

## STAFF REPORT TO THE AGRICULTURAL POLICY ADVISORY COMMISSION

**APPLICATION NO.:** 03-0525      **APN:** 109-131-10  
**APPLICANT:** Richard Beale and Associates (Betty Cost)  
**OWNER:** Plant Sciences, Inc.

**PROJECT DESCRIPTION:** Proposal to construct a 1,152 square foot open sided pool cabana to include a 70 square foot bathroom. Requires a Residential Development Permit for a Non-habitable accessory structure of over 1,000 square feet with a bathroom, a Soils Report Review, and an Agricultural Buffer Determination.

**LOCATION:** Property located on the north side of Lichfield Lane (120 Lichfield Lane) at about 1,000 feet northwest of the intersection with Green Valley Road.

**PERMITS REQUIRED:** Agricultural Buffer Setback Reduction, Residential Development Permit, and Soils Report Review

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt - Class 3

**COASTAL ZONE:** —Yes ☒ No      **APPEALABLE TO CCC:** \_\_\_Yes ☒ No

### PARCEL INFORMATION

<b>PARCEL SIZE:</b>	Approximately 19.6 acres
<b>EXISTING LAND USES</b>	
<b>PARCEL:</b>	Single-family dwelling and second unit, some animal keeping
<b>SURROUNDING:</b>	Commercial Agriculture, single-family dwellings
<b>PROJECT ACCESS:</b>	Driveway off of Litchfield Lane
<b>PLANNING AREA:</b>	Eureka Canyon
<b>LAND USE DESIGNATION:</b>	A (Agriculture)
<b>ZONING DISTRICT:</b>	CA (Commercial Agriculture)
<b>SUPERVISORIAL DISTRICT:</b>	Supervisorial District 4 (Supervisor Tony Campos)

### ENVIRONMENTAL INFORMATION

a. Geologic Hazards	a. Potential landsliding, within County Fault Zone
b. Soils	b. Elder Sandy Loam (129), Los Osos Loam (146), Soquel Loam (170), Tierra-Watsonville complex (174), Watsonville Loam (179).
c. Fire Hazard	c. Mitigatable Fire Hazard
d. Slopes	d. 2 to 30%+
e. Env. Sen. Habitat	e. Riparian vegetation and habitat along <i>Green</i> Valley Creek at eastern property line.
f. Grading	f. No grading proposed
g. Tree Removal	g. No trees to be removed
h. Scenic	h. Not a mapped resource

- |                          |  |
|--------------------------|--|
| i. Drainage              | i. Existing drainage adequate              |
| j. Traffic               | j. No increase in traffic                  |
| k. Roads                 | k. Existing roads adequate                 |
| l. Parks                 | l. Existing park facilities adequate       |
| m. Sewer Availability    | m. Private septic system                   |
| n. Water Availability    | n. Private well system.                    |
| o. Archeology            | o. Potential archeological remains on site |
| p. Agricultural Resource | p. Type 1A (Viable Agricultural Land)      |

### **SERVICES INFORMATION**

Inside Urban/Rural Services Line: ☐ Yes ☒ No

Water Supply: Private well

Sewage Disposal: Private septic system

Fire District: Pajaro Valley Fire

Drainage District: Zone 7 Flood Control/Water Conservation District

### **ANALYSIS AND DISCUSSION**

The property owner proposes to construct a 1,875 square foot pool, a hot tub (labeled “spa” on the site plan), a 1,152 square foot open sided pool house with 70 square foot enclosed bathroom, and a surrounding patio. The proposed project requires an Agricultural Buffer Determination as the patio, hot tub, and the southern portion of the pool are proposed to be 167 feet from an adjacent parcel zoned for Commercial Agriculture (APN 109-131-11), requiring a reduction in the 200 foot agricultural buffer setback.

The reduction in agricultural buffer setbacks will not impact existing agricultural uses as the parcel in question (APN 109-131-11) contains no agricultural operations and cannot support a viable agricultural operation in the future due to its small size (about 3 acres). This parcel is currently occupied by a single-family dwelling. The proposed pool and associated structures are more than 200 feet from other neighboring CA zoned parcels.

The pool, hot tub, and pool house are proposed on a CA zoned parcel with a single-family dwelling and an agricultural caretakers unit. The property is designated Type 1A agricultural land (viable agricultural land), but the area of the proposed pool and associated structures is not viable for any major agricultural operation besides animal grazing due to the surrounding topography. The proposed development will not impact existing animal-raising activities on the eastern half of the property.

After approval of the reduction in agricultural buffer setbacks, this application will require the approval of a Residential Development Permit for a non-habitable accessory structure greater than 1,000 square feet and the construction of a bathroom within an accessory structure. This portion of the application will be processed administratively at a Level **IV** review level, requiring public notification but no public hearing.

## RECOMMENDATION

Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 190 feet to the single-family dwelling from the adjacent CA zoned property known as APN 109-131-11, proposed under Application # 03-0525, based on the attached findings and recommended conditions.

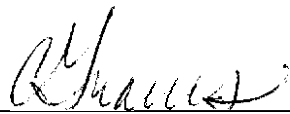
## EXHIBITS

- A. Project plans
- B. Findings
- C. Conditions
- D. Assessor's parcel map
- E. Zoning map

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.

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Report Reviewed By: \_\_\_\_\_

  
Cathy Graves  
Principal Planner  
Development Review

**REQUIRED FINDINGS FOR AGRICULTURAL BUFFER SETBACK REDUCTION**  
**COUNTY CODE SECTION 16.50.095(b)**

1. SIGNIFICANT TOPOGRAPHICAL DIFFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT SETBACK; OR

Significant topographical differences exist between the location of the proposed pool and APN 109-131-11, allowing for a reduction in the required 200 foot setback to about 167 feet. No agricultural use exists on this parcel (the current use is one single-family dwelling), *so* no buffers will be required. The proposed pool, pool house, and spa are located more than 200 feet from any other adjacent CA zoned properties.

2. PERMANENT SUBSTANTIAL VEGETATION OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT BUFFER SETBACK, OR A LESSER SETBACK DISTANCE IS FOUND TO BE ADEQUATE TO PREVENT CONFLICTS BETWEEN THE NON-AGRICULTURAL DEVELOPMENT AND THE ADJACENT AGRICULTURAL USES, 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; AND/OR SOME OTHER FACTOR WHICH EFFECTIVELY SUPPLANTS THE 200 FOOT BUFFERING DISTANCE TO THE GREATEST DEGREE POSSIBLE; OR

All proposed development is proposed to be set back 167 feet from the adjacent Commercial Agriculture zoned land. No barriers are required **as** the subject CA zoned parcel contains no agricultural uses and is too small (at approximately 3 acres) for a viable agricultural operation.

3. THE IMPOSITION OF A 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, OR VEGETATIVE SCREENING OR OTHER TECHNIQUES TO PROVIDE THE MAXIMUM BUFFERING POSSIBLE, CONSISTENT WITH THE OBJECTIVE OF PERMITTING BUILDING ON A PARCEL OF RECORD.

**An** agricultural buffer setback of 200 feet **from** parcel number 109-131-11 is unnecessary as no agricultural use currently exists on the site and the size of the parcel (at 3 acres) preclude any future viable agricultural use.

**4. REQUIRED FINDINGS FOR NON-AGRICULTURAL DEVELOPMENT ON COMMERCIAL AGRICULTURAL LAND, COUNTY CODE SECTION 16.50.095(e).**

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON TYPE 1, TYPE 2 OR TYPE 3 AGRICULTURAL LAND SHALL BE SITED SO AS TO MINIMIZE POSSIBLE CONFLICTS BETWEEN AGRICULTURE IN THE AREA AND NON-AGRICULTURAL USES, AND WHERE STRUCTURES ARE TO BE LOCATED ON AGRICULTURAL PARCELS, SUCH STRUCTURES SHALL BE LOCATED SO AS TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION OR POTENTIAL PRODUCTION.

The subject property is zoned CA (Commercial Agriculture) and is designated Type 1A (Viable Agricultural Land). The proposed location of the pool, pool house, and hot tub are on a portion of the parcel unsuitable for sizable agricultural operations with the exception of grazing. The area of the proposed pool and poolhouse is flat, but the surrounding topography with slopes greater than **30%** limits agricultural uses on the western half of the property. The eastern half of the property is flat, and is currently used for animal raising.

## **CONDITIONS OF APPROVAL**

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN (109-131-11). 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 approval from the Planning Department for a Residential Development Permit to construct a non-habitable accessory structure greater than 1,000 square feet and to construct ~~an~~ accessory structure with a bathroom.
  - C. Obtain a Building Permit and Grading Permit from the Santa Cruz County Building Official.
- 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 Exhibit A on file with the Planning Department. The final plans shall include the following additional information:
    1. A development setback of a minimum of 170 feet from the pool, hot tub, patio, and pool house to the adjacent Commercial Agriculture zoned ~~parcel~~ APN 109-131-11.
  - 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. 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.

**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 TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.**

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

# 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: 03-0525

Assessor Parcel Number: 109-131-10

Project Location: 120 Litchfield Lane

**Project Description: Agricultural Buffer Setback Reduction for proposed pool**

**Person or Agency Proposing Project: Richard Beale and Associates (Betty Cost)**

**Contact Phone Number: (831) 728-7771**

- 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).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 3- Construction of small structures (15303)

**F. Reasons why the project is exempt:**

The pool house and pool are small structures which are categorically exempt

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

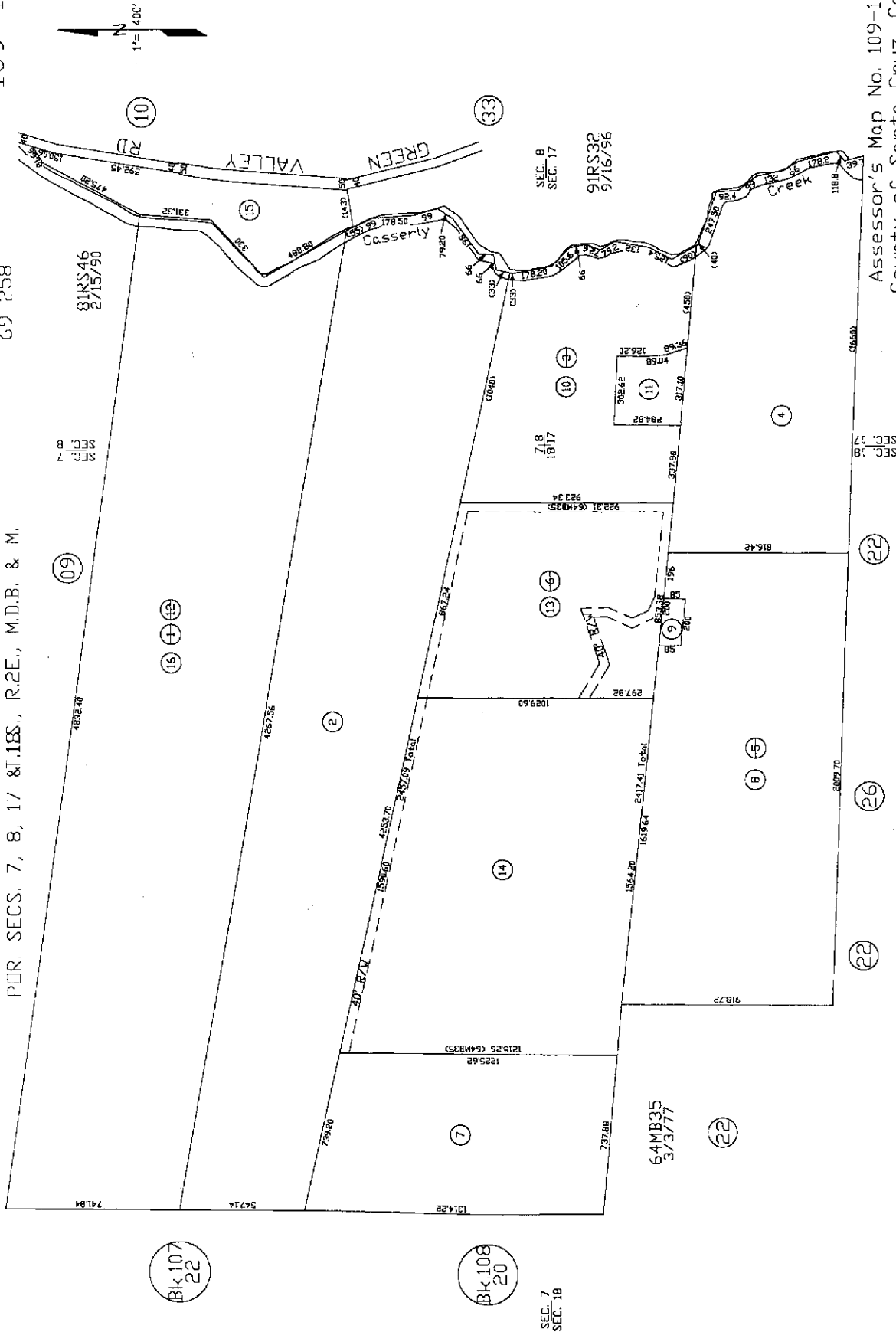
\_\_\_\_\_  
David Keyon, Project Planner

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

RANCHO DE LOS CORRALITOS  
PER. SECS. 7, 8, 17 & 18S., R2E., M.D.B. & M.

Tax Area Code  
69-258

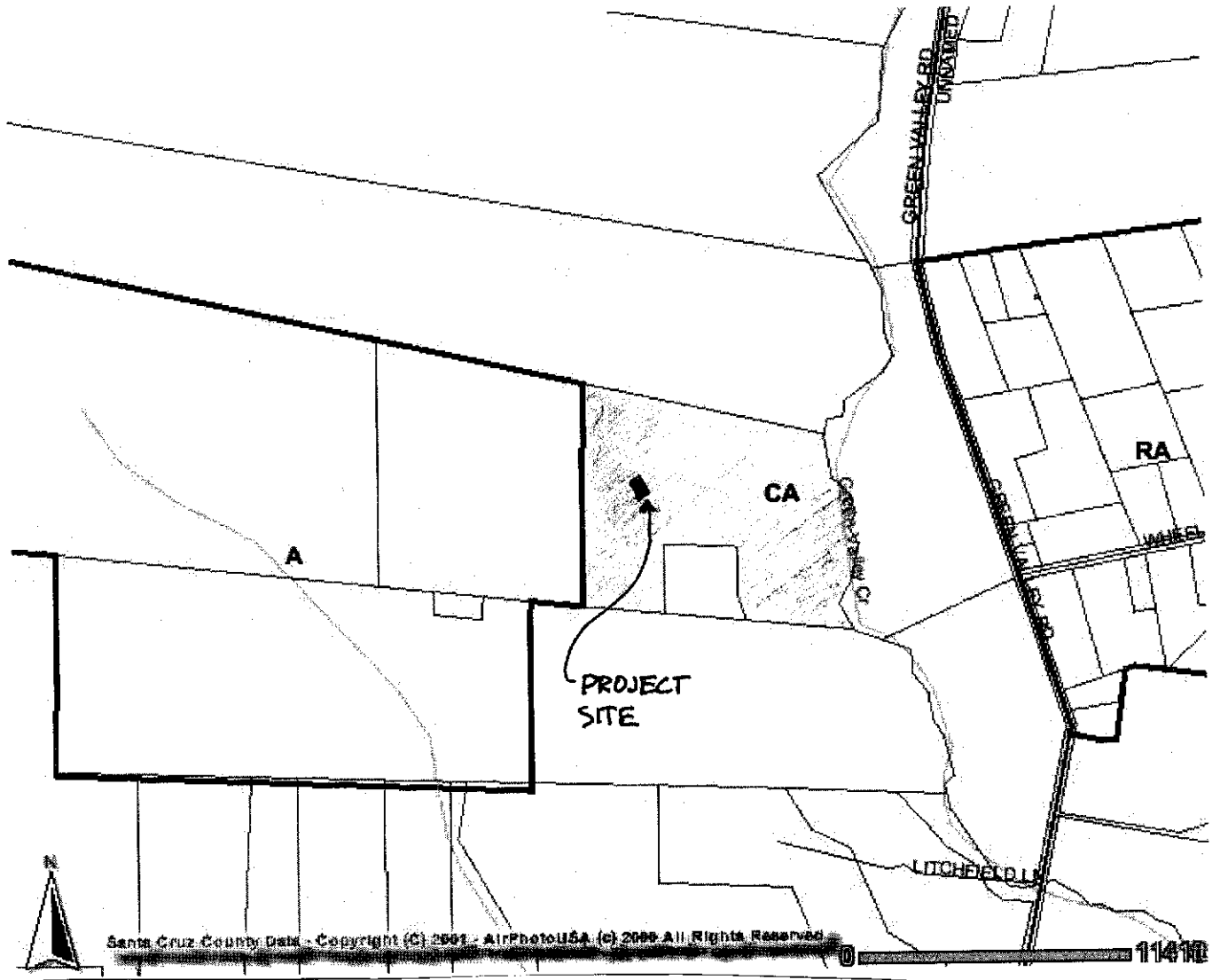
109-13



22) 26) Note - Assessor's Parcel & Block

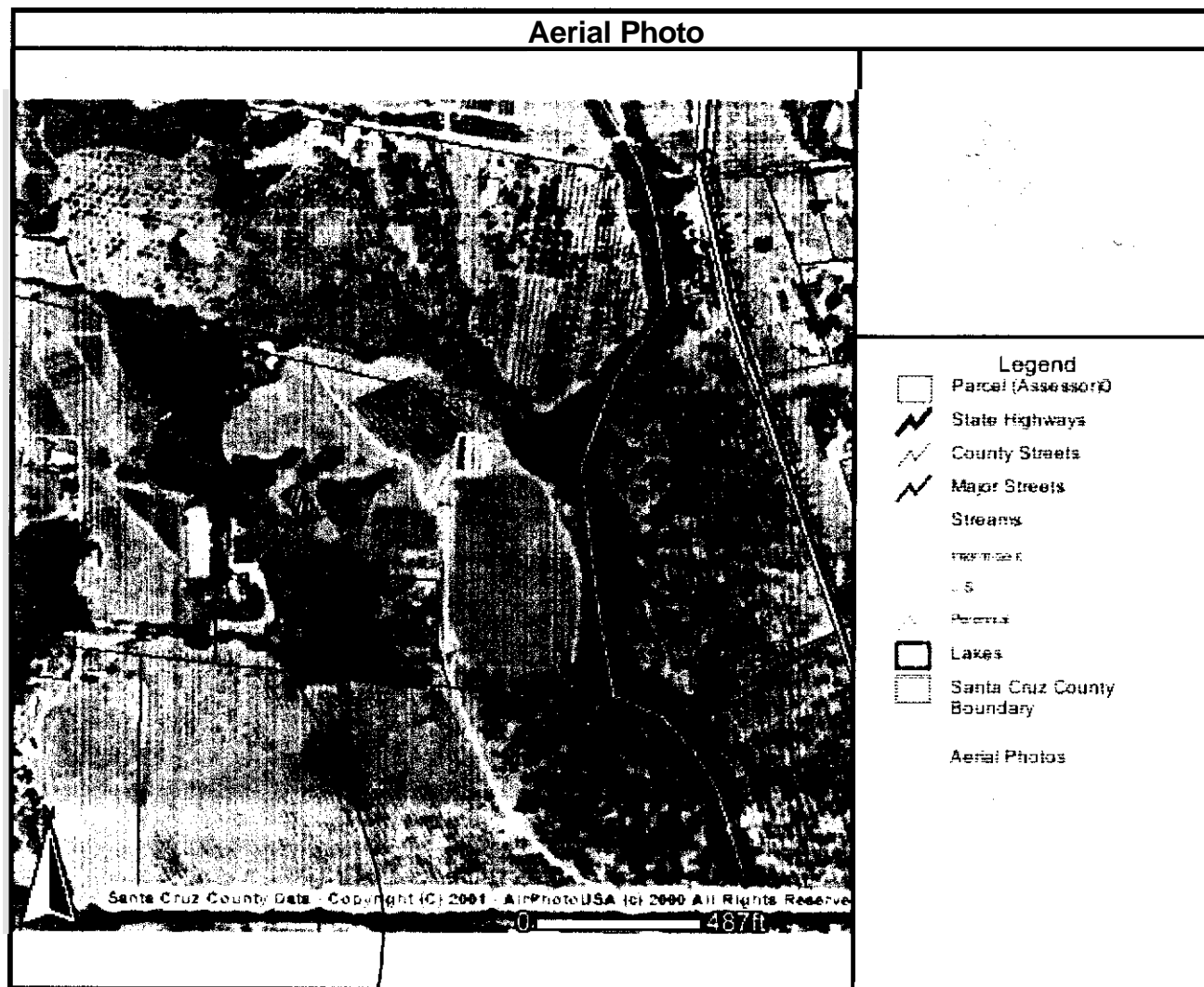
Assessor's Map No. 109-13  
County of Santa Cruz, Calif.  
May 1997

# ZONING MAP



## KEY

CA Commercial Agriculture  
A Agriculture  
RA: Residential Agriculture



SITE OF PROPOSED POOL, POOL HOUSE, AND HOT TUB

EXHIBIT F