



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **00-0532**

Applicant: David Draeger
Owner: David Draeger; Linda Taylor
APN: 045-141-65 and 68

Agenda Date: November 18, 2004
Agenda Item #: 9
Time: 1:30p.m.

Project Description: Proposal to construct a new two-story single-family dwelling with an attached workshop, ramada and a detached carport on APN 045-141-65 and to substantially remodel and construct an addition to an existing single family dwelling, to construct a detached garage with a habitable accessory structure above, and Preliminary Grading Approval for less than 250 cubic yards of associated grading.

Location: The project is located between San Andreas Road, Sells Drive and Loma Drive about 200 feet south of the intersection of San Andreas Road and Mar Monte Drive (at 1572 San Andreas Road and 200 Sells Road)

Supervisory District: 2nd District (District Supervisor: Pirie)

Permits Required: Agricultural Buffer Setback Reduction, Coastal and Residential Development Permits

Staff Recommendation:

- Approval of the Agricultural Buffer Reduction for Application 00-0532, based on the attached findings and **conditions**.

Exhibits

- | | | | |
|----|-----------------------|----|----------------------------|
| A. | Project plans | E. | Zoning & General Plan Maps |
| B. | Findings | F. | Site Photographs |
| C. | Conditions | G. | Ag. Buffer Permit 90-0094 |
| D. | Assessor's Parcel Map | | |

Parcel Information

Parcel Size:	045-141-65 – 9,525 square feet
	045-141-68 – 12,288 square feet
Existing Land Use - Parcel:	045-141-65 – vacant residential lot
	045-141-68 – existing single family dwelling

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Existing Land Use - Surrounding: Residential and commercial agriculture
Project Access: 045-141-65 – San Andreas Road
045-141-68 – Loma Drive
Planning Area: La Selva Beach
Land Use Designation: R-UL (Urban low density residential)
Zone District: R-1-6 (Single family residential - 6,000 sq.ft. lot
minimum)
Coastal Zone: XX Inside Outside
Appealable to Calif. Coastal Comm. Yes XX No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: 129 - Elkhorn sandy loam
Fire Hazard: Not a mapped constraint
Slopes: Sloping lots
Env. *Sen.* Habitat: Mapped/no physical evidence on site
Grading: Minor grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Mapped resource (San Andreas Road)
Drainage: Drainage plan
Traffic: Minor increase
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archaeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: Not in the Within the Urban/Rural Boundary
USL
Water Supply: San Andreas Mutual
Sewage Disposal: septic
Fire District: Aptos-La Selva Fire
Drainage District: None

Analysis and Discussion

The project is located on two sloping lots within the La Selva Beach planning area. Parcel 045-141-65 is an undeveloped lot fronting on **San** Andreas Road. An Agricultural Buffer Reduction similar to that currently proposed was approved in 1990 under Application 90-0094 (Exhibit G). This permit was never exercised and has subsequently lapsed. Parcel 045-141-68 is currently developed with an older home and is located adjacent to the northern (side yard) property line of parcel 65. The existing dwelling has a Sells Drive address, however, a new driveway is proposed from Loma Avenue. An extensive remodeling and addition are proposed for the existing dwelling on Parcel 68. In addition, the applicant proposes to construct a detached garage with an upstairs office on the lower portion of the property near Loma Avenue. **A** new residence is proposed on APN 045-141-68, a

currently vacant lot. Both parcels are existing lots of record and are zoned for residential use. Both properties are within 200 feet of commercial agricultural land (APN 046-021-05). The applicant is requesting the following reductions in the 200-foot agricultural buffer setback from APN 046-021-05:

APN 045-141-65		APN 045-141-68	
DWELLING	133 feet	DWELLING ADDITION	190 feet
CARPORT	170 feet	CARPORT	175 feet
		GARAGE & ACCESSORY STRUCTURE	100 feet

The proposed dwellings are located at the highest elevations of both lots. The proposed dwelling (APN 045-141-65) would be located at least 25 feet above Altivo Avenue. A large commercial structure, a dwelling and Altivo Avenue are located between APN 045-141-65 and the commercial agricultural property. The cultivated portion of the agricultural land is located on a bench at approximately the same elevation as the proposed residential project. An approximately 80-foot wide valley separates the two benches. Altivo Avenue and a heavily vegetated riparian corridor are located within this valley. The riparian corridor is within the commercial agricultural parcel boundaries, but land clearing is prohibited in this area. Consequently, the separation between the proposed project and the adjacent cultivated land is effectively 180 to over 200 feet.

Parcel 045-141-65 is only 100 feet in length, which would not allow for a 200-foot setback. Parcel 045-141-68 is larger in area, but its irregular geometry limits building locations. A reduced agricultural buffer is recommended, because the small size of these lots does not allow sufficient building area to provide the required 200-foot agricultural buffer setback. The distances provided in conjunction with the additional buffer of the riparian corridor are adequate to minimize conflicts between the existing agricultural use and the proposed residential uses. The property owners will be required to record a Statement of Acknowledgement regarding the issuance of a County building permit in an area determined by the County to be subject to agricultural-residential use conflicts.

Staff Recommendation

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 133 to the dwelling on APN 045-141-65 and to about 190 to the residential addition, about 175 feet to the carport and about 100 feet to the garage/habitable accessory structure (office) on APN 045-141-68, proposed under Application # 00-0532, based on the attached findings and recommended conditions.

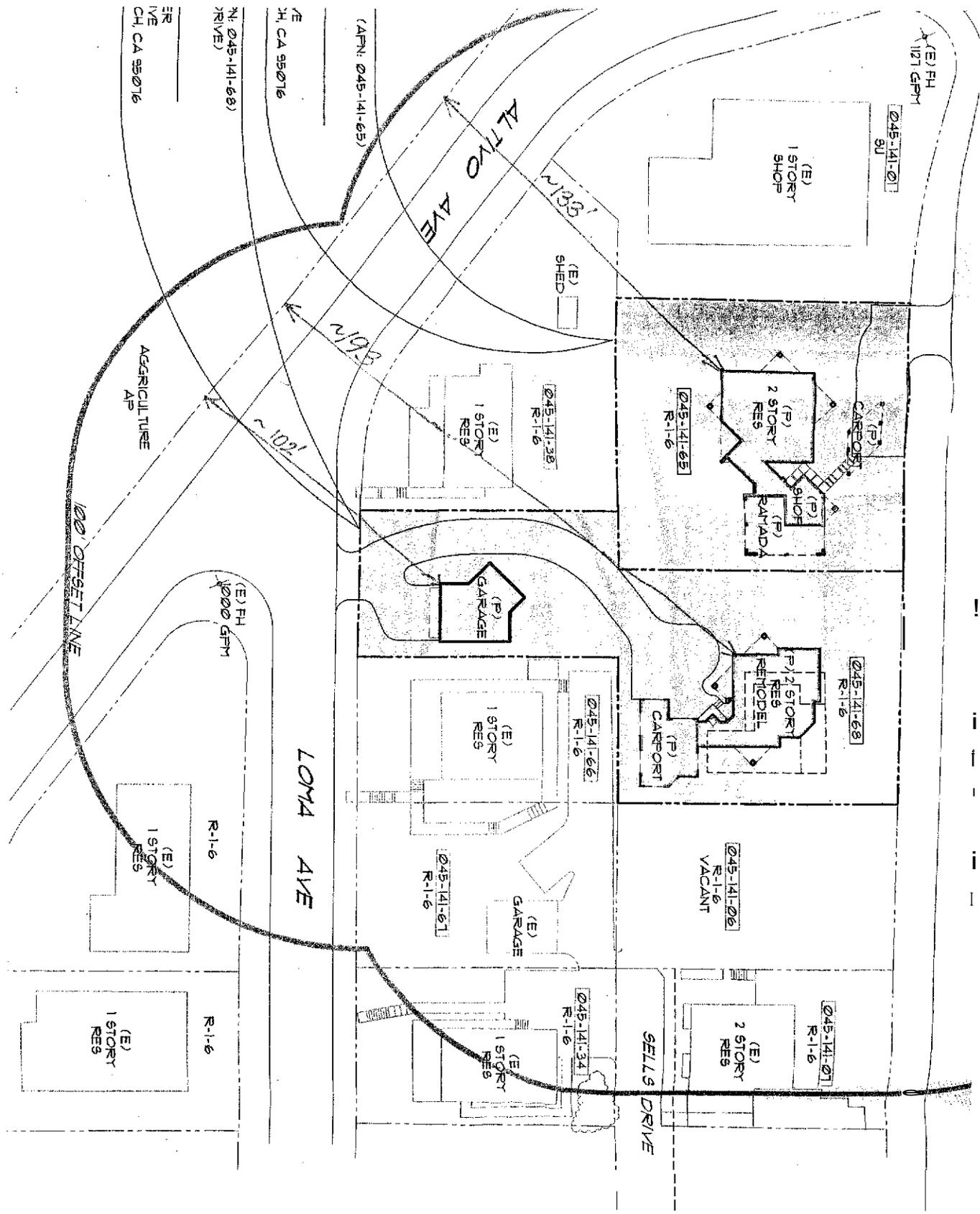
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are

Application#: 00-0532
APN: 045-141-65 and 68
Owner David **Draeger**; Linda **Taylor**

available online at: www.co.santa-cruz.ca.us

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Project Site Plan

**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
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
3. 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
4. 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.

The subject parcels are both less than $\frac{1}{4}$ acre in size and are not 200 feet wide. The small size of these lots does not allow sufficient building area to provide the required 200-foot agricultural buffer setback. The proposed building sites are located to meet the required zoning setbacks, and to maintain the maximum distance from the agricultural land. A heavily vegetated riparian corridor is located on the commercial agricultural property between the cultivated fields and the residential parcels. This vegetation is protected under Chapter 16.30 of the County Code (Riparian Protection Ordinance) and provides an additional buffer area. Consequently, the reduced agricultural buffers ranging from 100 to 190 feet will be adequate to meet the objectives of Chapter 16.50.

Application # 00-0532
APN: 045-141-65 and 68
Owner: David Draeger; Linda Taylor

REQUIRED FINDINGS FOR NON-AGRICULTURAL DEVELOPMENT ON OR ADJACENT TO COMMERCIAL AGRICULTURAL LAND

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO 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 parcels are zoned R-1-6 – Single Family Residential and are within 200 feet of an “AP” Agriculture Preserve zoned parcel. As discussed in Finding **4** above, the residential structures are sited so as to minimize possible conflicts by maintaining the maximum distance possible from the “AP”.

Agricultural Buffer Reduction Conditions of Approval

Exhibit A: Project plans prepared by Robinson & Robinson Architecture, revised 10/5/04

- I. This permit authorizes the reduction of the agricultural buffer setback from 200 feet to 133 feet to a new dwelling and 170 feet to a carport (APN 045-141-65), and to reduce the 200-foot agricultural buffer setback to 190 feet to the residential addition, 175 feet to the carport and to 100 feet to the garage/office (APN 045-141-68). 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 Building Permits 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 the plans marked Exhibit "A" on file with the Planning Department.
 - B. Complete and record a record a Statement of Acknowledgement regarding the issuance of a County building permit in an area determined by the County to be subject to agricultural-residential use conflicts on APN 045-141-65 and APN 045-141-68. You **may not alter the wording of** this document. Follow the instructions to record and return the form to the Planning Department.
- 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. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- IV. Operational Conditions
 - A. The agricultural buffer setbacks shown on Exhibit A shall be maintained.
 - B. 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, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

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.

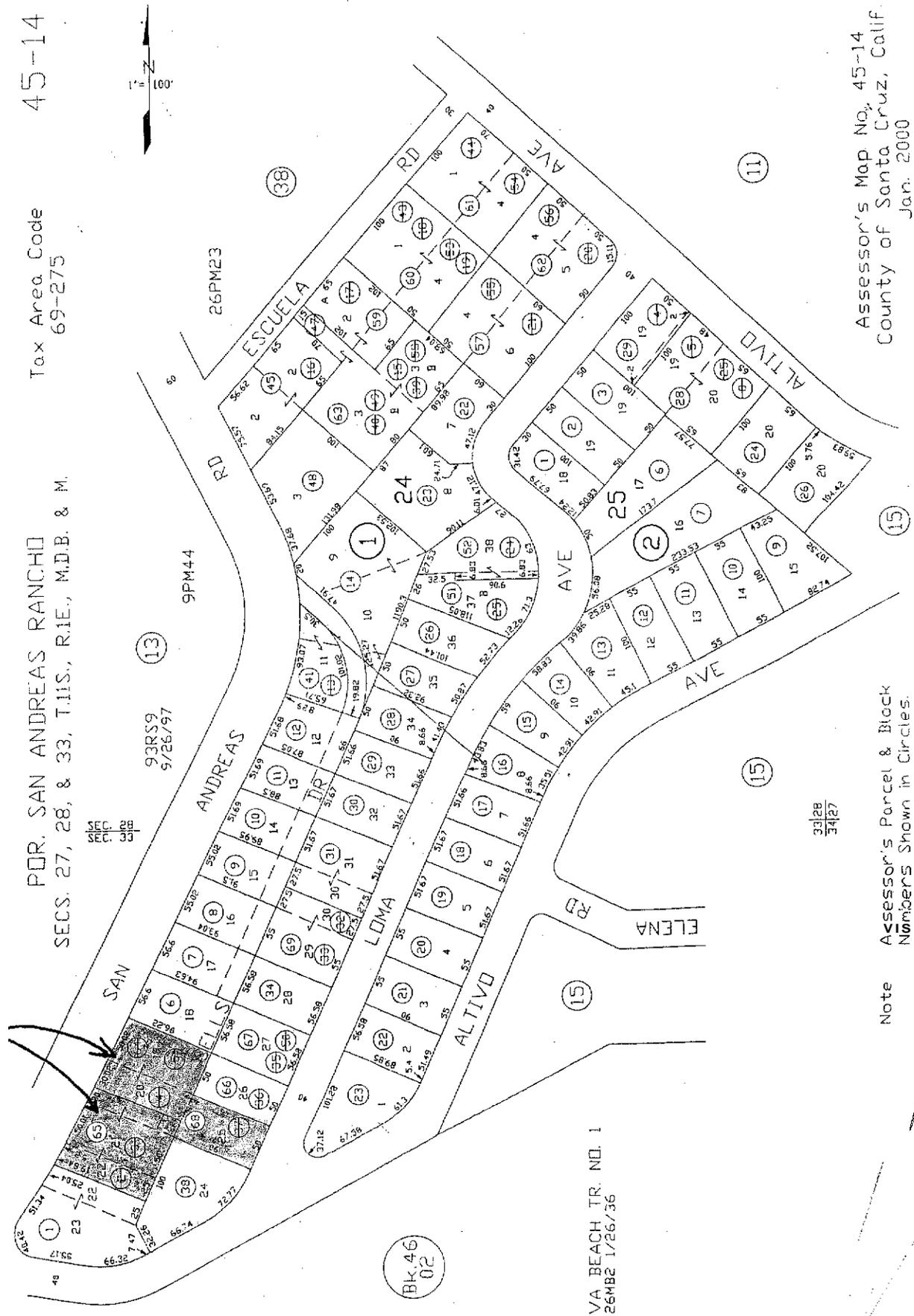
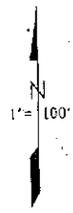
Subject
Parcels

45-14

Tax Area Code
69-275

POR. SAN ANDREAS RANCHO
SECS. 27, 28, & 33, T.11S., R.1E., M.D.B. & M.

SEC. 33
9/26/97



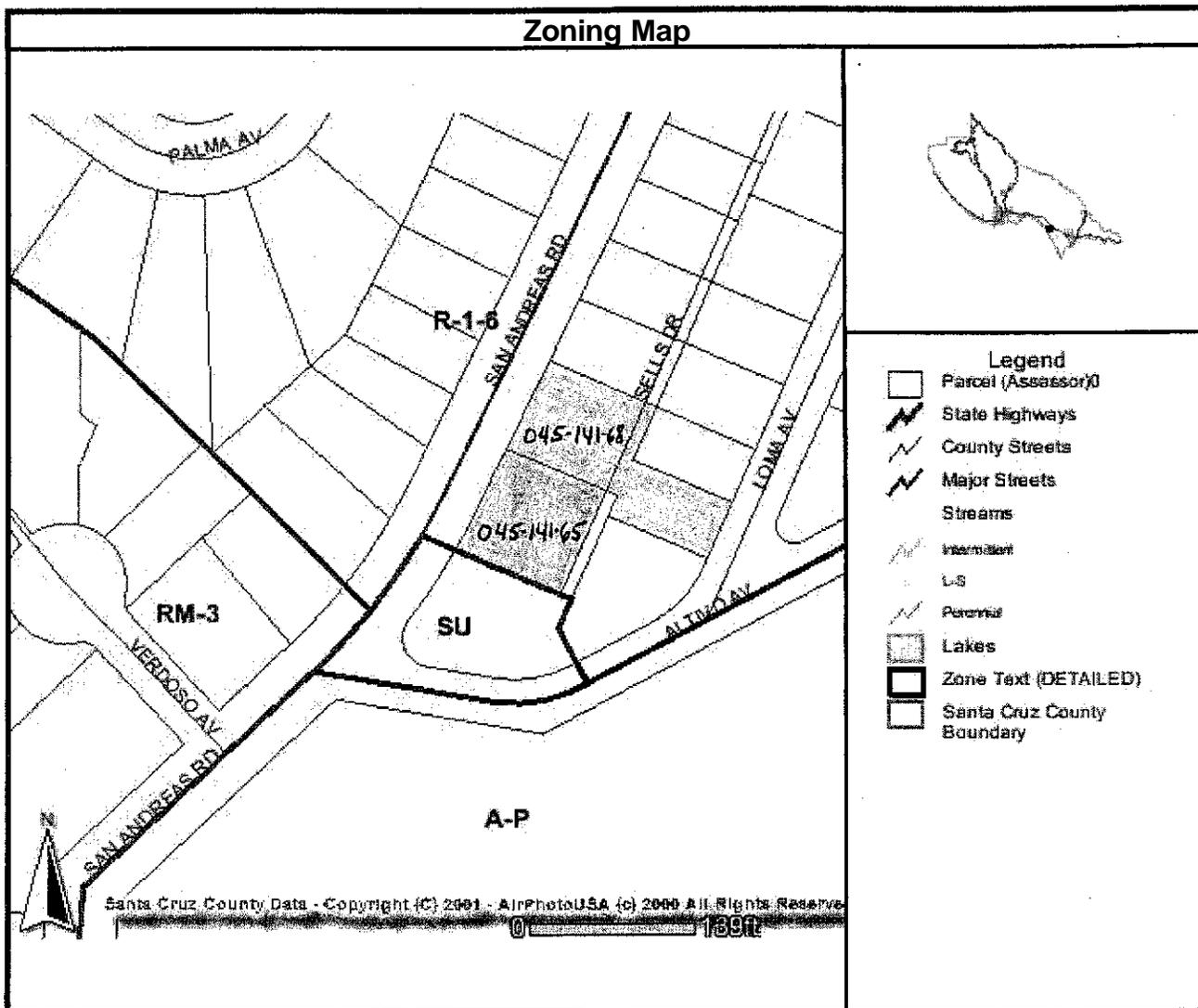
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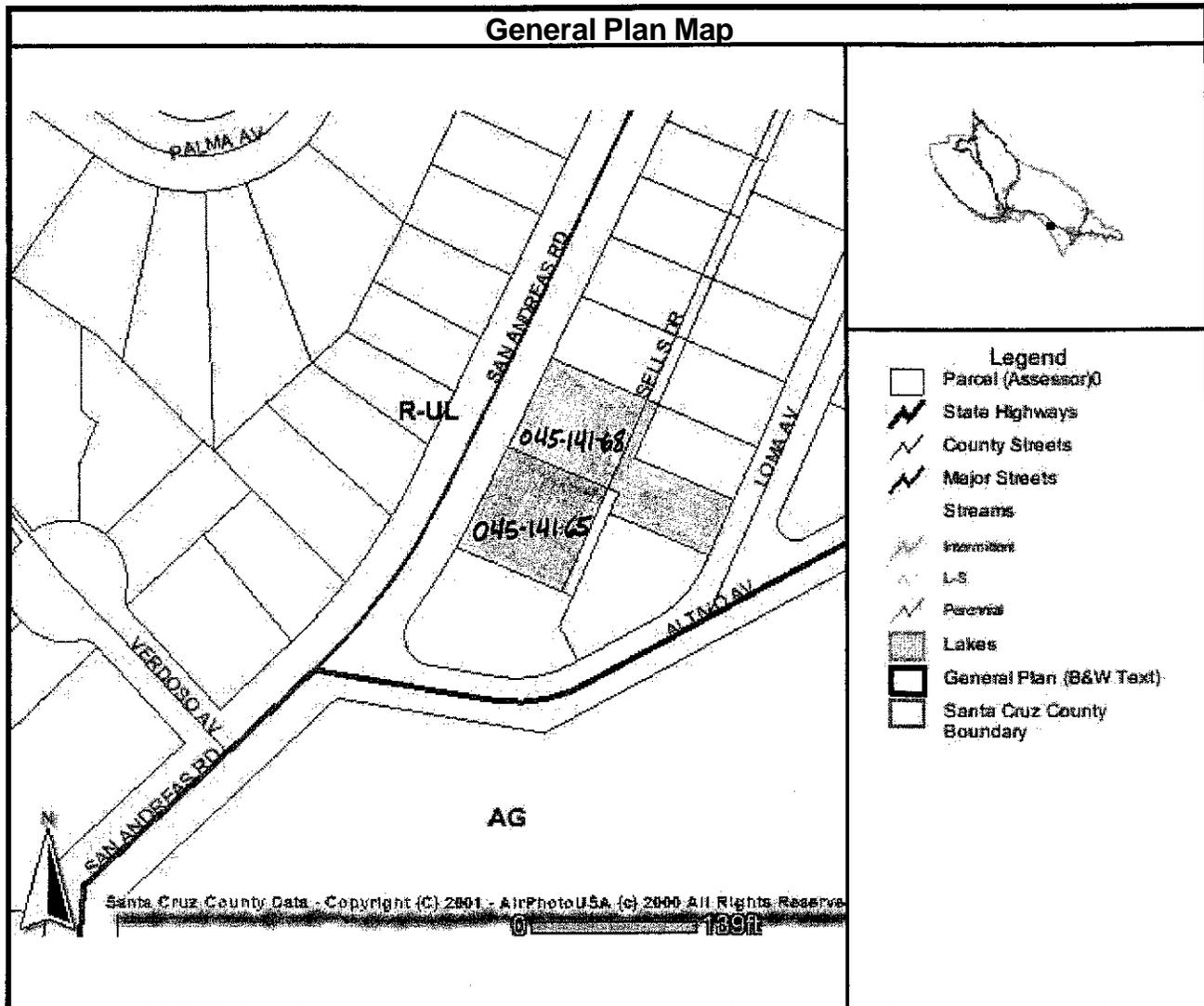
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34/27

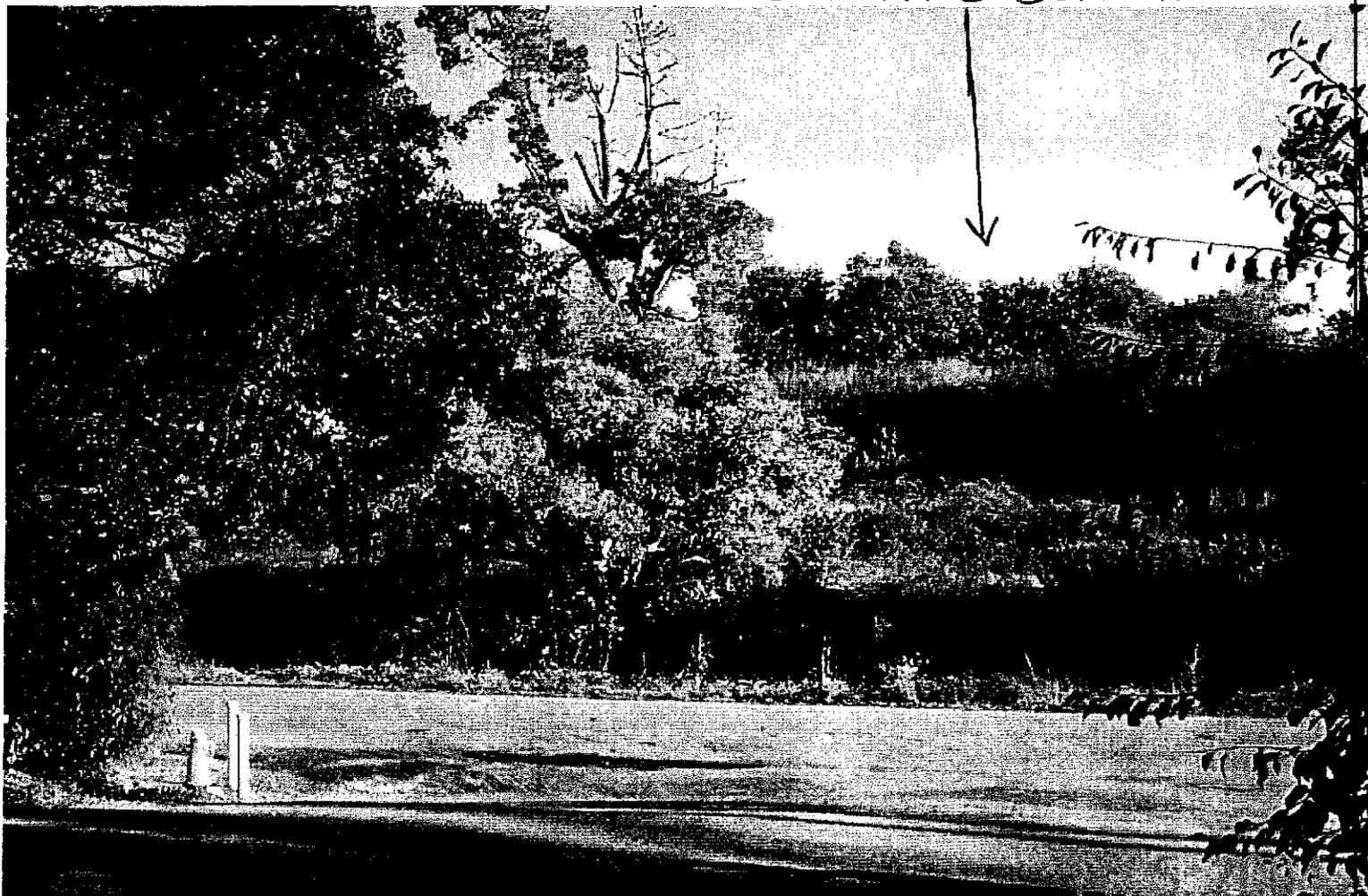
Assessor's Map No. 45-14
County of Santa Cruz, Calif.
Jan. 2000

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





Cultivated Fields
on this Benchland

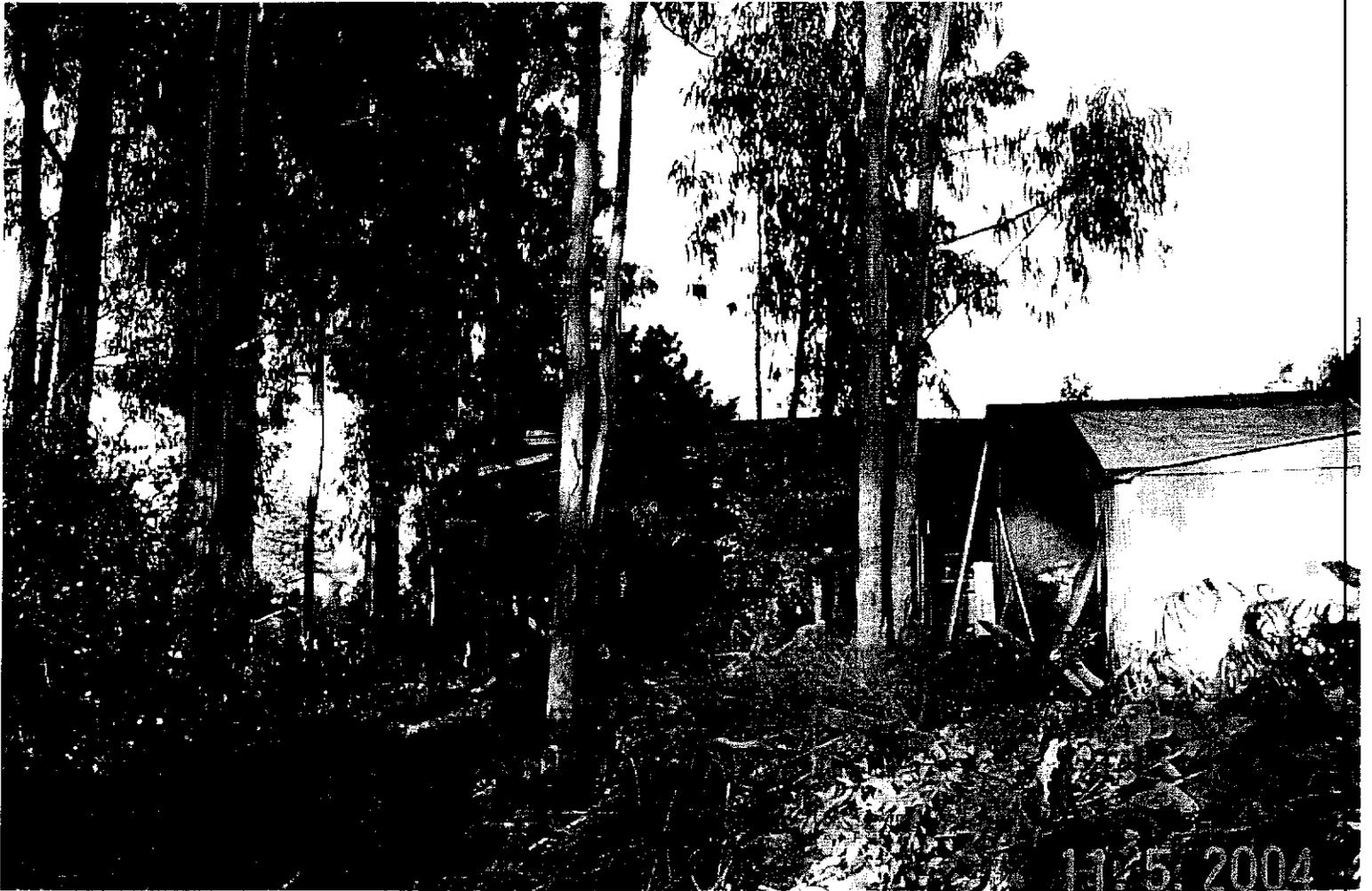


View Across Loma & Altivo Avenues

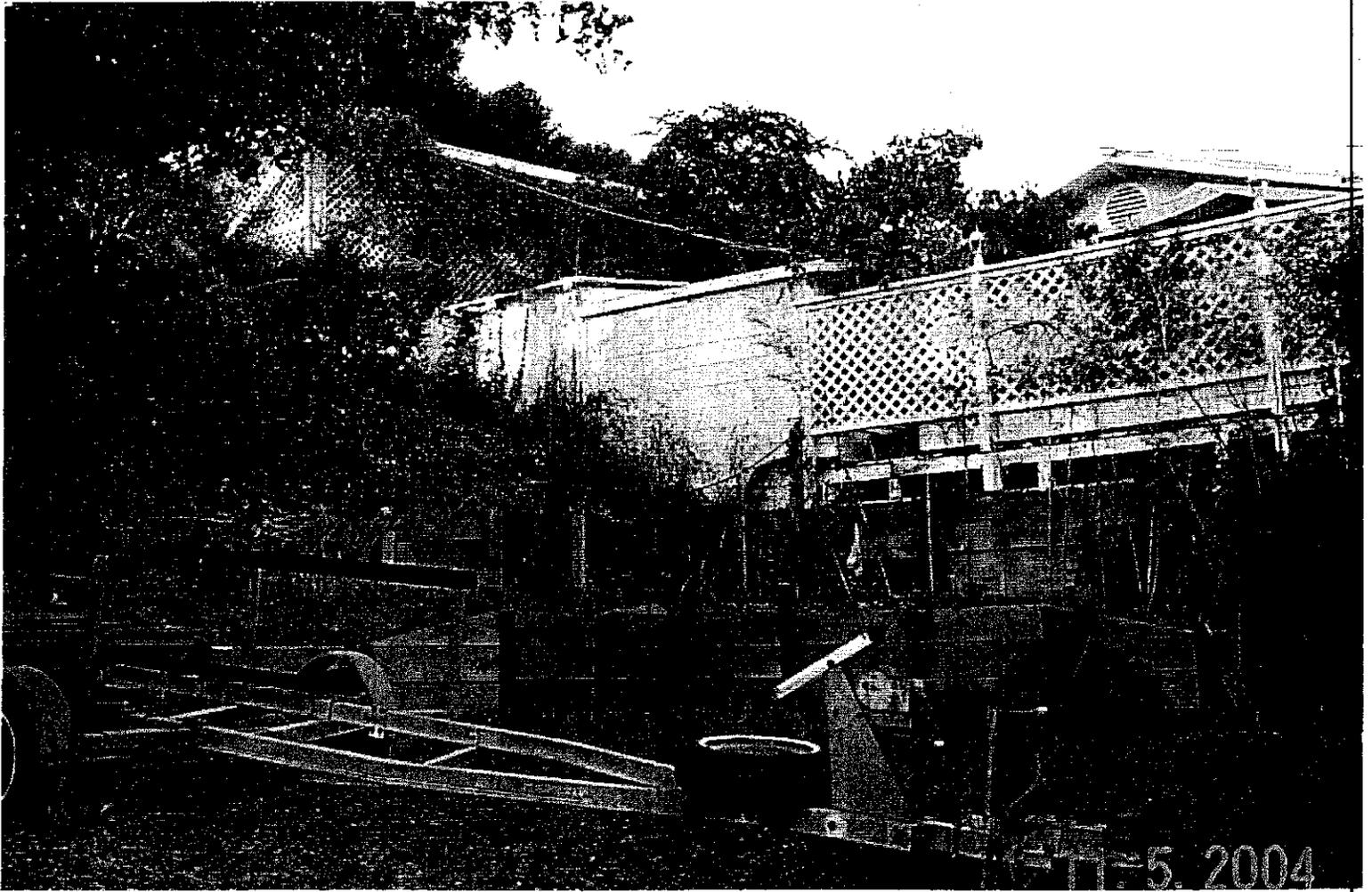
Cultivated Fields



View from Building Site APN 045-141-65
towards the Commercial Ag. land



Existing Dwelling APN 045-141-68



Garage/office Building site
APN 045-141-68

Original
after 11.

County of Santa Cruz
Planning Department
Staff Planner: Sheryl Mitchell

Date: April 26, 1990
Time: 1:30 PM
Agenda Item: 7

AGRICULTURAL POLICY ADVISORY COMMISSION
STAFF REPORT

Applicant: Herbert Ichikawa for Jack Gachesa

Application: 90-0094

Project: Reduction of the 200 foot agricultural buffer setback to construct a single-family dwelling on a parcel adjacent to commercial agricultural land. Requires an Agricultural Buffer Determination.

Location: APN: 045-141-65, on the east side of San Andreas Road, approximately 117 feet northeast of the intersection of San Andreas Road and Altivo Avenue, La Selva Beach.

Contents:

- I. PROJECT DESCRIPTION AND BUFFER ANALYSIS
- II. RECOMMENDATION AND FINDINGS
 - A. Recommendation
 - B. Findings
- III. EXHIBITS
 - A. Vicinity Map
 - B. Site Map

Herb Ichikawa for Jack G. Gachesa
Application: 90-0094
APN: 045-141-65

I. PROJECT DESCRIPTION AND BUFFER ANALYSIS

A. Project Description

Mr. Gachesa desires to build a single-family dwelling on a 9,900 square foot parcel zoned R-1-6. Mr. Gachesa's property lies near the edge of a residential area that is bordered by agricultural land. The subject parcel is bordered on the west by San Andreas Road, on the north, east and south-east by residentially zoned parcels with existing single-family dwellings and to the south by a parcel that is currently used as a commercial wood working shop all as shown on Exhibit A. The subject parcel is less than 1/4 of an acre in size, is not 200 feet wide in any dimension and is within 56 feet of commercial agricultural land zoned "AP." Therefore, the construction of any habitable structure would require an Agricultural Buffer Determination. The proposed development is located according to standard residential zoning setbacks and is set back from the "AP" zoned land the maximum distance possible. The proposed development is located 137 feet northwest of the commercial agricultural land zoned "AP." Lying between Gachesa's parcel and the "AP" zoned parcel is a residential lot with a single-family dwelling, Altivo Avenue and a riparian corridor. The subject parcel is located on the edge of a coastal benchland that is elevated above Altivo Avenue by approximately 35 feet. The actively farmed agricultural land is primarily located on another coastal benchland that is also elevated above Altivo Avenue by approximately 35 feet. Altivo Avenue and the Riparian Corridor encompass approximately 80 lineal feet and are located within the valley that lies between the two benchlands. The riparian corridor's vegetation is preserved by the Riparian Corridor Ordinance.

B. Buffer Analysis

The small size of the parcel does not allow for a 200-foot agricultural buffer setback. However, the 80 foot wide valley, and the riparian corridor and its vegetation will serve as a filtering barrier from any potential noise, dust, odor or overspray. The surrounding residential and commercial buildings and their use will also serve as barriers to prevent any potential conflict between the proposed residential and the existing commercial agricultural land uses.

Therefore, the proposed development is buffered from any potential conflicts between the commercial agricultural and residential land uses by the following factors: the existing residential and commercial buildings and their land uses, the 80 foot wide valley that includes the riparian corridor (and its vegetation) located between the commercial, residential and agricultural land uses.

Herb Ichikawa for Jack C. Mesa
Application: 90-0094
APN: 045-141-65

II. RECOMMENDATIONS AND FINDINGS

A. Recommendations

1. It is therefore recommended that the Agricultural Policy Advisory Commission make the findings in Subsection II,8, to reduce the 200-foot agricultural buffer setback from the northern and southern property lines to 96 feet measured from the southeastern property corner of the subject parcel to the northwest property line of the "AP" zoned parcel across the other side of Altivo Avenue for a lineal distance of 100 feet and 95 feet along the entire length of the subject parcel's southern and eastern property line, respectively.

conditional upon:

2. A Statement of Acknowledgement recorded on the deed prior to building permit issuance. (APAC added).

ACTION: Approval of the staff recommendation with the additional condition of requiring the applicant to record a Statement of Acknowledgement as noted above.

AYES: Commissioner Dau, Commissioner McCrary, Commissioner Sakamoto, Commissioner Thomas and Chairperson Ringe

NOES: None

ABSENT: None

April 26, 1990

Herb Ichikawa for Jack G. esa
Application: 90-0094
APN: 045-141-65

B. Required Findings for Reduction of Agricultural Buffer Setback
County Code Section 16.50.095(b) & (c)

FINDING #1

(This can be met by any one of the following 4 alternatives. The letter circled below identifies the alternative applicable to this project.)

- a) SIGNIFICANT TOPOGRAPHICAL DIFFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200-FOOT SETBACK; OR
- b) 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
- c) 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
- d) 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.

The proposed homesite is located on a small parcel of less than 1/4 acre in size that is not 200 feet wide in any dimension. The proposed homesite is located according to the standard zoning setbacks and is sited so as to be setback the maximum distance possible from the agricultural land. This distance will be adequate to meet the objectives of Chapter 16.50 based upon the existing barriers as described in Section I.B. of this staff report.

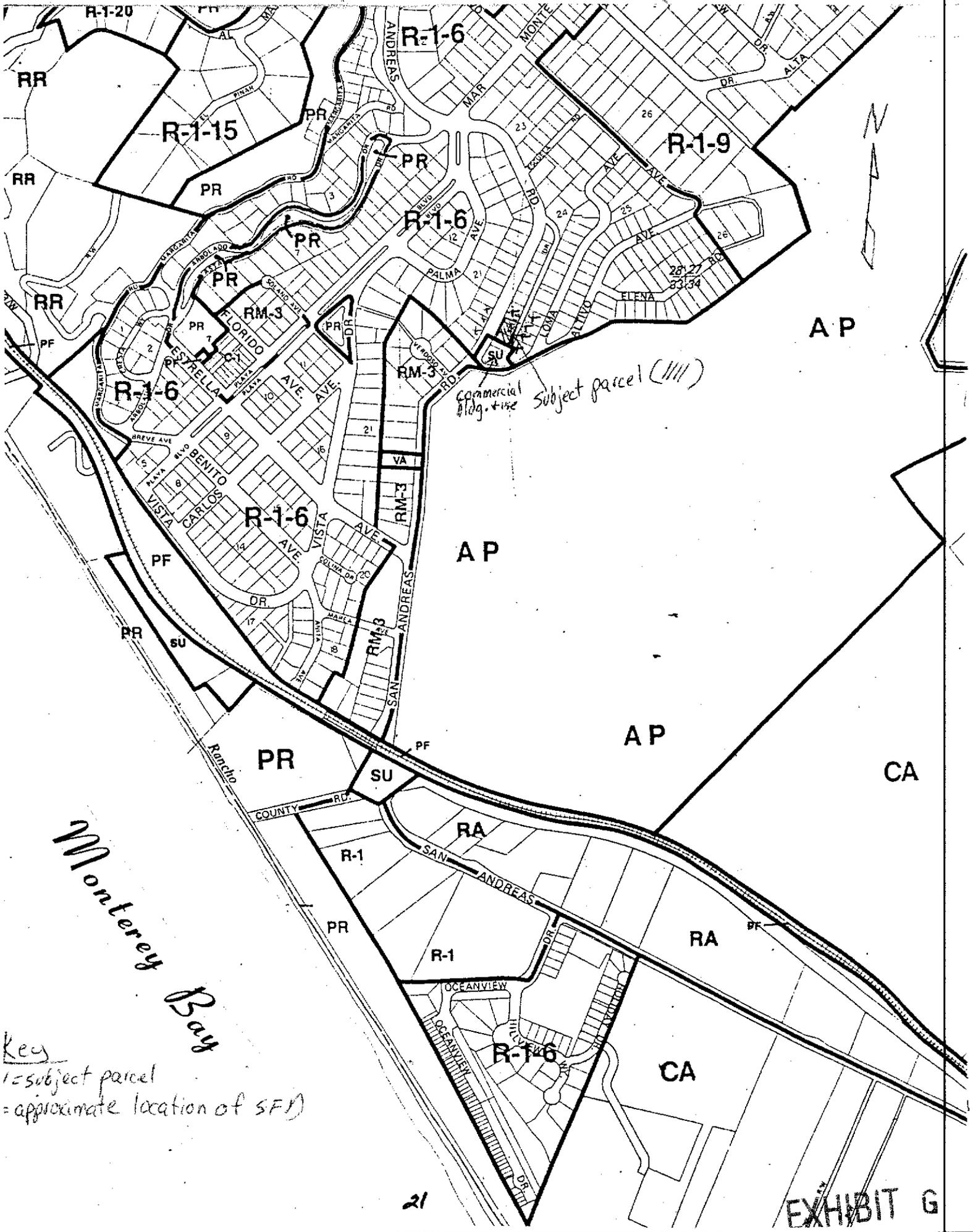
Herb Ichikawa for Jack G. Mesa
Application: 90-0094
APN: 045-141-65

FINDING #2

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO TYPE 1, TYPE 2 or TYPE 3 COMMERCIAL 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.

As mentioned in Finding I.D. the proposed home is sited so as to minimize possible conflicts by being located away from the "AP" zoned land the maximum distance possible.

apacichi/027



Key
1 = subject parcel
= approximate location of SFM

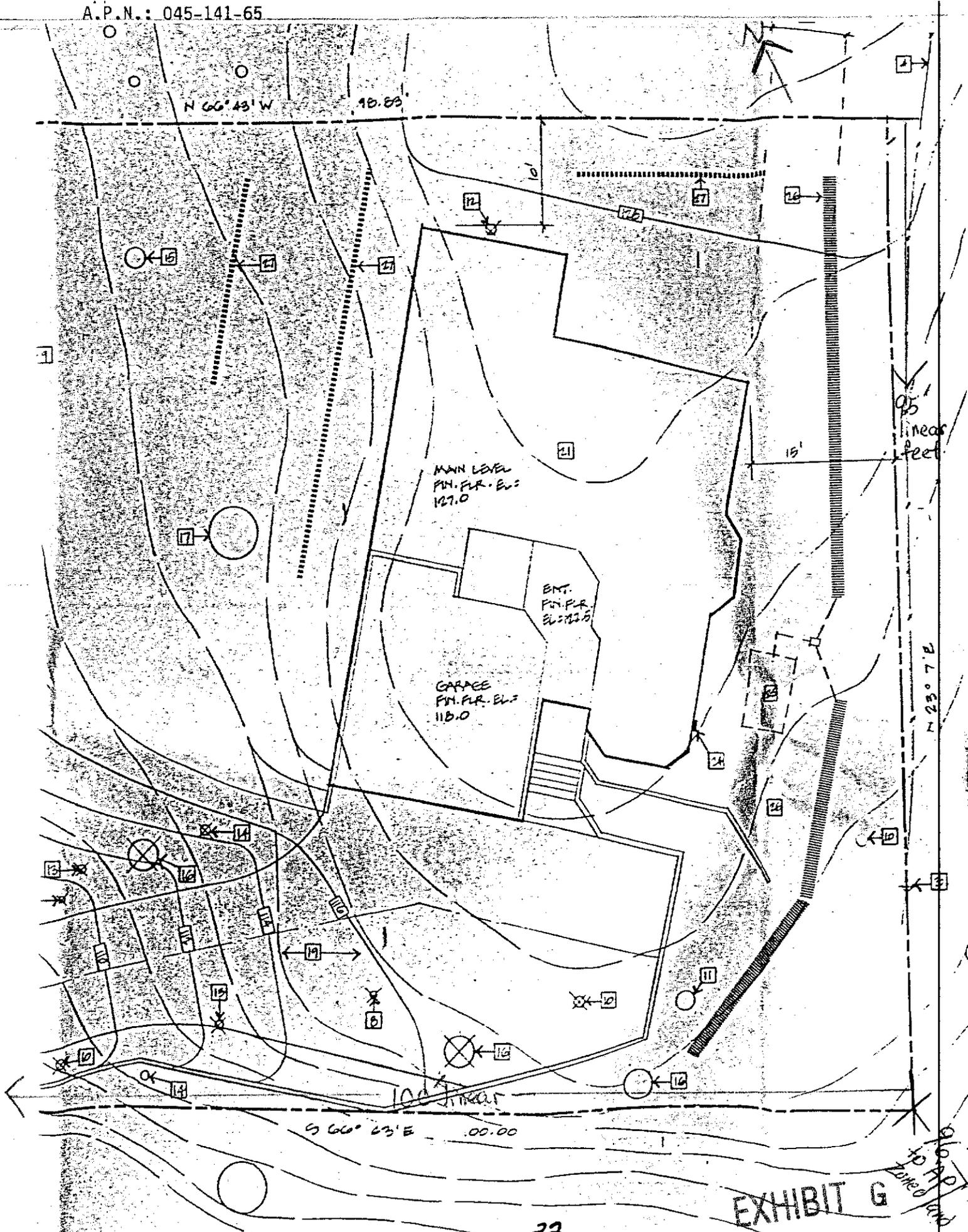


EXHIBIT G