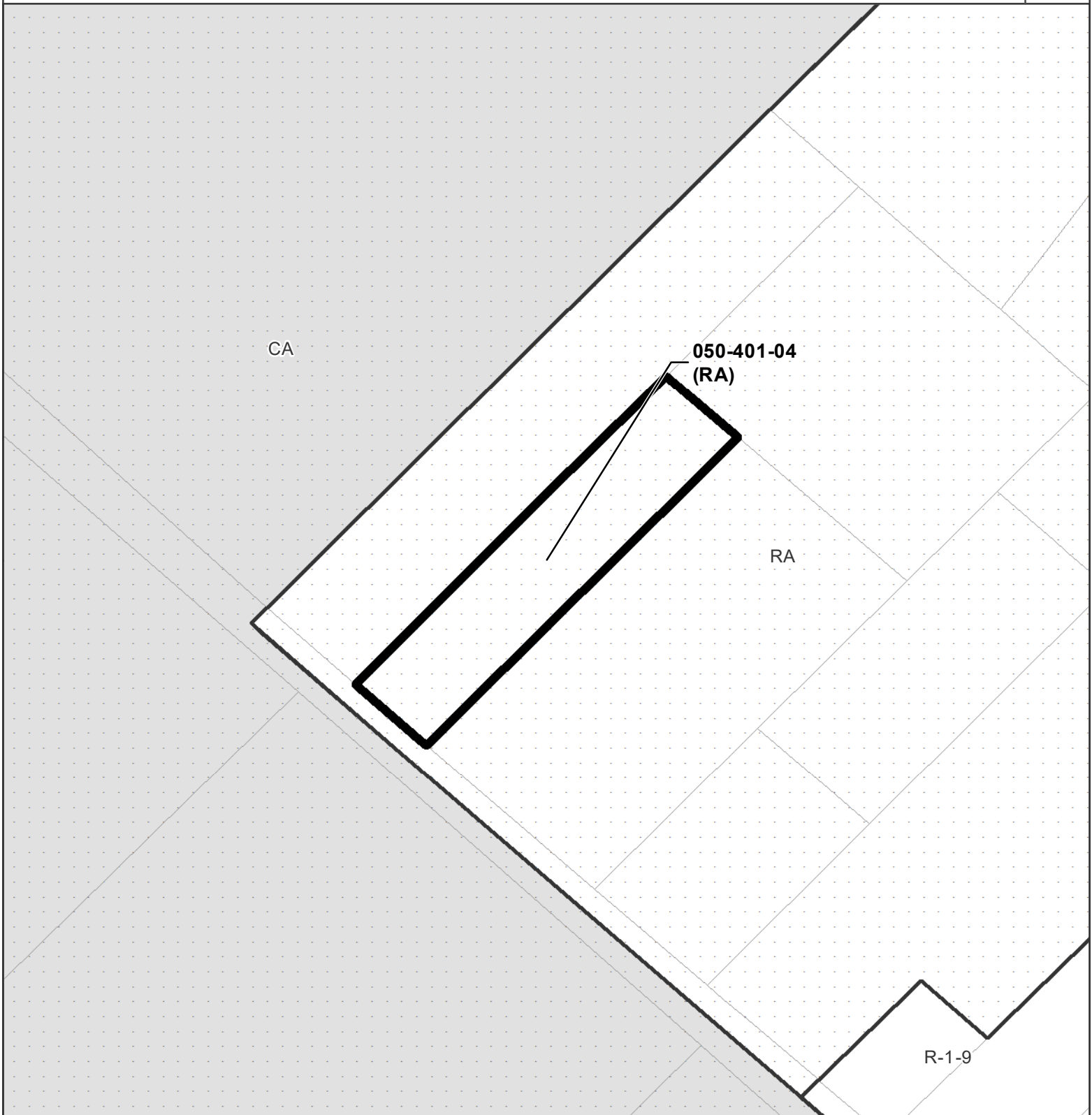





0 30 60  
Feet

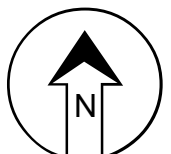
EXHIBIT E



# Parcel Zoning Map



-  CA *Commercial Agriculture*
-  RA *Residential Agricultural*
-  R-1 *Single-Family Residential*



0 30 60  
Feet

EXHIBIT E



☒ APN ☐ Address ☐ Street ☐ Intersection ☐ Owner

05040104



Select  
Overlay

Select  
Base Map

Property Report

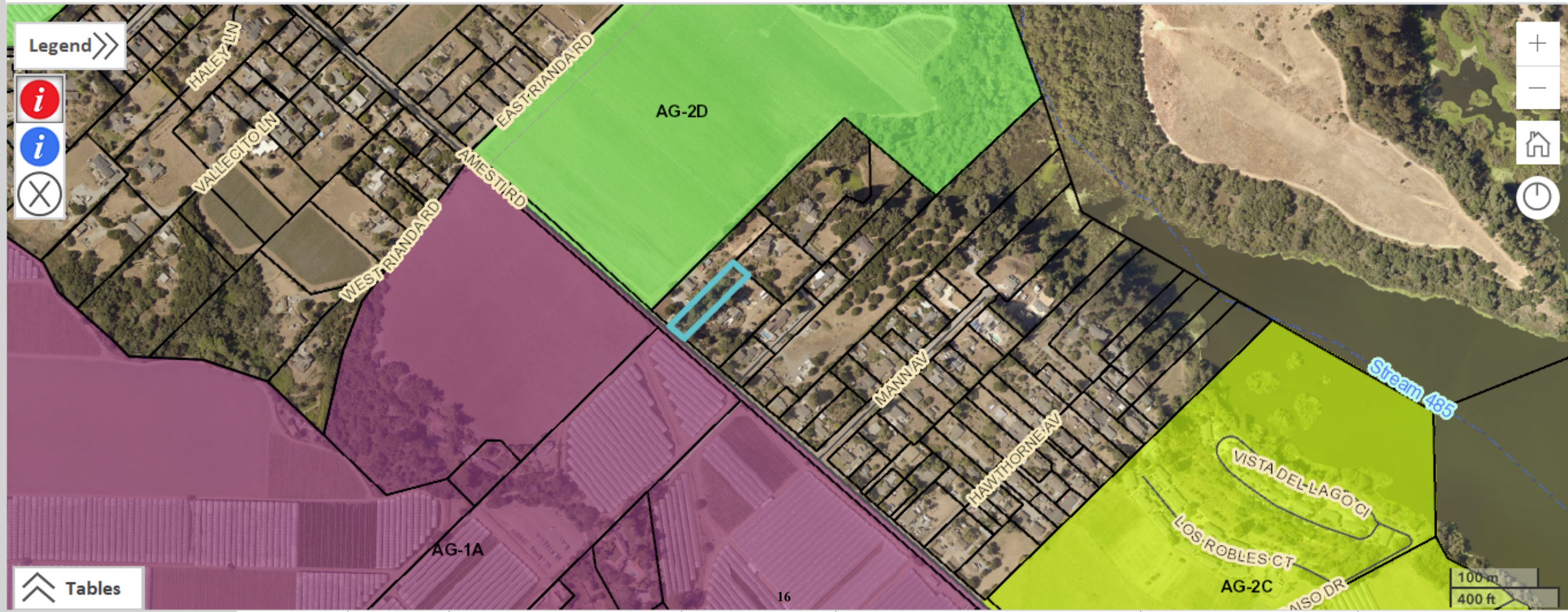
Zoning Report

Zoning Maps

Legend >>



Tables





## Parcel Information

### Services Information

Urban/Rural Services Line:     \_\_\_ Inside     X Outside  
Water Supply:                   City of Watsonville  
Sewage Disposal:               Septic  
Fire District:                  Pajaro Valley Fire Protection District  
Drainage District:              Zone 7 Flood Control District

### Parcel Information

Parcel Size:                    22,852 square feet  
Existing Land Use - Parcel:     Vacant  
Existing Land Use - Surrounding: Rural residential, commercial agriculture  
Project Access:                Amesti Road  
Planning Area:                 Pajaro Valley  
Land Use Designation:         R-S (Suburban Residential)  
Zone District:                 RA (Residential Agriculture)  
Coastal Zone:                 \_\_\_ Inside     X Outside

**Technical Reviews:** Archaeological Report Review (REV 191108)