

Staff Report to the Agricultural Policy Advisory Commission

Application Number: 201031

Applicant: Grace Gurreri Owner: Antonio & Mary Maciel APN: 051-351-10 Date: May 21, 2020 Agenda Item #: 8 Time: 1:30 p.m.

Project Description: Proposal to construct a single family dwelling and recognize construction of an accessory dwelling unit. Requires an Agricultural Buffer Determination to reduce the 200 foot agricultural buffer (from APN 051-351-09 to the north, designated AG-1A) to approximately 85 feet.

Location: Property located approximately 715 feet east of Casserly Road (adjacent to 1290 Casserly Road - no situs address).

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 201031, 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 north. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 85 feet from APN 051-351-09.

The subject property is characterized by topography that slopes down from south to north. 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 (A) Agriculture. Commercial Agriculture zoned land is situated within 200 feet of the parcel to the north (APN 051-351-09) and to the the east (APN 051-012-16).

A reduced agricultural buffer is recommended due to the fact that the width of the property combined with the slope on the south side of the parcel would result in increased grading impacts if the required 200 foot setback was to be maintained from the adjacent Commercial Agriculture zoned property to the north. Compliance with the required 200 foot setback from the Commercial

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Agriculture zoned property to the east would be met. Existing vegetation located along the north side of the property would remain in place and the applicant is proposing additional vegetative buffering with an evergreen hedge of Ceanothus 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. 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 85 feet to the single-family dwelling from the adjacent CA zoned property known as APN 051-351-09, proposed under Application # 201031, 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

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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
- G. Comments & Correspondence

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: 201031 Assessor Parcel Number: 051-351-10 Project Location: No Situs, Casserly Road, Watsonville

Project Description: Agricultural Buffer Setback Reduction

Person or Agency Proposing Project: Grace Gurreri

Contact Phone Number: (831) 724-2985

- 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. <u>Ministerial Project</u> involving only the use of fixed standards or objective measurements without personal judgment.
- **D.** <u>Statutory Exemption</u> other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

E. X 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 residence and accessory dwelling unit in an area where residential uses are allowed.

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 habitable structures are proposed to be set back 85 feet from the adjacent Commercial Agriculture zoned land to the north where 200 feet would be required. An effective barrier consisting of existing mature vegetation, enhanced with additional evergreen shrubs, would be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 051-351-09. This barrier, as proposed, 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 presence of existing mature vegetation, combined additional evergreen shrubs, would be adequate to prevent conflicts between the non-agricultural development and the adjacent CA zoned parcel to the north.

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.

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 of a minimum of 85 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 051-351-09.
 - 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

EXHIBIT C

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. A 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 noncompliance 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

EXHIBIT C

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.

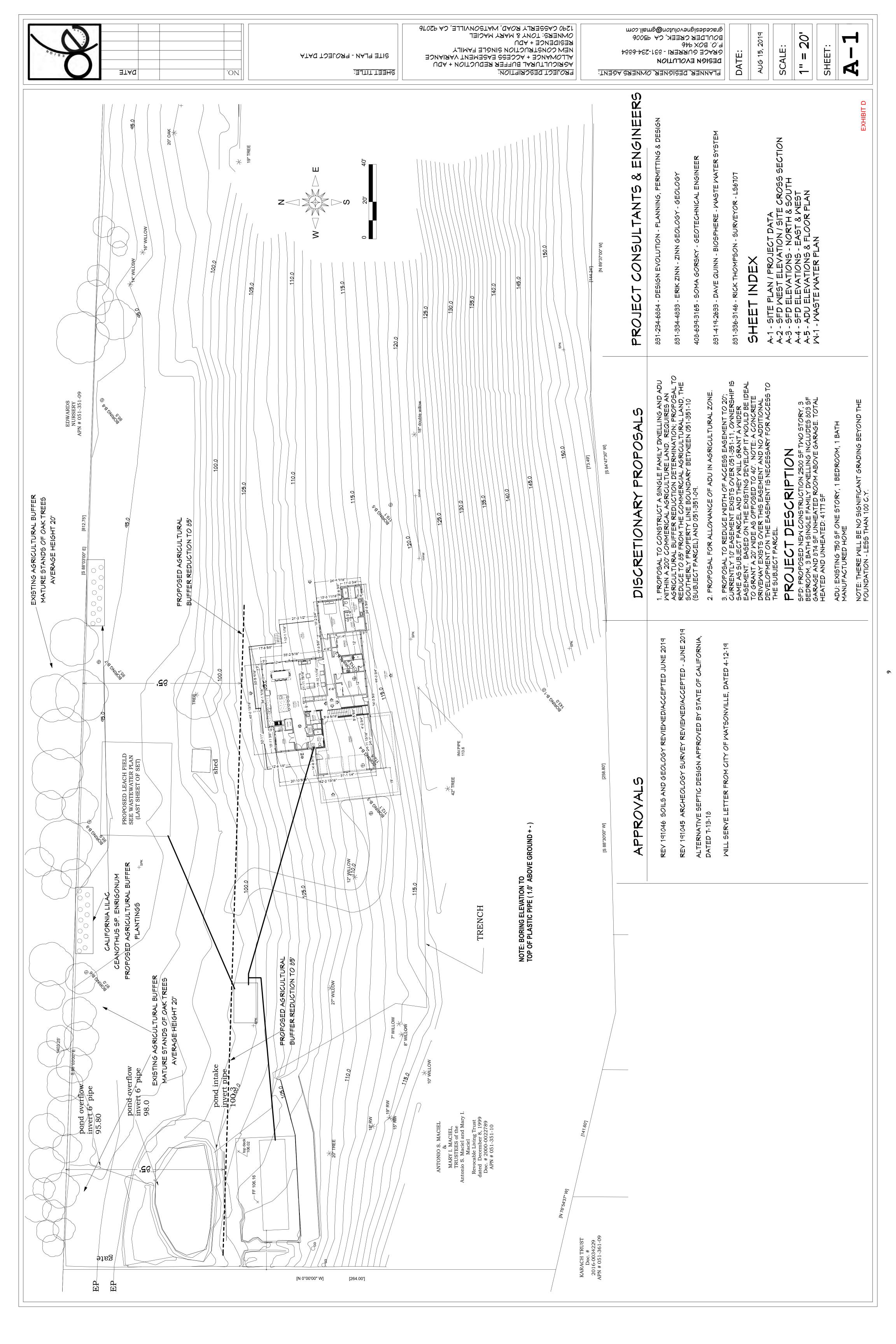
- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. 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.

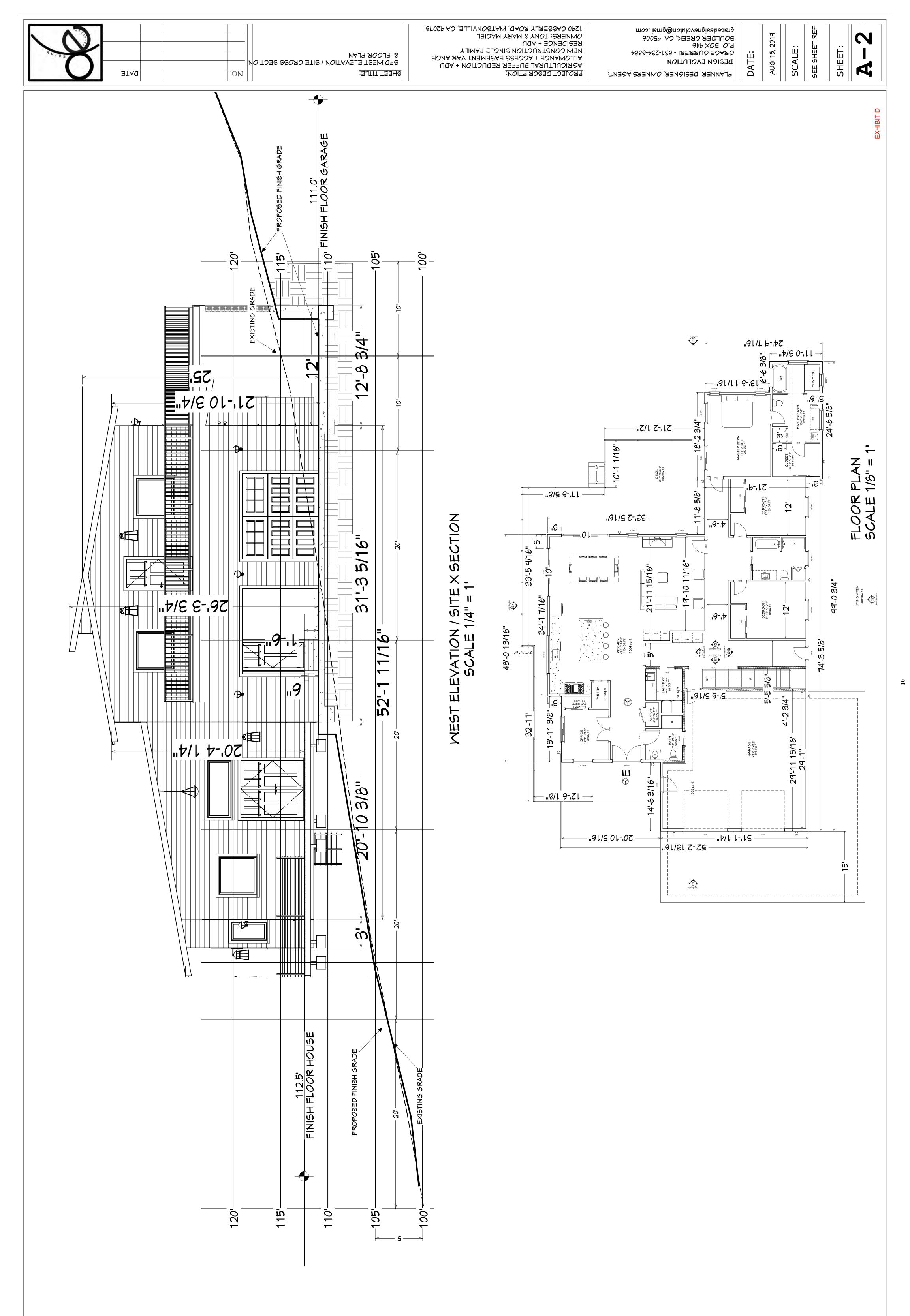
Minor Variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

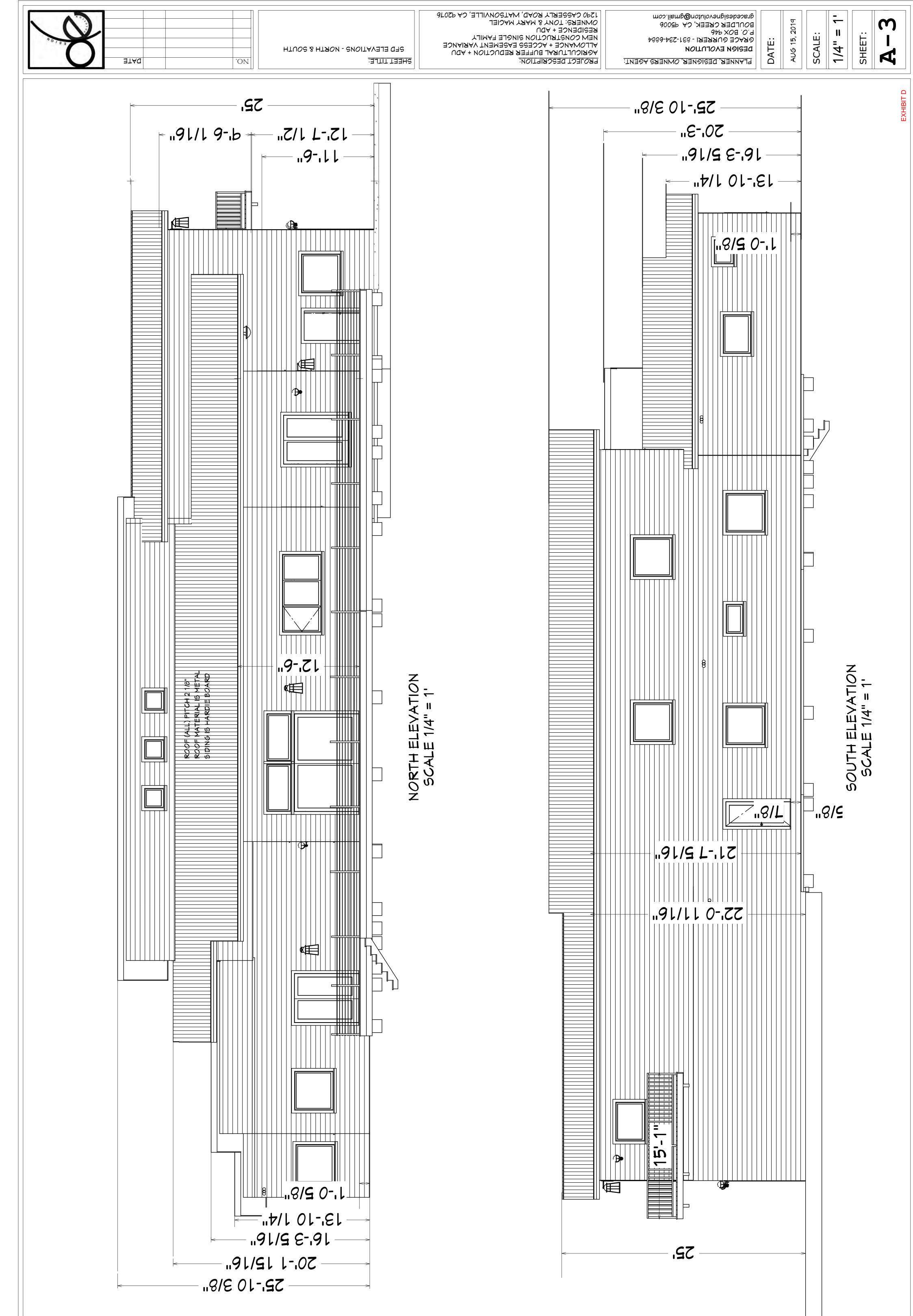
Please note: This permit expires three years from the effective date listed below or if additional discretionary permits are required for the above permitted project, this permit shall expire on the same date as any subsequent approved discretionary permit(s) unless a building permit (or permits) is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

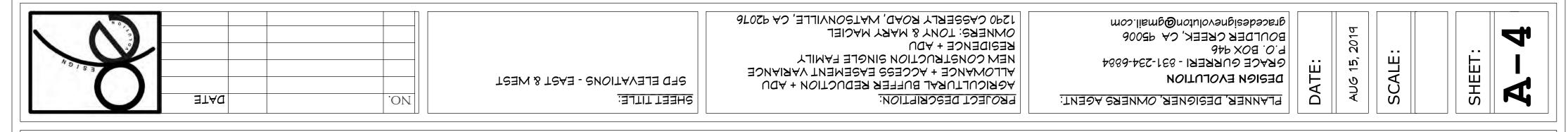
Approval Date:	
Effective Date:	
Expiration Date:	

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.

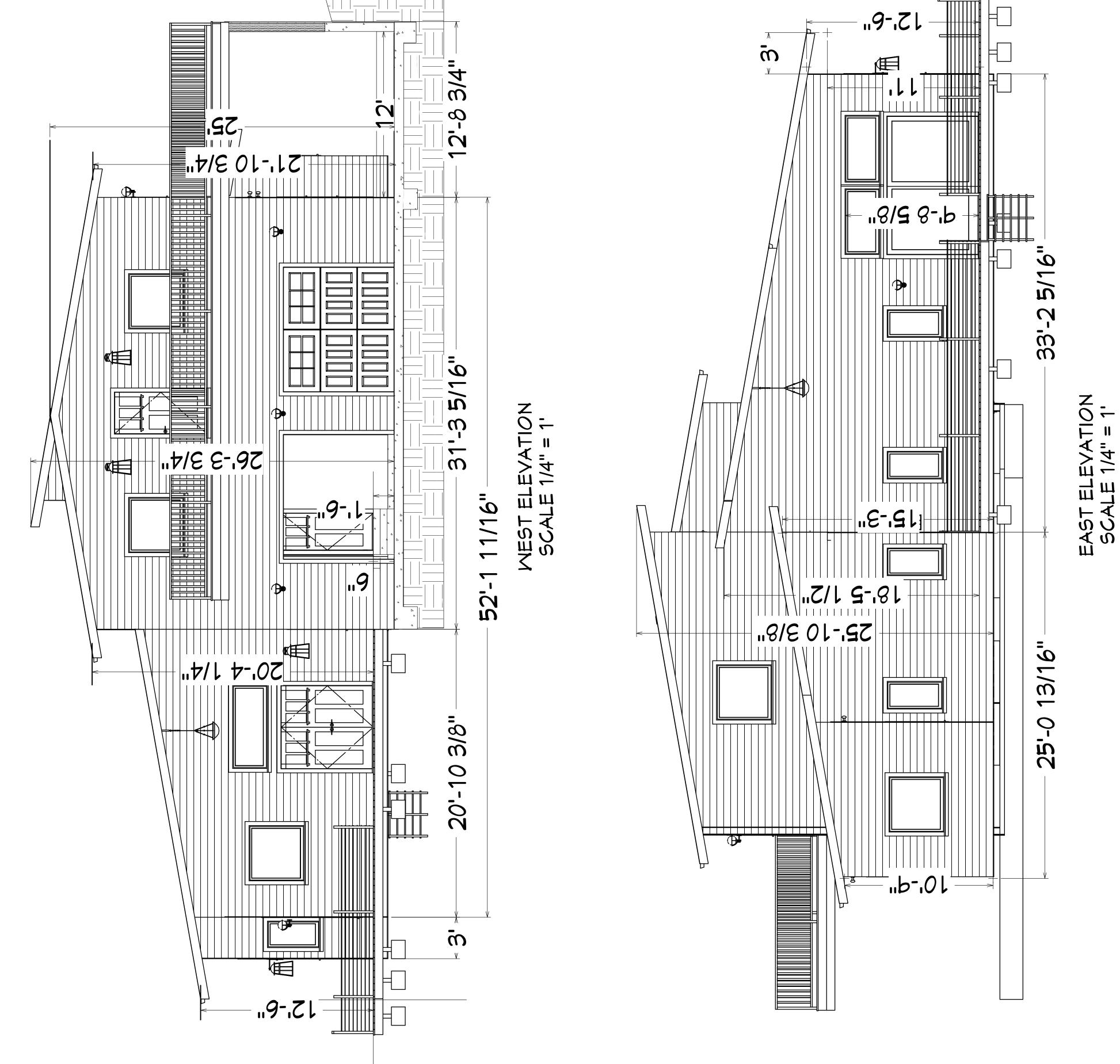


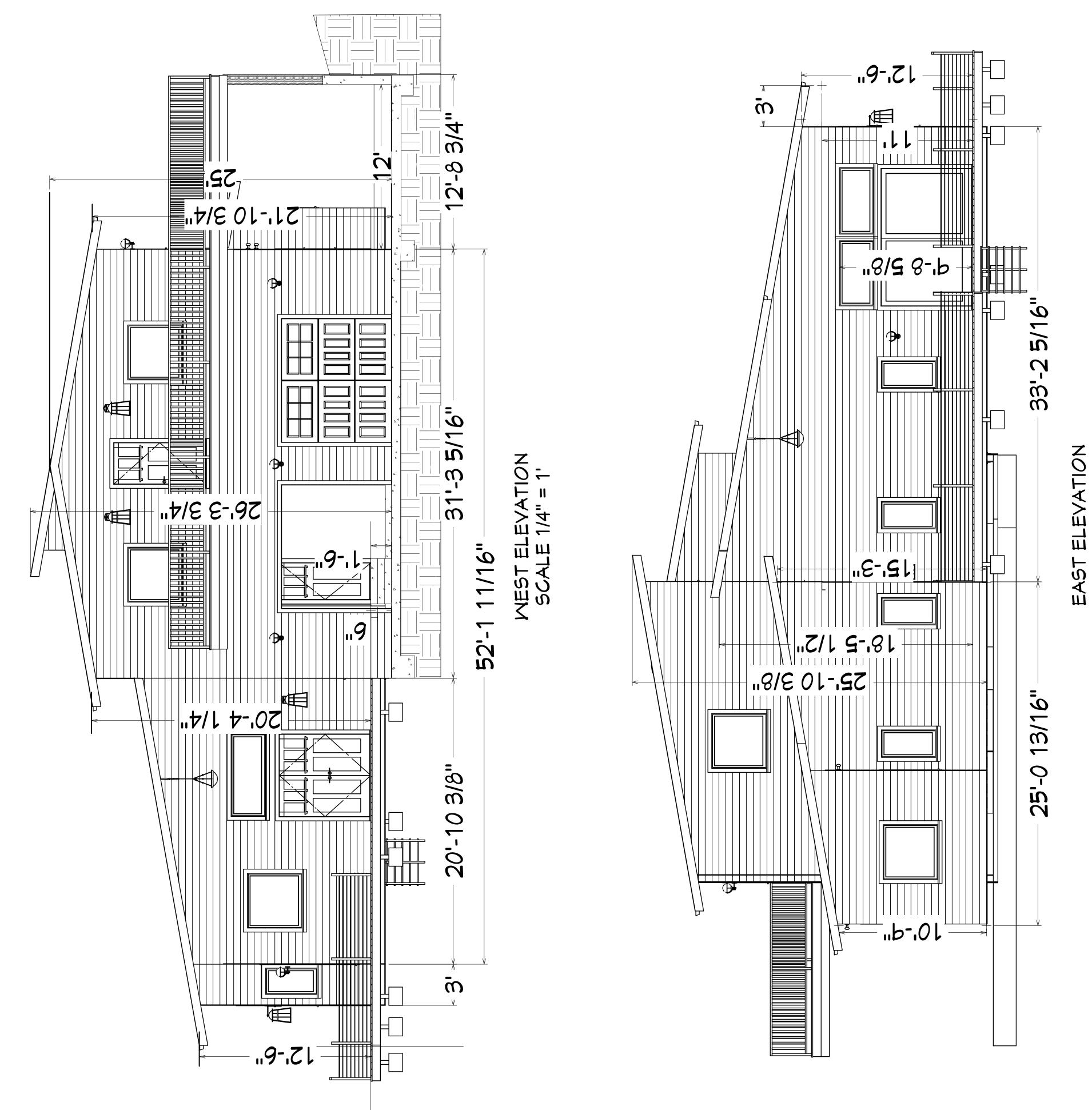


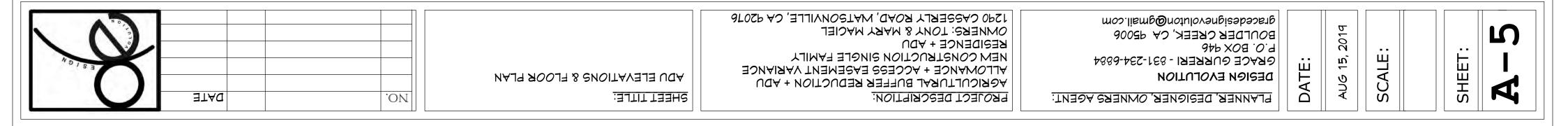




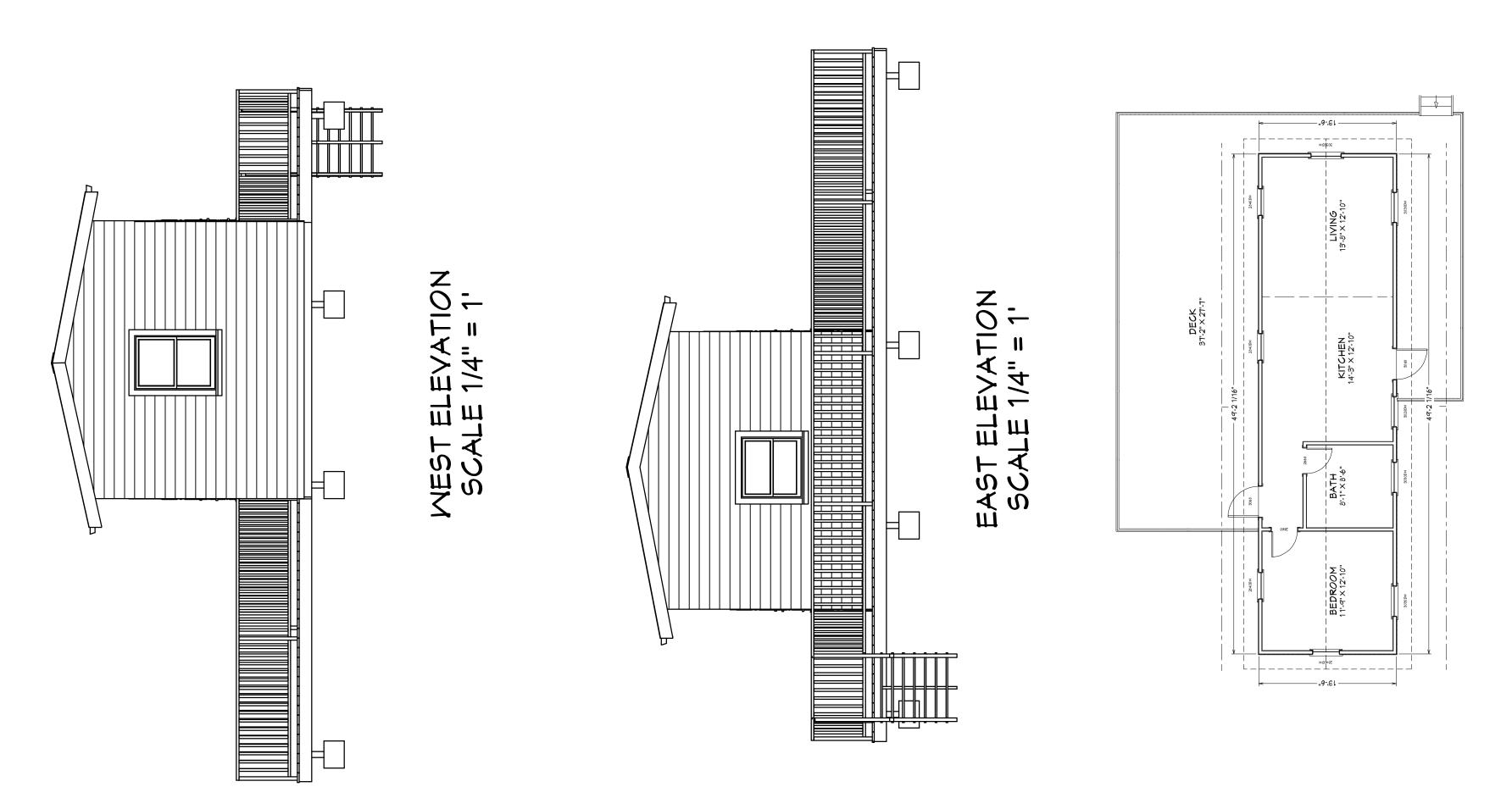
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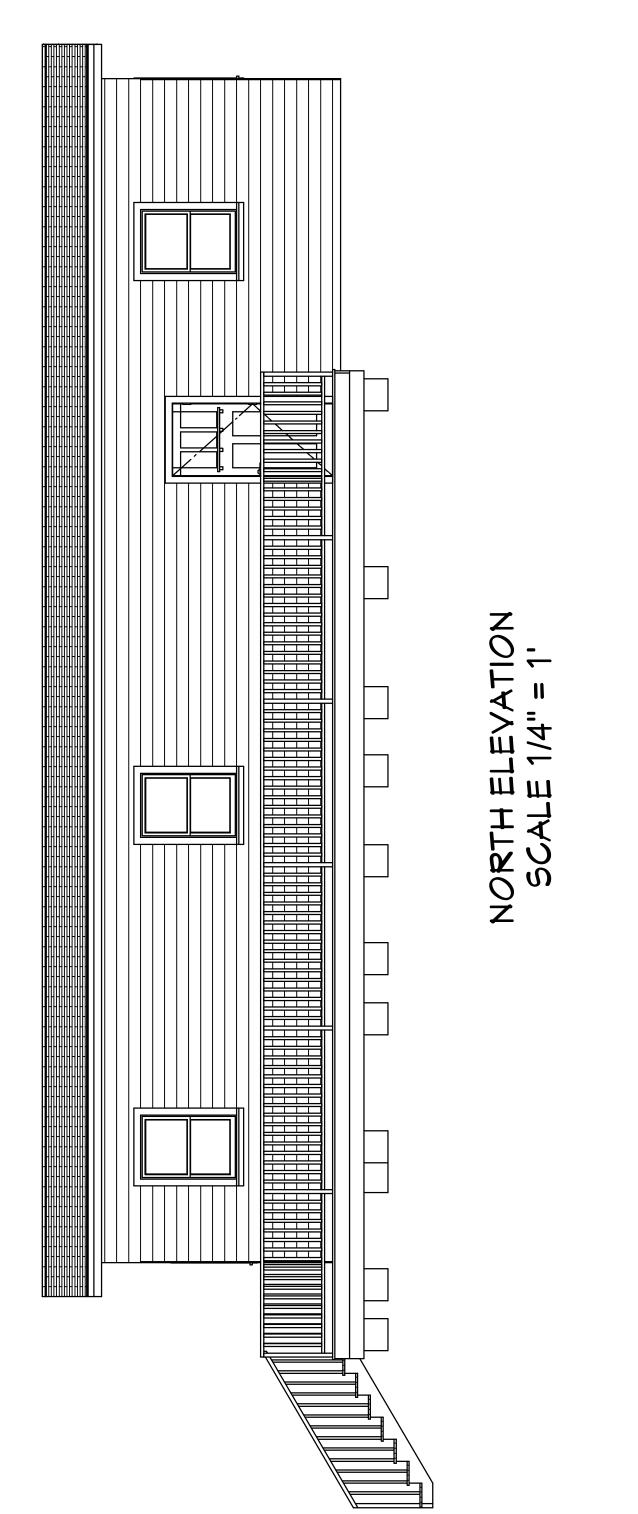


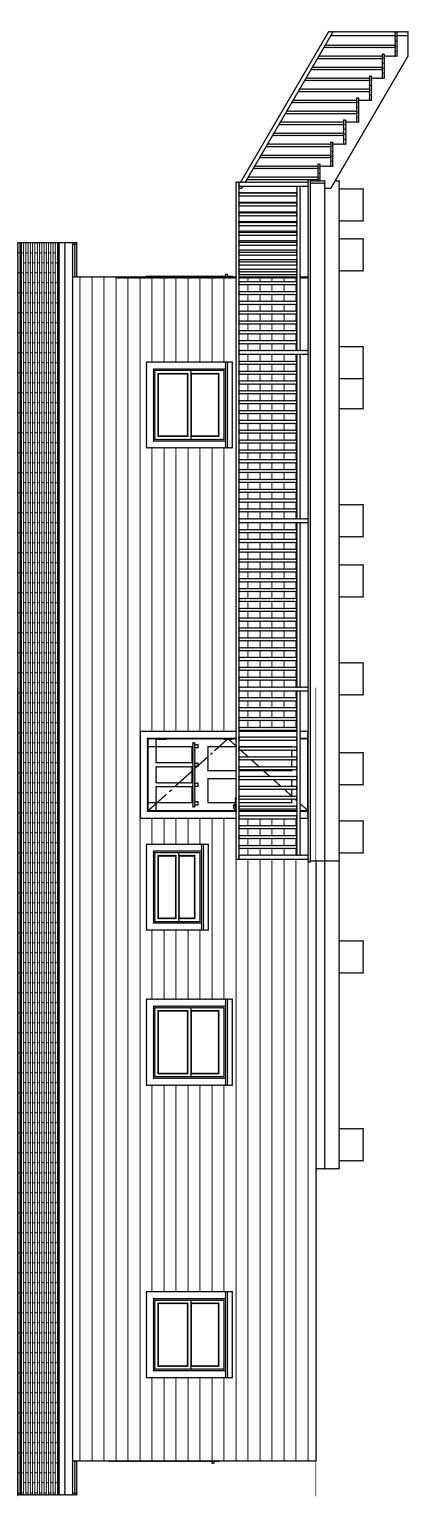




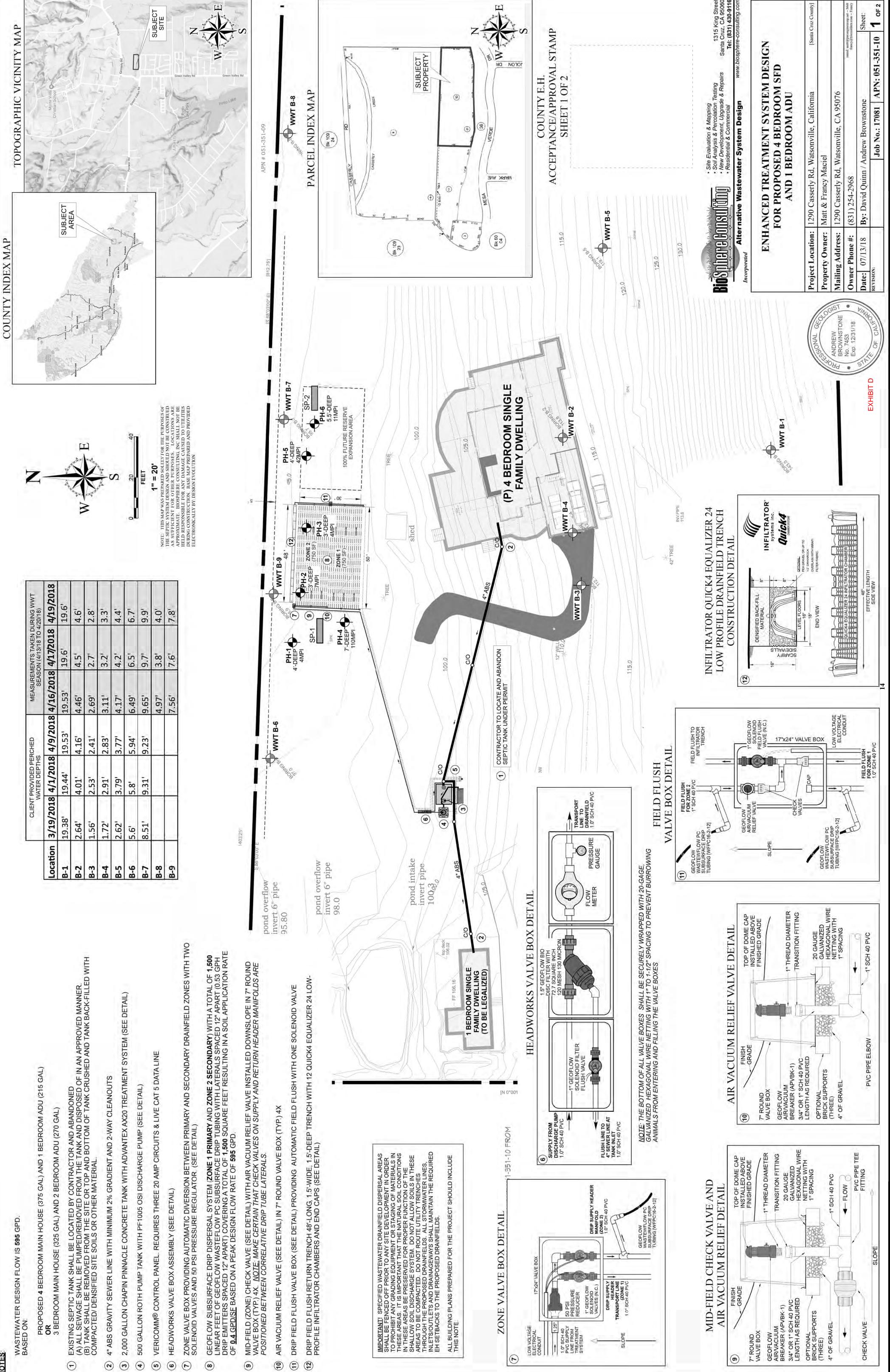
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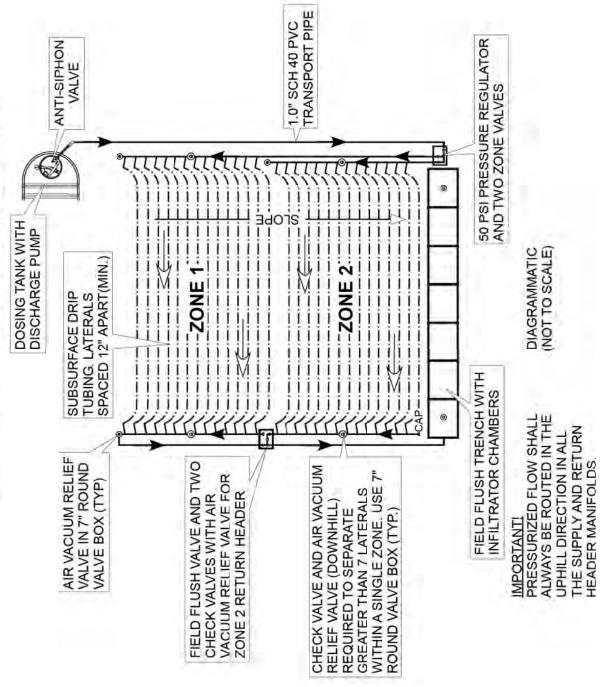
SOUTH ELEVATION SCALE 1/4" = 1'



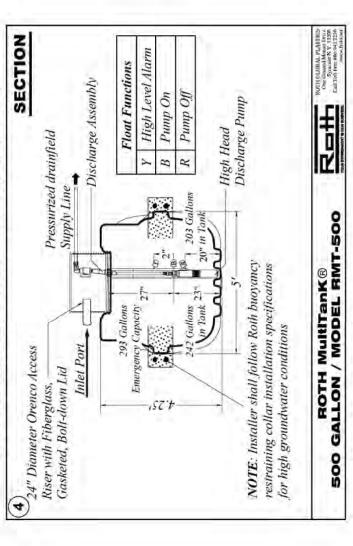
	CLIENT	CLIENT PROVIDED PERCHED WATER DEPTHS	CHED	MEASUREM	MEASUREMENTS TAKEN DURING WWT SEASON (4/13/18 TO 4/20/18)	JRING WWT (20/18)
Location 3/19/2	3/19/2018	4/1/2018	4/9/2018	018 4/1/2018 4/9/2018 4/16/2018 4/17/2018 4/19/2018	4/17/2018	4/19/2018
B-1	19.38'	19.44'	19.53'	19.53'	19.6'	19.6'
B-2	2.64'	4.01'	4.16'	4.46'	4.5'	4.6'
B-3	1.56'	2.53'	2.41'	2.69'	2.7'	2.8'
B-4	1.72'	2.91'	2.83'	3.11'	3.2'	3.3'
B-5	2.62'	3.79'	3.77'	4.17'	4.2'	4.4'
9-8	5.6'	5.8'	5.94'	6.49'	6.5'	6.7'
B-7	8.51'	9.31'	9.23'	9.65'	9.7'	9.9'
B-8				4.97'	3.8'	4.0'
B-9				7.56'	7.6'	7.8'

TES-	
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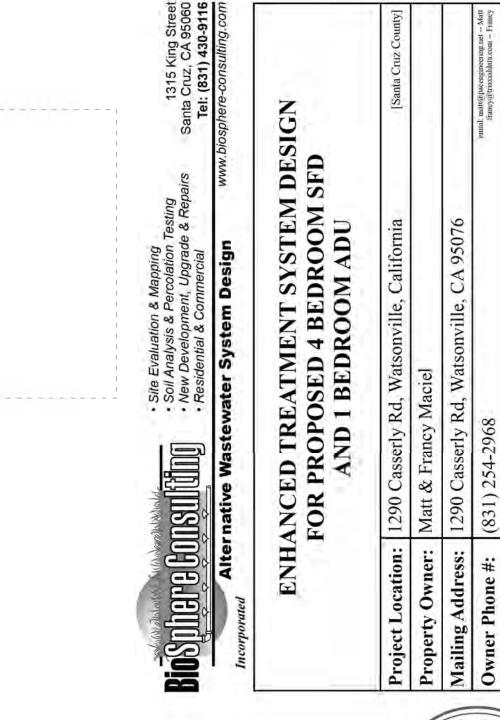




EXHIBIT D

OF 2

2

APN: 051-351-10

Job No.: 17081

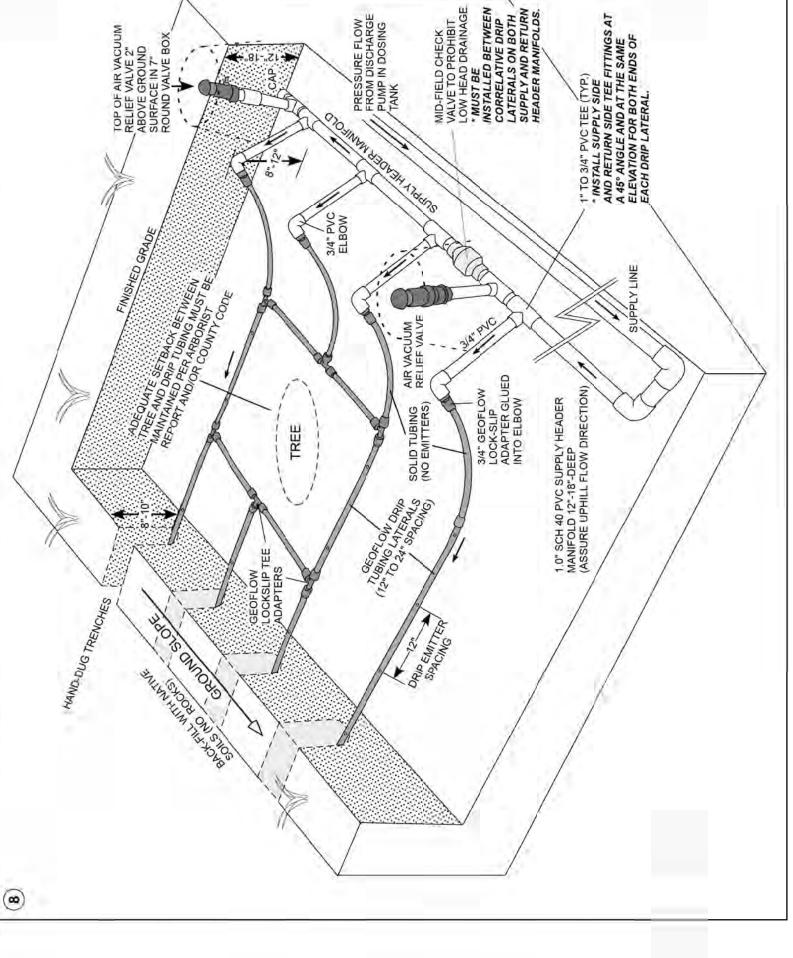
Sheet:

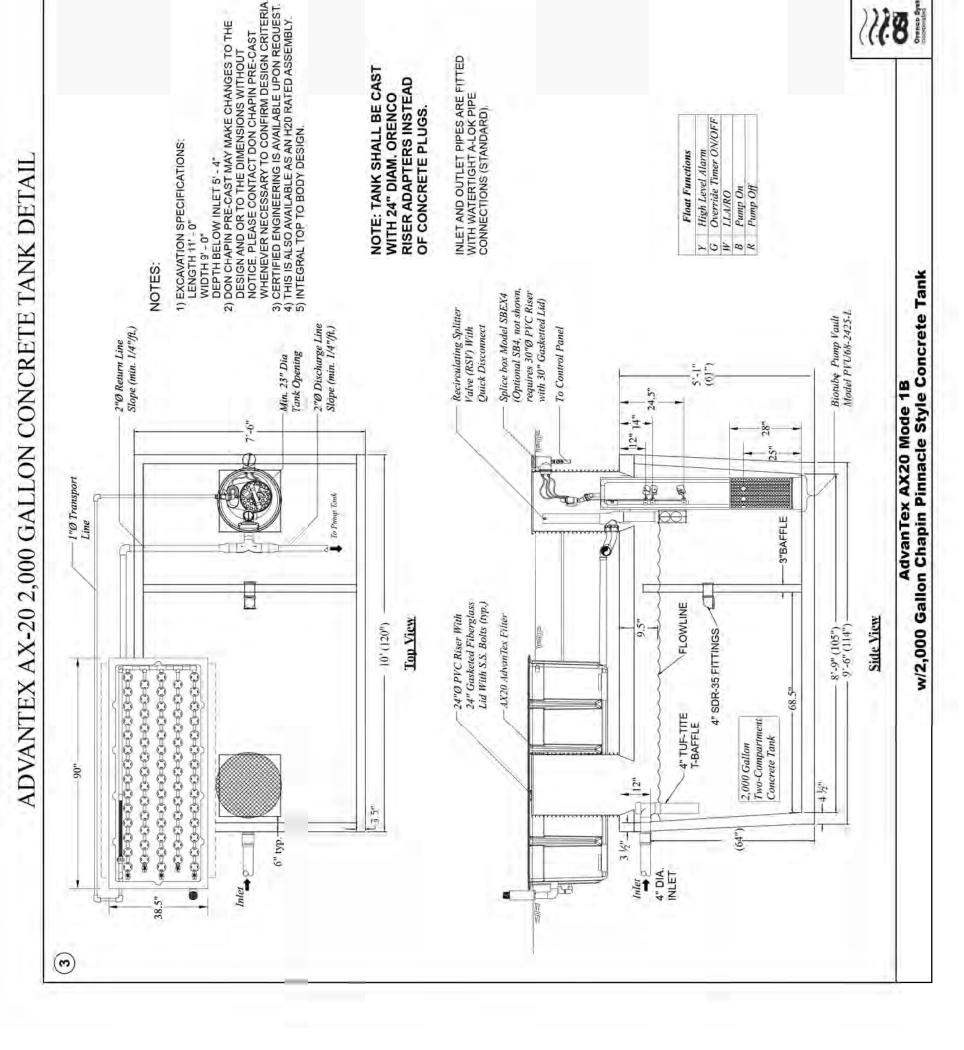
By: David Quinn / Andrew Brownstone

07/13/18

Date:







PROJECT DESCRIPTION

An onsite wastewater system specifying enhanced treatment using alternative technology is proposed to serve two new dwellings located at 1290 Casserly Rd, Watsonville, in Santa Cruz County, California. An engineered supplemental treatment system with subsurface drip dispersal is specified to provide to mitigate high groundwater on the subject property.

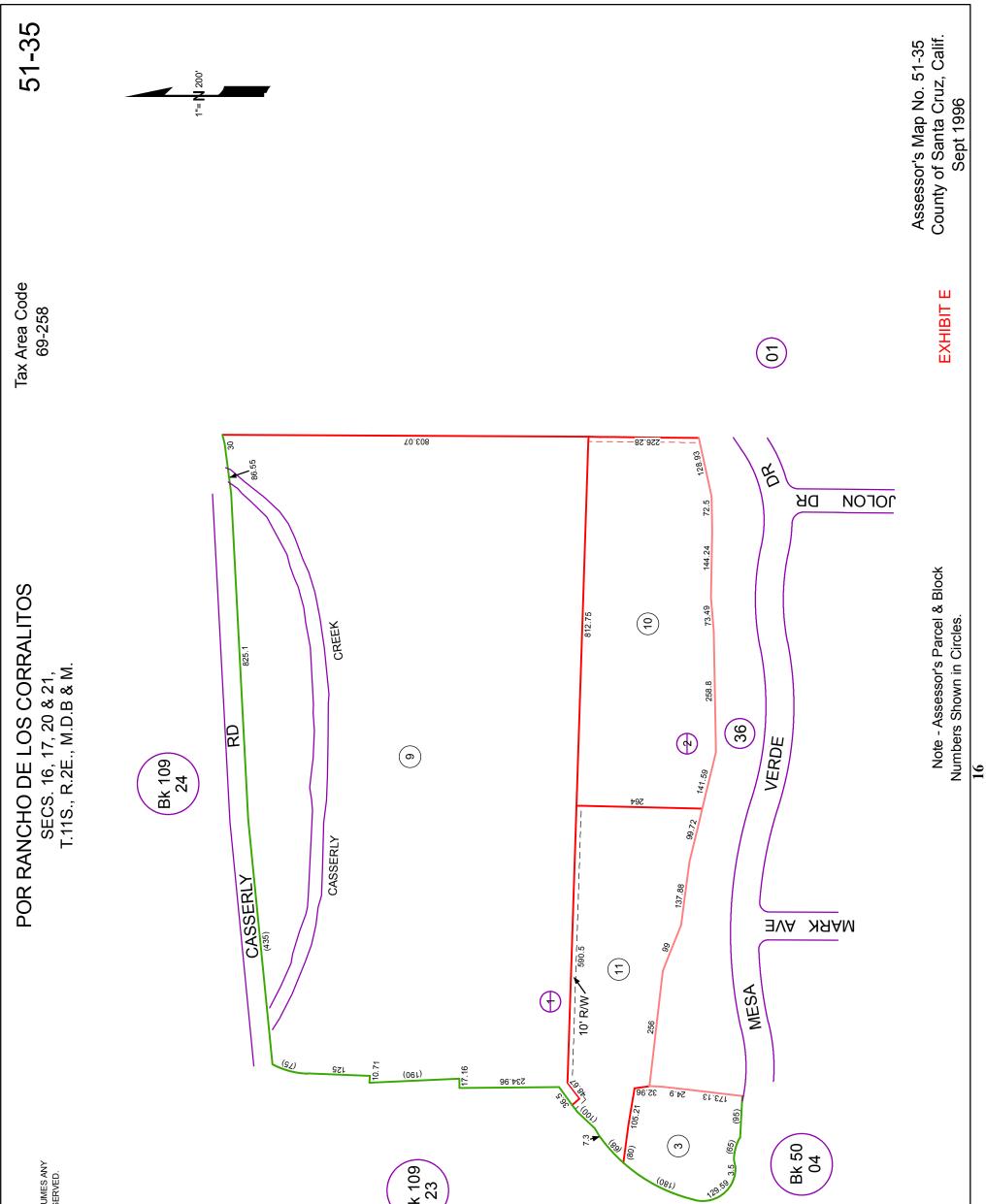
CONSTRAINTS & DESIGN CRITERIA

- The proposed system is designed to serve a proposed 4 bedroom main house and a 1 bedroom ADU, or a 3 bedroom main house and a 1 bedroom ADU, or a 3 bedroom main house and a 2 bedroom ADU, with a design wastewater flow of 595 gallons per day (gpd). The AdvanTex^{1N} wastewater treatment system component specified is sized for regular wastewater flow rates of 595 gpd. with occasional peak flows of up to 1,000 gpd. Drip dispersal is specified due to high groundwater conditions encountered on the property. No wells, springs or watercourses are situated within 100' of the proposed Onsite Wastewater Treatment System.
- . .

SPECIFICATIONS

- Building Sewer Lines. & Proposed Processing Tank.
 I.1. A 4" ABS building sewer line shall be installed to convey all raw sewage from dwelling to the processing tank. All gravity sewer piping must maintain a minimum 2% continuous gradient. *All wastewater including graywater shall be discharged to the processing tank.* I.2. Locate a 2-way, 4" ABS cleanout fittings on the building sewer to facilitate snaking and line location.
 I.2. Locate a 2-way, 4" ABS cleanout fittings on the building sewer to facilitate snaking and line location.
 I.3. A 2,000 gallon, concrete, Chapin, pinnacle style tank, is specified for use as a processing tank with the proposed AdvanTex^{na} (Mode 1) treatment system. The tank shall have 24" diameter OSI access risers with fiberglass, bolt-down lids (brown). The tank shall be installed according to the manufacturers guidelines including any anti-flotation specifications.
 I.4. The tank hole shall be excavated so that the tank sits level. Install the access risers with a watertight joint using the adhesives supplied by manufacturer.
 I.5. Install the tank with a watertight joint. Cap off or use a test plug on this fitting and fill the tank with clean water 2" above the joint between the riser and the tank top. Repair any leaks.
 I.6. Obtain a watertight tank inspection by EH and the designer or distributor with 24 hours notice to each.

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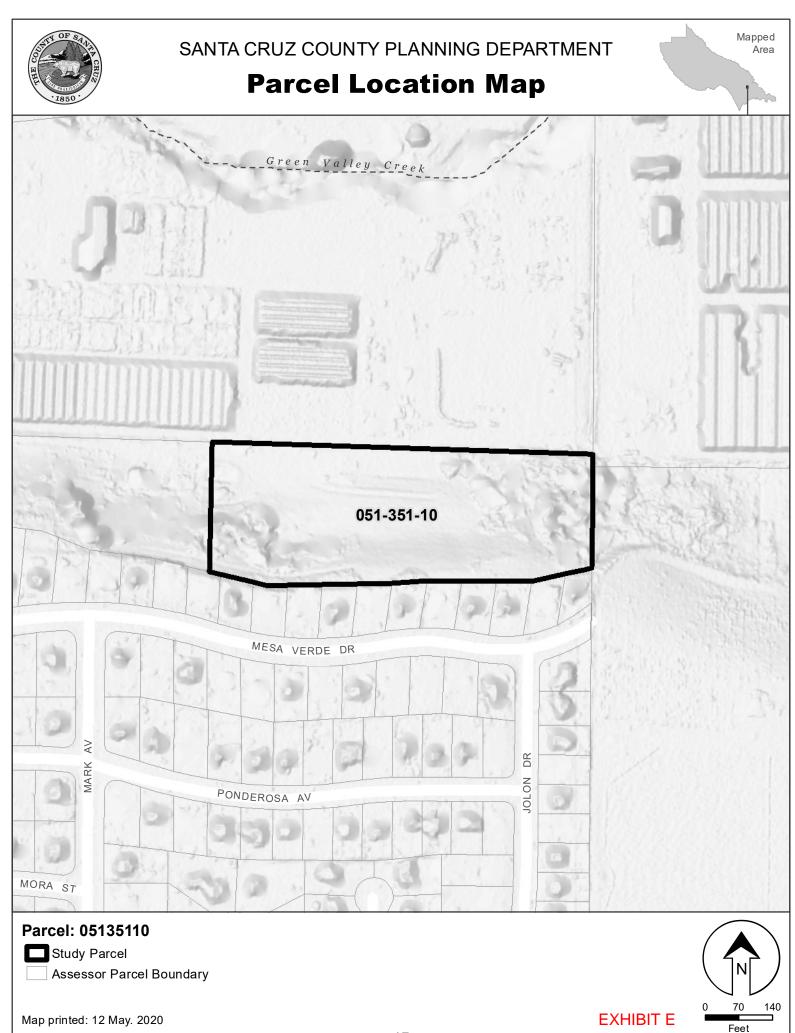


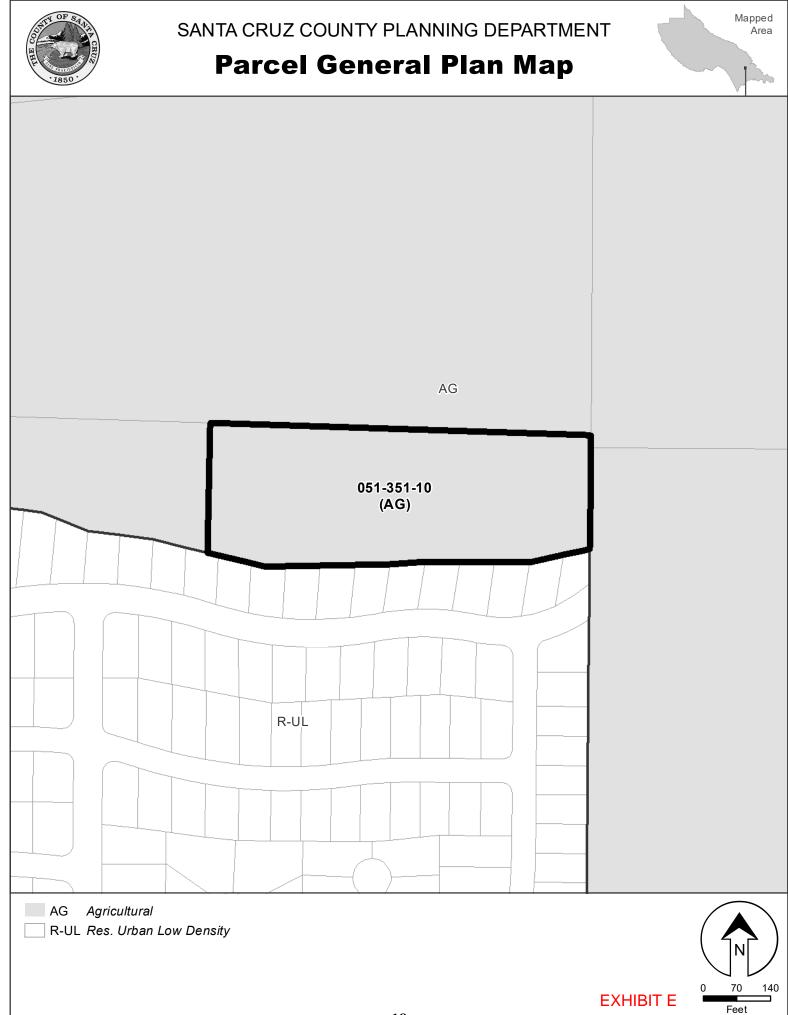
FOR TAX PURPOSES ONLY

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(friend) Rev 11/5/08 CB (Spatial Adjustment) Rev 6/7/01 mvm (changed page refs.) Rev 1/7/02 mvm (TCA) Electronically repositioned 11/20/96 CB Rev 11/20/96 CB (Por to pg 51-62) Rev 4/15/98 CB (Tax Consolidation)





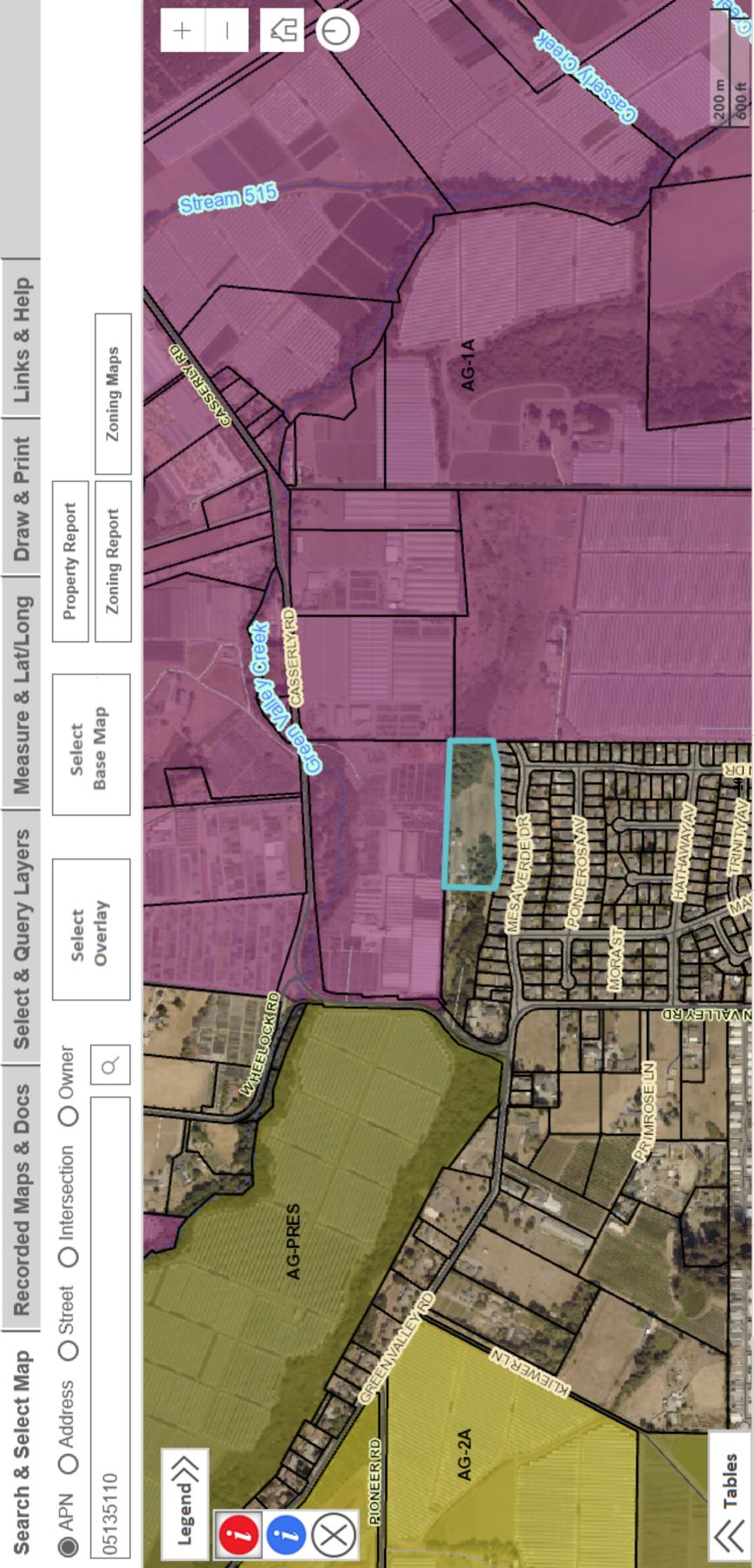


Parcel Zoning Map

Mapped

Area





Parcel Information

Services Information

Urban/Rural Services Line: Water Supply: Sewage Disposal: Fire District: Drainage District:

Parcel Information

__Inside <u>X</u> Outside Well Septic Pajaro Valley Fire Protection District Zone 7 Flood Control District

Parcel Size: Existing Land Use - Parcel: Existing Land Use - Surrounding: Project Access: Planning Area: Land Use Designation: Zone District: Coastal Zone: 5 acres Vacant (unpermitted dwelling to be recognized) Residential & commercial agriculture Casserly Road & private driveway Pajaro Valley AG (Agriculture) A (Agriculture) Inside X Outside