



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **231538**

Applicant: Valerie Hart
Owner: Jorge Hernandez
APN: 110-011-38
Address: 238 Casserly Road, Watsonville
95076

Date: October 17, 2024
Agenda Item #:
Time: 1:30 p.m.

Project Description: Proposal to reduce the required Agricultural Buffer Setback from 200' to 30' along the western property line, and from 200' to 40' along the northern property line, to allow construction of a single-family dwelling and an accessory dwelling unit (ADU).

Location: Property is located on the northern side of Casserly Road (238 Casserly Road), approximately 600 feet west of the intersection of Casserly Road and Webb Road in Watsonville.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Approval of Application 231538, based on the attached findings and conditions.

Analysis and Discussion

The project site is located at 238 Casserly Road in Watsonville. The proposed project involves constructing a single-family dwelling and an accessory dwelling unit on a 4.11-acre parcel. The building site is within 200 feet of Commercial Agricultural land to the west and the north. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 132 feet from APN 110-011-37 and 98 feet from APN 110-011-02.

The subject property is characterized by flat agricultural land that is actively used for crop production. The parcel is located outside of the Urban and Rural Services Line and the surrounding properties can be described as an agricultural neighborhood with residential units on site. The parcel is located within the AG (Agriculture) General Plan designation with the implementing zone district being CA (Commercial Agriculture). Commercial Agriculture zoned land is situated within 200 feet at the western and northern side of the subject parcel at Assessor's Parcel Numbers 110-011-37 and 110-011-02, respectively.

The proposed single-family dwelling and accessory dwelling unit will be located in the northern section of the parcel. The nonagricultural development will be sited to minimize potential impacts to the agricultural production area, and to remove as little land as possible from production. A portion of land intended for development is currently not used for agricultural production. The ADU will be located within 100 feet of the dwelling, as required by the agricultural site development standards.

A reduced agricultural buffer along the western property line is recommended because the proposed location of the non-agricultural development is sited to minimize the loss of land from agricultural production. The applicant is proposing a solid six-foot fence at the upper-western side of the parcel with an evergreen hedge of Sugar Bush (*Rhus Ovata*) plantings. This is intended to reduce the impact of agricultural activities on the proposed residential use, and to protect the agricultural interests on the Commercial Agriculture zoned parcel(s).

A reduced agricultural buffer along the northern property line is also recommended due to an elevation difference between the subject parcel and the CA zoned parcel to the north. Additionally, a substantial amount of permanent vegetation situated in the heavily sloped area between the two parcels. Given the sloping topography of this area, it would be considered unsuitable for future development.

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

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to 98 feet along the northern property line, and from 200 feet to 132 feet along the western property line, to allow construction of a single-family dwelling and ADU adjacent to CA zoned property (APN 110-011-37 and APN 110-011-02), proposed under Application 231538, 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 Division, 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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Principal Planner
Development Review

Exhibits

- A. Findings
- B. Conditions
- C. Project plans
- D. Assessor's, Location, Zoning and General Plan Maps
- E. Parcel information

**Required Findings for Agricultural Buffer Setback Reduction
SCCC 16.50.095(D)(1)**

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

This finding can be made, in that significant topographical differences exist between the subject parcel and APN 110-011-02. The proposed building site is 34-feet higher in elevation than the adjacent parcel zoned for Commercial Agriculture to the north. The sloped area between the parcels is also heavily vegetated with mature trees and shrubs; therefore, additional landscaping and a solid fence along the northern property line have not been required.

- (c) A lesser setback distance is found to be adequate to prevent conflicts between the nonagricultural 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 that effectively supplants the need for a 200-foot agricultural buffer setback; or

This finding can be made, in that the location of the proposed development is in line with the adjacent residential development to the west. The applicant is proposing to install a 6-foot-tall solid board fence along the shared driveway easement on the western property line. There are existing, mature shrubs on the neighboring property; however, the applicant is proposing to install vegetation alongside the new fence. The establishment of a physical barrier and substantial vegetation will minimize conflicts between the nonagricultural development and the adjacent agricultural development on the adjacent agricultural land.

**Required Finding for Agricultural Buffer Setback Reduction on Commercial Agriculture
(CA) Zoned Land - SCCC 16.50.095(D)(3)**

- (3) Minimize land use conflicts. In the event that an agricultural buffer setback reduction is proposed and the proposed nonagricultural development is located on Type 1, Type 2 or Type 3 commercial agricultural land, the nonagricultural development shall be sited so as to minimize possible conflicts between the agricultural land use located on the subject parcel, and the nonagricultural development shall be located so as to remove as little land as possible from production or potential production.

This finding can be made in that the proposed location of the non-agricultural development will be sited in an area that minimizes conflicts between the agricultural land use and the residential development. The proposed development will be sited in the northern portion of the parcel, in an area that is currently not being used for agricultural production. This will minimize possible conflicts by preserving the areas currently being used for agricultural production.

**Required Findings for Development on Land Zoned Commercial Agriculture or
Agricultural Preserve - SCCC 13.10.314(B)**

- (1) That the use will be sited to minimize conflicts with commercial agricultural activities on site, where applicable, or in the area;

This finding can be made in that the proposed location of the non-agricultural development will be sited in an area that minimizes conflicts between the agricultural land use and the residential development. The proposed development will be sited in the northern portion of the parcel, in an area that is currently not being used for agricultural production. This will minimize possible conflicts by preserving the areas currently being used for agricultural production.

- (2) That the use is sited on the property to avoid removing land from production and to preserve agricultural resource soils. If avoidance and preservation are not possible, remove as little land as possible from agricultural production and future production;

This finding can be made in that the proposed residential uses on site will be clustered and sited away from the agricultural production area. The remaining farmable portion of the parcel is large enough to support future agricultural production.

- (3) That the owners of the parcel have executed binding hold harmless covenants with the owners and agricultural operators of adjacent agricultural parcels. Such covenants shall run with the land and shall be recorded prior to issuance of the use permit; and

This finding can be made in that the project has been conditioned accordingly to execute hold harmless covenants with the owners and agricultural operators of adjacent agricultural parcels.

- (4) For the establishment of a single-family dwelling or ADU on a CA parcel in the Coastal Zone, the following additional finding applies: that the parcel is less than one acre in size; or that the parcel has physical constraints (such as adverse topographic, geologic, hydrologic, or vegetative conditions) other than size that preclude commercial agricultural use; or that the residential use will be ancillary to commercial agricultural use of the parcel based on the fact that either:

- (a) The farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography and climate of the area; or

- (b) The owners of the subject parcel have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

This finding does not apply to this project, as the subject parcel is not located within the Coastal Zone.

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 Santa Cruz County Planning 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 Santa Cruz County Planning 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 Santa Cruz County Planning. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with Santa Cruz County Planning. 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 132 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 110-011-37.
 3. A development setback of a minimum of 98 feet from the accessory dwelling unit to the adjacent Commercial Agriculture zoned parcel APN 110-011-02.
 4. 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 Santa Cruz County Planning staff.

- B. The owner shall record a Statement of Acknowledgement, as prepared by Santa Cruz County Planning, and submit proof of recordation to Santa Cruz County Planning. 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 Santa Cruz County Planning's Agricultural Planner, a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official and/or the County Senior Civil Engineer.
- IV. Operational Conditions
 - A. The vegetative and physical barrier shall be permanently maintained.
 - B. All required Agricultural Buffer Setbacks shall be maintained.
 - C. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, up to and including permit revocation.
- V. 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.

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.

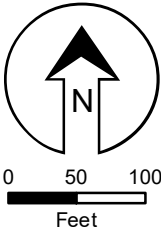
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Parcel Location Map



Parcel: 11001138
 Study Parcel
 Assessor Parcel Boundary





Parcel General Plan Map

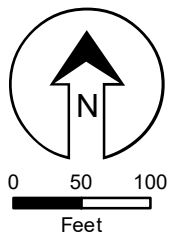


Mapped
Area

AG

110-011-38
(AG)

AG Agricultural








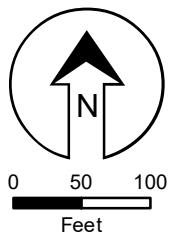
Parcel Zoning Map



Mapped
Area

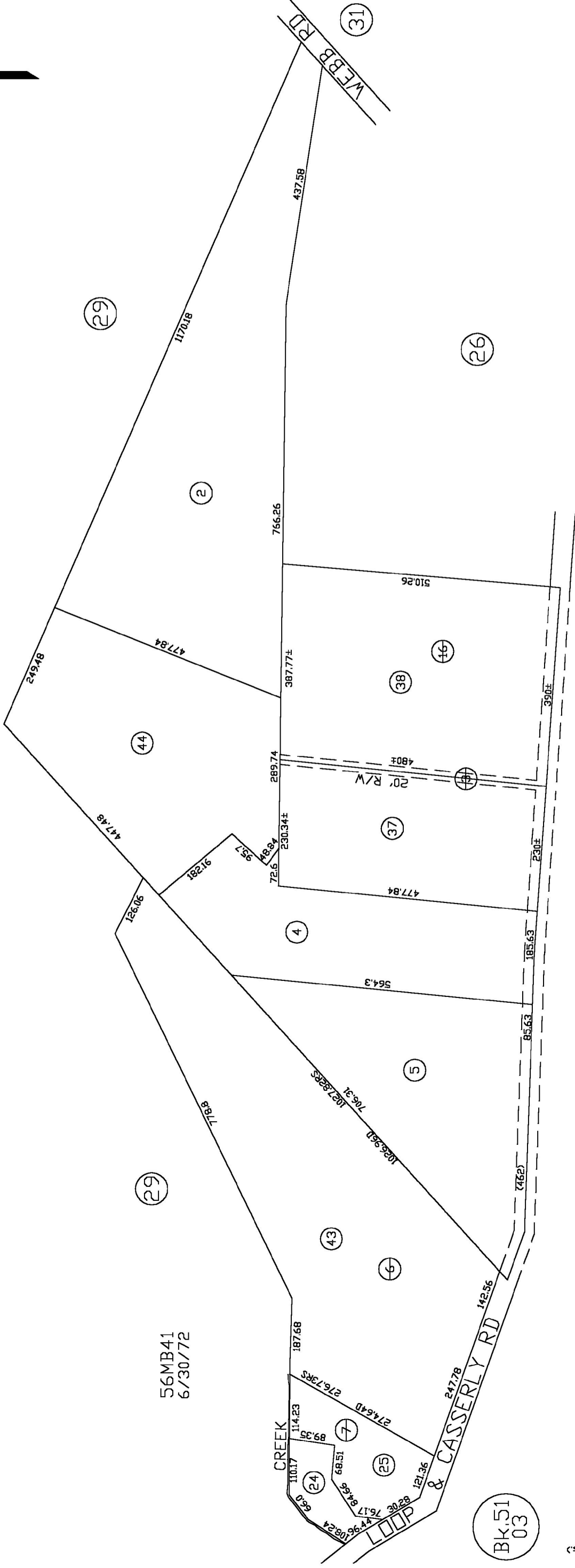
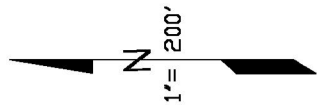


-  A Agriculture
-  CA Commercial Agriculture
-  RA Residential Agricultural



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Electronically drawn 9/18/96 KSA
Rev. 4/8/98 CB (Tax Consolidation)
Rev. 10/16/01 nvm (changed page refs.)

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73RS5
10/25/83

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

Assessor's Map No. 110-01
County of Santa Cruz, Calif.
Sep. 1996

Parcel Information

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Private Well
Sewage Disposal: Septic
Fire District: Pajaro Valley FPD
Drainage District: Flood Control Zone 7

Parcel Information

Parcel Size: 4.11 acres
Existing Land Use - Parcel: Commercial Agriculture
Existing Land Use - Surrounding: Commercial Agriculture, Residential Agriculture
Project Access: Casserly Road
Planning Area: Salsipuedes
Land Use Designation: AG (Agriculture)
Zone District: CA (Commercial Agriculture)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal ☐ Yes ☒ No
Comm.

Environmental Information

Geologic Hazards: Not mapped
Fire Hazard: Not a mapped constraint
Slopes: 0-15%
Env. Sen. Habitat: Not mapped
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Archeology: Mapped constraint, no physical evidence on site