



## Staff Report to the Agricultural Policy Advisory Commission

Application Number: **06-0499**

---

**Applicant:** Esteban Aceves-Rizo  
**Owner:** Miguel Gonzalez-Ruiz  
**APN:** 050-201-33

**Date:** October 19, 2006  
**Agenda Item #:** 9  
**Time:** 1:30 p.m.

**Project Description:** Proposal to remodel an existing single-family dwelling to include extending the front porch and adding two trellis structures.

**Location:** Property located on the north side of Amesti Road, about 1,100 feet west from Green Valley Road at 118 Amesti Road in Watsonville.

**Permits Required:** Amendment to Agricultural Buffer Determination 87-0283.

### Staff Recommendation:

- Approval of Application 06-0499, based on the attached findings and conditions.

### Exhibits

- |    |                                     |    |                              |
|----|-------------------------------------|----|------------------------------|
| A. | Project plans                       | E. | Zoning map, General Plan map |
| B. | Findings                            | F. | Site photographs             |
| C. | Conditions                          |    |                              |
| D. | Assessor's parcel map, Location map |    |                              |

### Parcel Information

Parcel Size:	12,066 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Commercial agriculture
Project Access:	Amesti Road
Planning Area:	Pajaro Valley
Land Use Designation:	R-S (Residential Suburban)
Zone District:	R-1-9 (Single-family Residential/9,000 square foot minimum parcel size)
Supervisorial District:	Second (District Supervisor: Pirie)
Within Coastal Zone:	— Inside <u>X</u> Outside

---

## Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Pinto loam, Watsonville loam
Fire Hazard:	Not a mapped constraint
Slopes:	2 – 15 percent slopes
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archaeology:	Mapped/no physical evidence on site

## Services Information

Inside Urban/Rural Services Line:	<u>  X  </u> Yes <u>    </u> No
Water Supply:	city of Watsonville
Sewage Disposal:	Private septic system
Fire District:	Pajaro Valley Fire Protection District
Drainage District:	Zone 7 Flood Control/Water Conservation District

## Analysis and Discussion

The proposed project is to remodel an existing one story single-family dwelling of approximately 1,440 square feet on a 12,066 square foot parcel. The project is located at 118 Amesti Road in Watsonville. The building site is within 200 feet of Commercial Agricultural land across Amesti Road to the south. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to about 40 feet from the property line with an additional 40-foot width of the Amesti Road right-of-way, for an effective distance of 80 feet from the agricultural parcel at AFN 050-241-12.

The subject property is characterized by topography which slopes down to Amesti Road. The parcel is located within the Urban Services Line and may be characterized as a residential neighborhood. The parcel carries a Residential Suburban (R-S) General Plan designation and the implementing zoning is (R-1-9) Single-family Residential with a 9,000 square foot minimum parcel size. Commercial Agriculture zoned land is situated within 200 feet at the south side of the parcel at Assessor's Parcel Number 050-241-12, the 35-acre Eiskamp bush berry diversified farm.

A reduced agricultural buffer is recommended due to the fact that a prior Agricultural Buffer reduction was granted for construction of the single-family residence to a setback of 53 feet from the property line (#87-283). This current proposal seeks to amend that approval to a setback of 40 feet to allow an additional 13 feet to allow for a covered front porch for an all-weather protected entrance to the existing single-family dwelling. With the change in elevation and the effective barrier of the 40-foot wide Amesti Road right-of-way, the agricultural interests on the Commercial Agriculture zoned parcel are adequately protected. The applicant has recorded a Statement of Acknowledgement regarding the issuance of a county building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts as Document 1987-034486 on May 26, 1987.

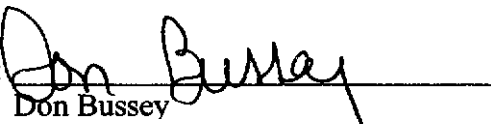
## Recommendation

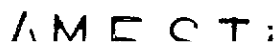
- Staff recommends that your Commission APPROVE the Agricultural Buffer Reduction from 200 feet to about **40** feet to the single-family dwelling from the adjacent CA zoned property **known as** APN **050-241-12**, proposed under Application # **06-0499**, based on the attached findings and recommended 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.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

Report Prepared By: Joan Van der Hoeven  
Santa Cruz County Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-5174  
E-mail: [pln140@co.santa-cruz.ca.us](mailto:pln140@co.santa-cruz.ca.us)

Report Reviewed By:   
Don Bussey  
Deputy Zoning Administrator  
Santa Cruz County Planning Department



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 subject parcel and APN 050-241-12, to allow for a reduction in the required 200-foot setback to about 40 feet. The proposed building site is 20 feet above the elevation of the adjacent Commercial Agriculture zoned parcel, so additional landscaping and solid fences have not been required. Tall barriers along the narrow frontage road would obstruct visibility for vehicular travel.

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

The habitable structure is proposed to be set back 40 feet from the property line plus the 40 foot width of Amesti road for an effective distance of 80 feet from the adjacent Commercial Agriculture zoned land. With the 40 foot width of the Amesti Road right-of-way, the effective agricultural setback would be proposed to be 80 feet where 200 feet are required.

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.

## Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Pinto loam, Watsonville loam
Fire Hazard:	Not a mapped constraint
Slopes:	2 – 15 percent slopes
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archaeology:	Mapped/no physical evidence on site

## Services Information

Inside Urban/Rural Services Line:	<u>  X  </u> Yes <u>    </u> No
Water Supply:	City of Watsonville
Sewage Disposal:	Private septic system
Fire District:	Pajaro Valley Fire Protection District
Drainage District:	Zone 7 Flood Control/Water Conservation District

## Analysis and Discussion

The proposed project is to remodel an existing one story single-family dwelling of approximately 1,440 square feet on a 12,066 square foot parcel. The project is located at 118 Amesti Road in Watsonville. The building site is within 200 feet of Commercial Agricultural land across Amesti Road to the south. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to about 40 feet from the property line with an additional 40-foot width of the Amesti Road right-of-way, for an effective distance of 80 feet from the agricultural parcel at APN 050-241-12.

The subject property is characterized by topography which slopes down to Amesti Road. The parcel is located within the Urban Services Line and may be characterized as a residential neighborhood. The parcel carries a Residential Suburban (R-S) General Plan designation and the implementing zoning is (R-1-9) Single-family Residential with a 9,000 square foot minimum parcel size. Commercial Agriculture zoned land is situated within 200 feet at the south side of the parcel at Assessor's Parcel Number 050-241-12, the 35-acre Eiskamp bush berry diversified farm.

A reduced agricultural buffer is recommended due to the fact that a prior Agricultural Buffer reduction was granted for construction of the single-family residence to a setback of 53 feet from the property line (#87-283). This current proposal seeks to amend that approval to a setback of 40 feet to allow an additional 13 feet to allow for a covered front porch for an all-weather protected entrance to the existing single-family dwelling. With the change in elevation and the effective barrier of the 40-foot wide Amesti Road right-of-way, the agricultural interests on the Commercial Agriculture zoned parcel are adequately protected. The applicant has recorded a Statement of Acknowledgement regarding the issuance of a county building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts as Document 1987-034486 on May 26, 1987.

**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 subject parcel and APN 050-241-12, to allow for a reduction in the required 200-foot setback to about 40 feet. The proposed building site is 20 feet above the elevation of the adjacent Commercial Agriculture zoned parcel, *so* additional landscaping and solid fences have not been required. Tall barriers along the narrow frontage road would obstruct visibility for vehicular travel.

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

The habitable structure is proposed to be set back 40 feet from the property line plus the 40 foot width of Amesti road for an effective distance of 80 feet from the adjacent Commercial Agriculture zoned land. With the 40 foot width of the Amesti Road right-of-way, the effective agricultural setback would be proposed to be 80 feet where 200 feet are required.

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.

**Conditions of Approval**

Exhibit A: Project Plans, 9 Sheets by Esteban Aceves-Rizo dated August **30,2006**.

- I. **This** permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN **(050-241-12)**. 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 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. Any changes from the approved Exhibit "A" 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 development setback of a minimum of 40 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 050-**241-12**.
- 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
- IV. Operational Conditions
  - A. All required Agricultural Buffer Setbacks shall be maintained.
  - B. 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. As a condition of this development approval, the holder of ~~this~~ development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of ~~this~~ development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) ~~days~~ of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- 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 Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder 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. “Development Approval Holder” shall include the applicant and the successor’(s) in interest, transferee(s), and assign(s) of the applicant.

---

**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 on the expiration date listed below unless you obtain the required permits and commence construction.**

Approval Date: 10-19-06

Effective Date: 11-02-06

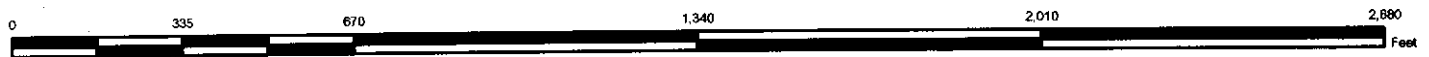
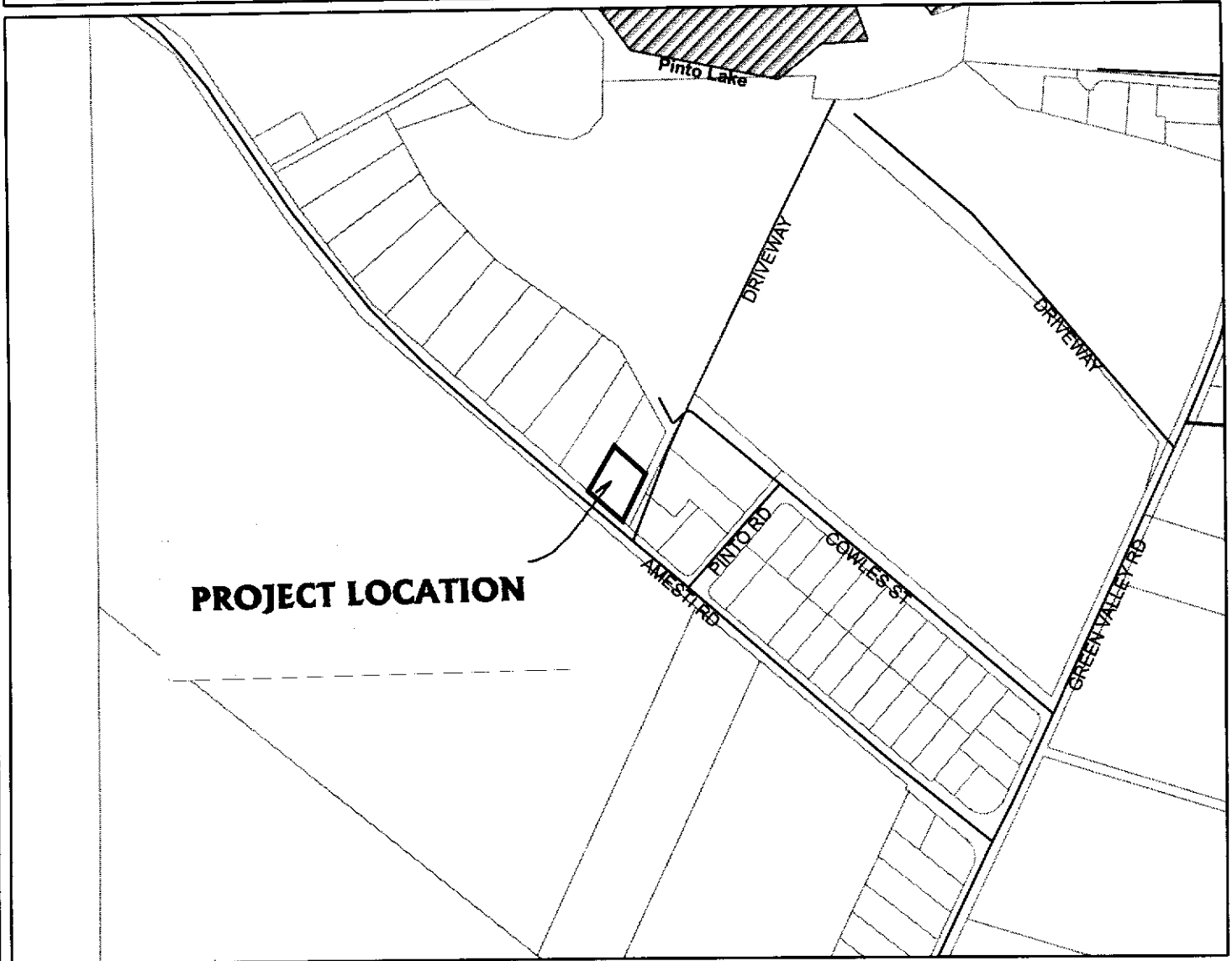
Expiration Date: 11-02-08

---





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.

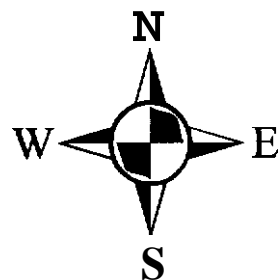


# Location Map



## Legend

-  APN 050-201-33
-  Assessors Parcels
-  Streets
-  Lakes



Map Created by  
County of Santa Cruz  
Planning Department  
September 2006

# FOR TAX PURPOSES ONLY

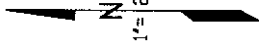
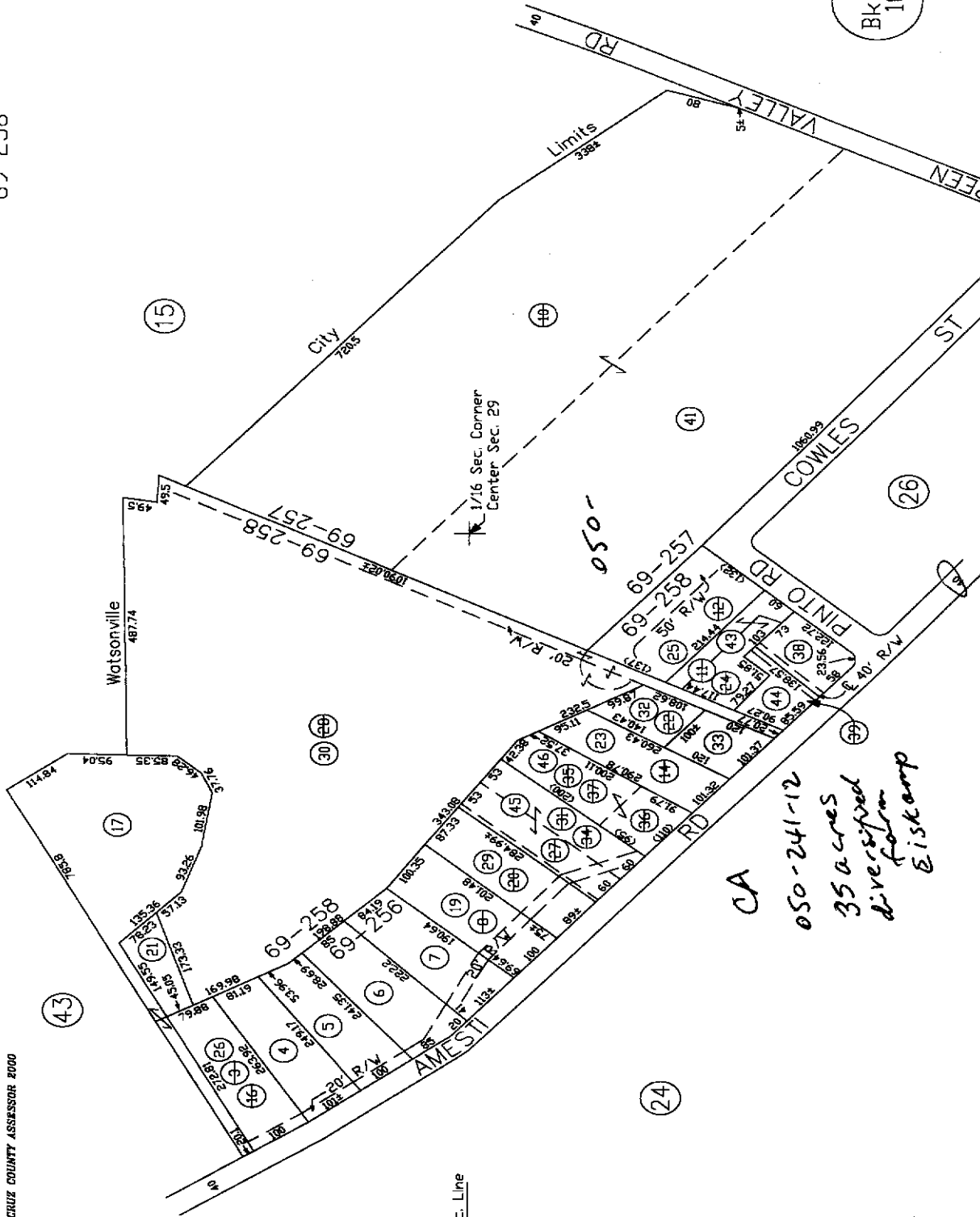
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.

© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. RANCHO DE LOS CORRALITOS  
N.E. 1/4, SEC. 29, T.11S., R.2E., M.D.B. & M.

Tax Area Code  
69-256 69-257  
69-258

50-20



1/16 Sec. Line

EXHIBIT D

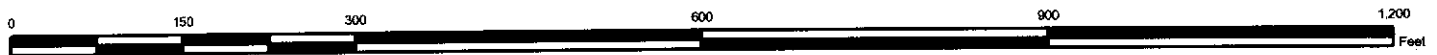
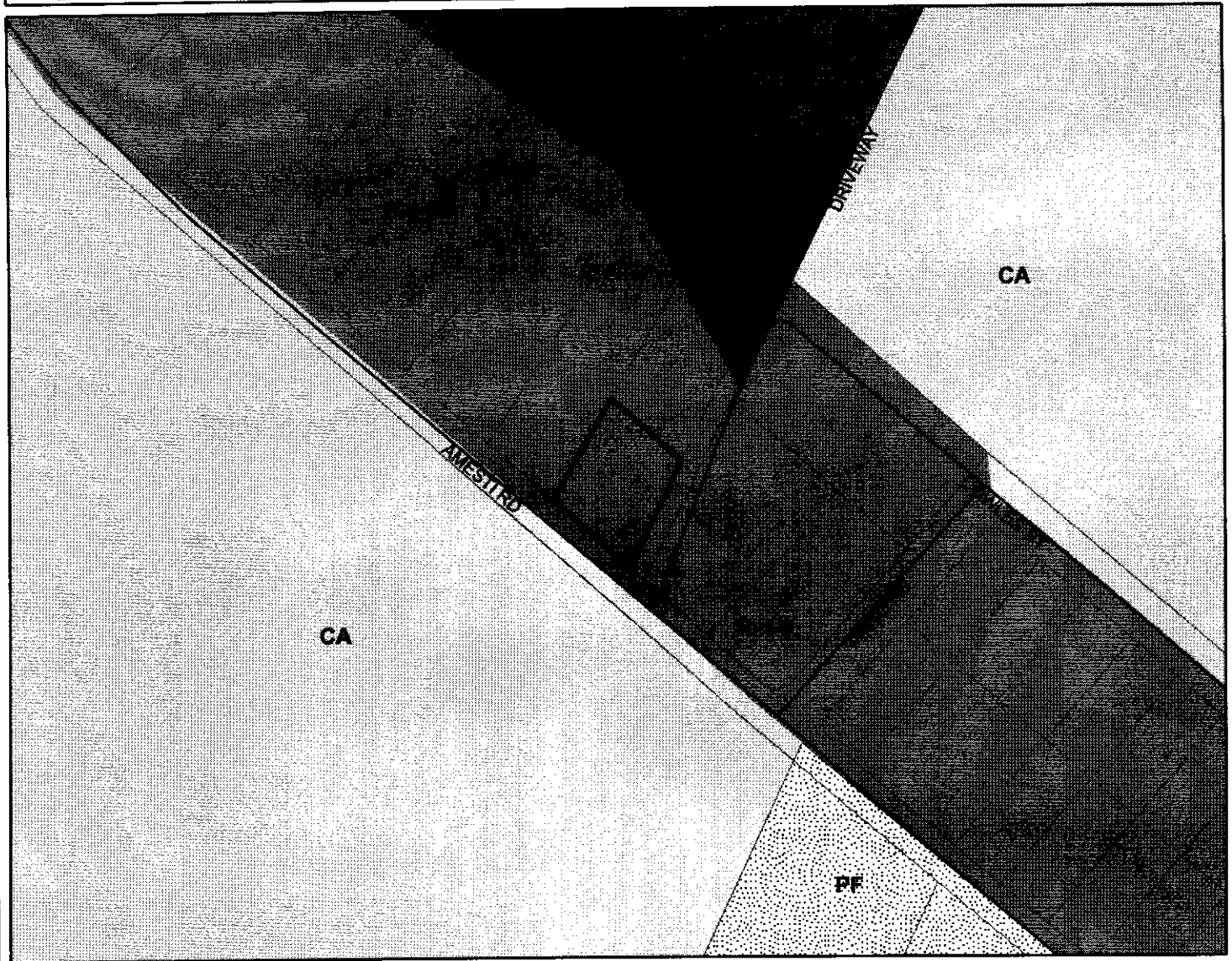
Electronically redrawn 5/16/00 KSA  
Rev. 5/16/00 KSA (Per to Pg. 43)

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








Assessor's Map No. 50-20  
County of Santa Cruz, Cali  
May 2000

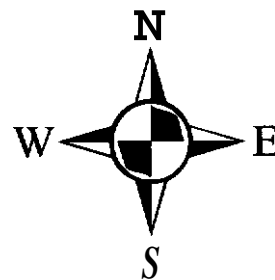


# Zoning Map



## Legend

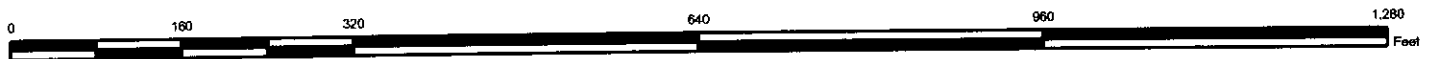
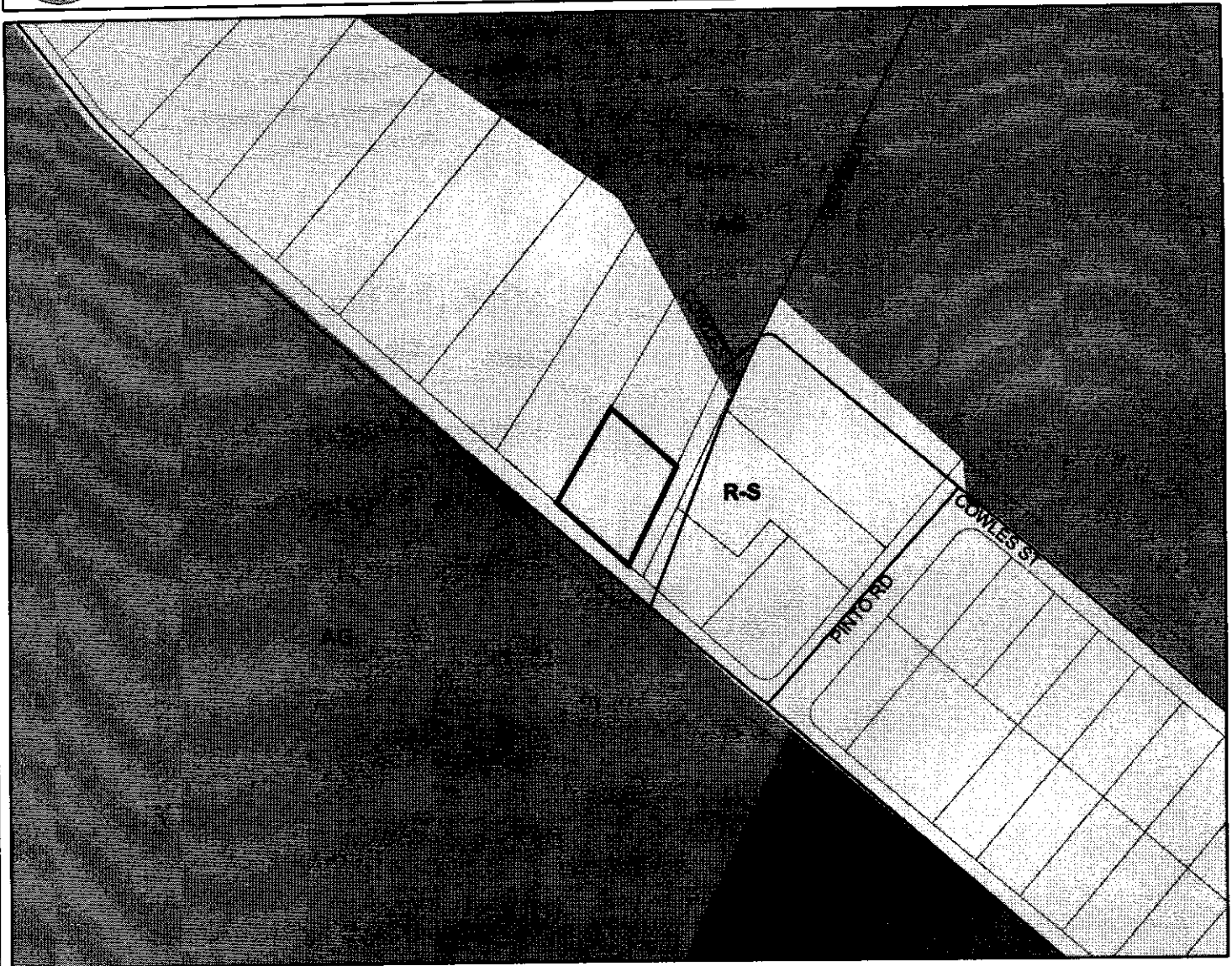
-  APN 050-201-33
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  AGRICULTURE COMMERCIAL (CA)
-  AGRICULTURE RESIDENTIAL (RA)
-  PUBLIC FACILITY (PF)









Map Created by  
County of Santa Cruz  
Planning Department  
September 2006

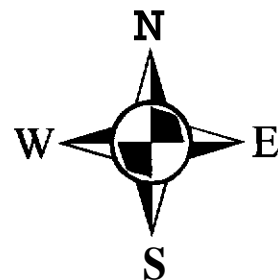


# General Plan Designation Map



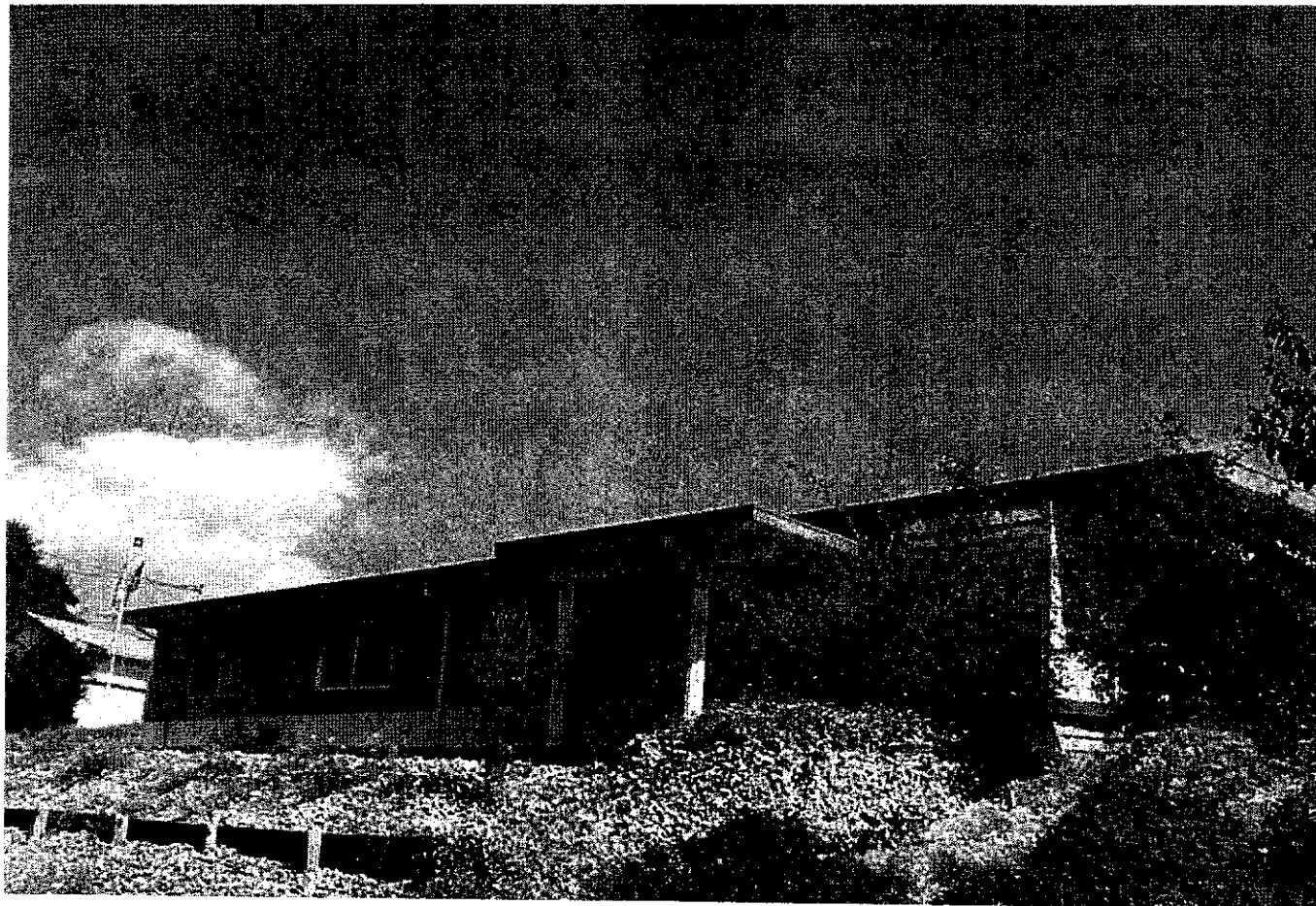
## Legend

-  APN 050-201-33
-  Assessors Parcels
-  Streets
-  Agriculture (AG)
-  Residential-Suburban(R-S)
-  Public Facilites (P)



Map Created by  
County of Santa Cruz  
Planning Department  
September 2006

EXHIBIT E



118 AMESTI ROAD & AGRICULTURAL FIELD ACROSS AMESTI

