



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **06-0673**

Applicant: Brett Brenkwitz, Architect
Owners: Stuart E. & Tamara Lynn Morse III
APN: 041-351-23

Date: March 15, 2007
Item #: 7
Time: After 1:30 p.m.

Project Description: Proposal to construct a residential addition to an existing single-family dwelling.

Location: Property located on the northern end of View Court off Huntington Drive, approximately 1,000 feet north of the Huntington/Wallace intersection, at 203 View Court in Aptos.

Permits Required: Agricultural Buffer Setback Determination

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application **06-0673**, based on the attached findings and conditions

Exhibits

- | | |
|---|--|
| A. Project plans | E. Assessor's parcel map, Location map |
| B. Findings | F. Zoning map, General Plan map |
| C. Conditions | G. Aerial photo, Topographic map |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	1.38 acres
Existing Land Use - Parcel:	Single-family dwelling (SFD)
Existing Land Use - Surrounding:	SFD's, Polo Grounds County Park, orchards
Project Access:	Huntington Drive
Planning Area:	Aptos
Land Use Designation:	R-UVL (Residential-Very Low Density (6-10,000 sq ft min parcel))
Zone District:	R-1-1 (Single-family residential/1 acre minimum parcel)
<u>Supervisory District:</u>	<u>Second (District Supervisor: Pirie)</u>

Within Coastal Zone: ☐ Inside ☒ Outside**Environmental Information**

Geologic Hazards: Not mapped/no physical evidence on site
 Soils: Elkhorn sandy loam, Zayante coarse sand
 Fire Hazard: Not a mapped constraint
 Slopes: 2 – 9 percent slopes at frontage to **30 – 50** percent at rear
 Env. Sen. Habitat: Mapped *bitoic*/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: ☐ Yes ☒ No
 Water Supply: Soquel Creek Water District
 Sewage Disposal: Private septic system
 Fire District: Aptos/La Selva Fire Protection District
 Drainage District: Non-zone

Analysis and Discussion

The proposed project is to construct a one-story addition of approximately 99 square feet to a two story single-family dwelling of approximately 2,461 square feet on a 1.38-acre parcel. The project is located at 203 View Court in Aptos. The building site is within 200 feet of Commercial Agriculture land to the north. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to **68** feet from APN 041-~~201~~-61.

The subject property is characterized by gently sloping topography. The parcel is not located within the Urban Services Line and may be characterized as a low-density residential neighborhood. The parcel carries a Residential-Very Low Density (6-10,000 sq ft min parcel) (R-UVL) General Plan designation and the implementing zoning is (R-1-l-acre) Single-family residential/1 acre minimum parcel size. Commercial Agriculture zoned land is situated within 200 feet at the north side of the parcel at Assessor's Parcel Number **041-201-61**, the 31-acre McKenna orchard at 1400 Valencia Road.

A reduced agricultural buffer is recommended due to the fact that the change in topography, with the parcel sloping downwards about 80 feet to Valencia Creek, would be sufficient to maintain a buffer from the adjacent Commercial Agriculture zoned property. Existing mature evergreen woodland separates the residential use from the orchard, and therefore protects the agricultural interests on the Commercial Agriculture zoned parcel. The applicant shall be required to record 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.

Recommendation

- Certification 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 68 feet to the single-family dwelling from the adjacent CA zoned property known as APN 041-201-61, proposed under Application # 06-0673, 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

Report Prepared By: **Joan Van** der Hoeven
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Santa Cruz CA 95060
Phone Number: (831) 454-5174
E-mail: pln140@co.santa-cruz.ca.us

Report Reviewed By: *Glenda Hill*
Glenda Hill
Principal Planner
Policy Division

**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 AFN 041-201-61, to allow for a reduction in the required 200 foot setback to about **68** feet. The proposed building site is approximately 80 feet above the elevation of the adjacent Commercial Agriculture zoned parcel, so additional landscaping and solid fences have not been required.

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
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, 5 Sheets by Franks/Brenkwitz Architects, dated 11-07-2006

- I. This permit authorizes ~~an~~ Agricultural Buffer Setback reduction from the proposed residential use to APN 041-201-61. 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 68 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 041-201-61.
 - 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.
- 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 two years from the effective date on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: 3-15-2007
Effective Date: 3-29-2007
Expiration Date: 3-29-2009

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: 06-0673

Assessor Parcel Number: 041-351-23

Project Location: 203 View Court, Aptos CA 95003

Project Description: Agricultural Buffer Setback Reduction

Person or Agency Proposing Project: Brett Brenkwih, Architect

Contact Phone Number: (831) 662-8800

- 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:

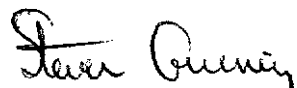
E. X **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Addition to an existing single-family dwelling

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



Steven Guiney, Project Planner

Date: March 15, 2007

K-L-25	Old Pinington Rd	H-11-1-10	Racquet Landing	P-23	Serrano Ct	K-12	Tilden Ct	J-K-13	Windsor St	M-F-5	Harvey West Main Stadium	L-6
A-3	Old Ranch Rd	J-9	Racoon Ln	AA-0	Santa Ct	C-4	Tipping Wy	A-1	Winward Ct	J-14	Henry Cowell Redwoods St Ph	
K-12	Old Up. Vander Rd	F-10	Rainbow Ave	AA-1	Saint Ave	J-12	Tolok Rd	J-K-16	Winward Wy	H-20		D-2-H-4
K-17	Old Zevante Rd	A-B-3	Ranchos Ln	K-L-25	Santa Wy	N-4	Tolono Dr	C-22	Winglow Ct	O-23	Henry Cowell Redwoods St Ph (Park)	AA-00-B-0
B-00	Olive St	N-5	Ranchero Ln	J-14	Seven Gables Ct	M-14	Tolono St	H-15	Winglow Ln	O-25	Creek Unit	AA-00-B-0
L-17-M-19	Olympic Station Rd	AA-A-4	Ranchos Del Sol	J-26	Santa Dr	K-15	Tol House Gulch Rd	E-F-2	Winglow Wy	O-22	Hooden Beach Co Park	O-22
J-25	O'Neill Ct	K-14	Rancho Rio Ave	AA-1	Santa Ln	H-15	Topaz St	H-14	Winglow Ave	K-12-13	Historical Museum	M-7

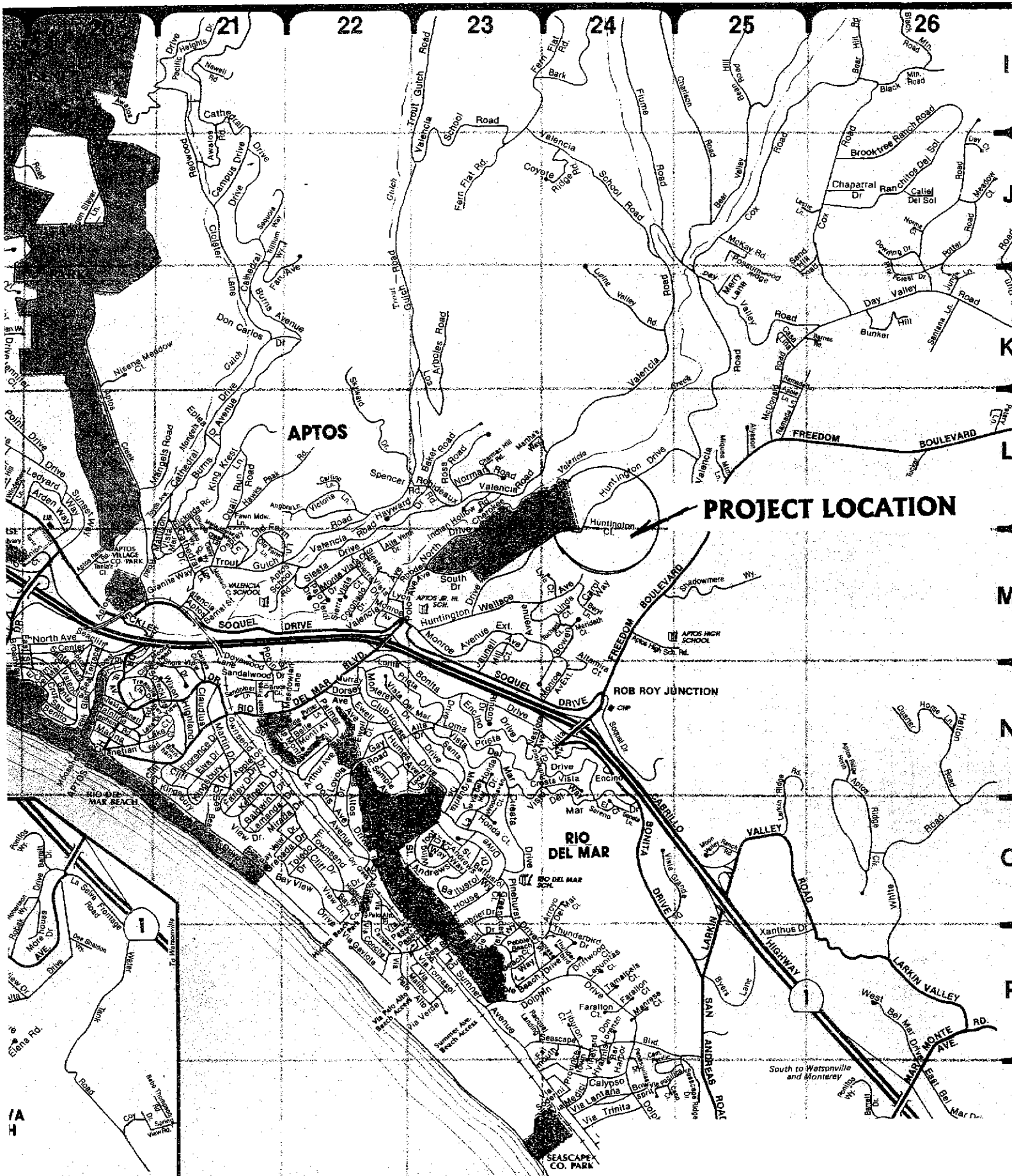


EXHIBIT E

FOR TAX PURPOSES ONLY

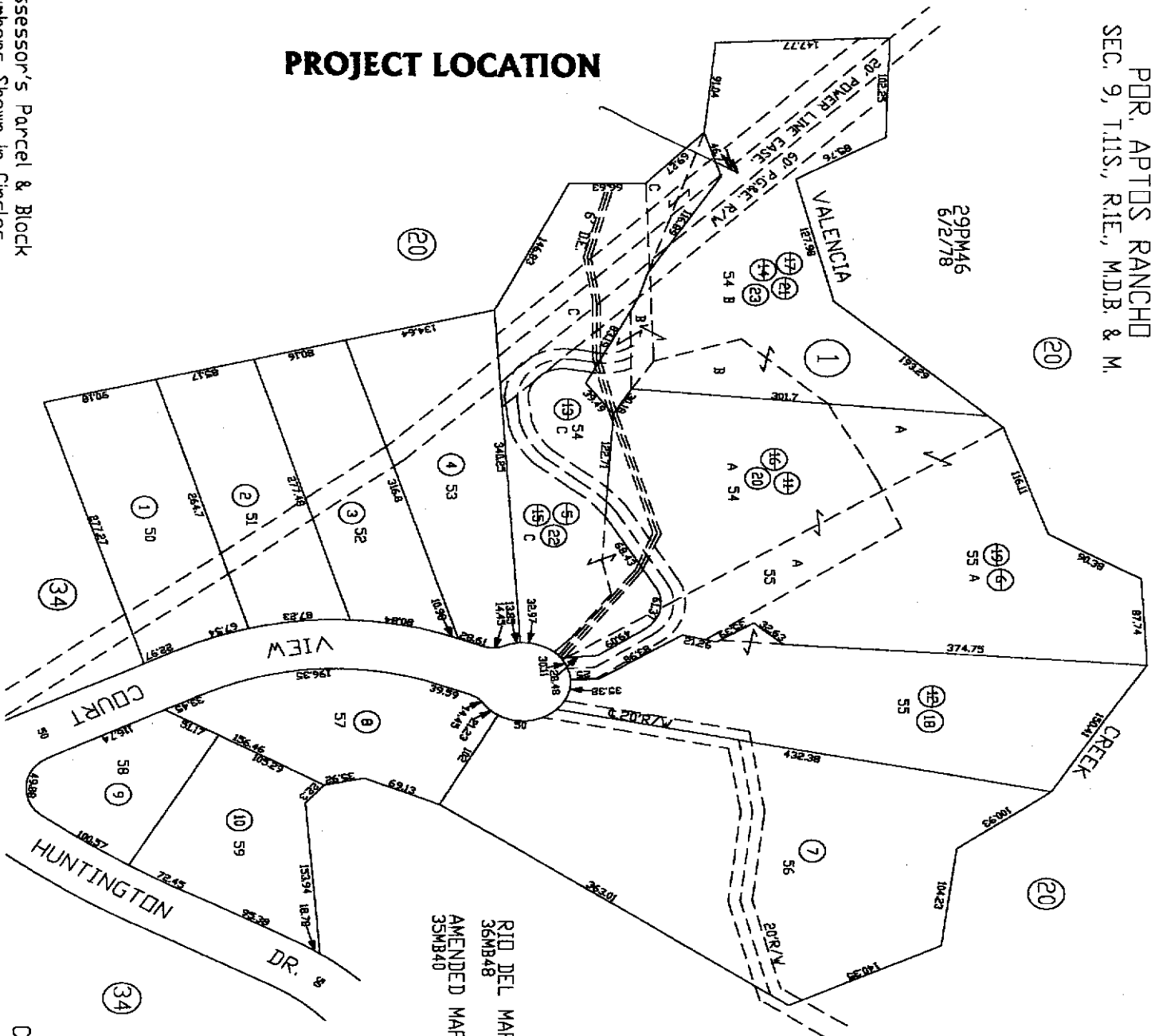
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POR. APTOS RANCHO
SEC. 9, T.11S, R.1E, M.D.B. & M.

Max Area Code	41-35
69-280	

29PM46
6/2/78

PROJECT LOCATION



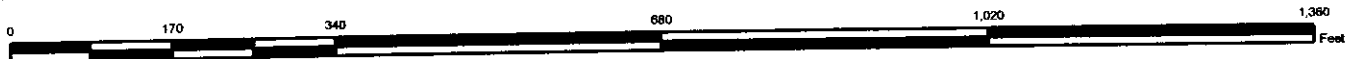
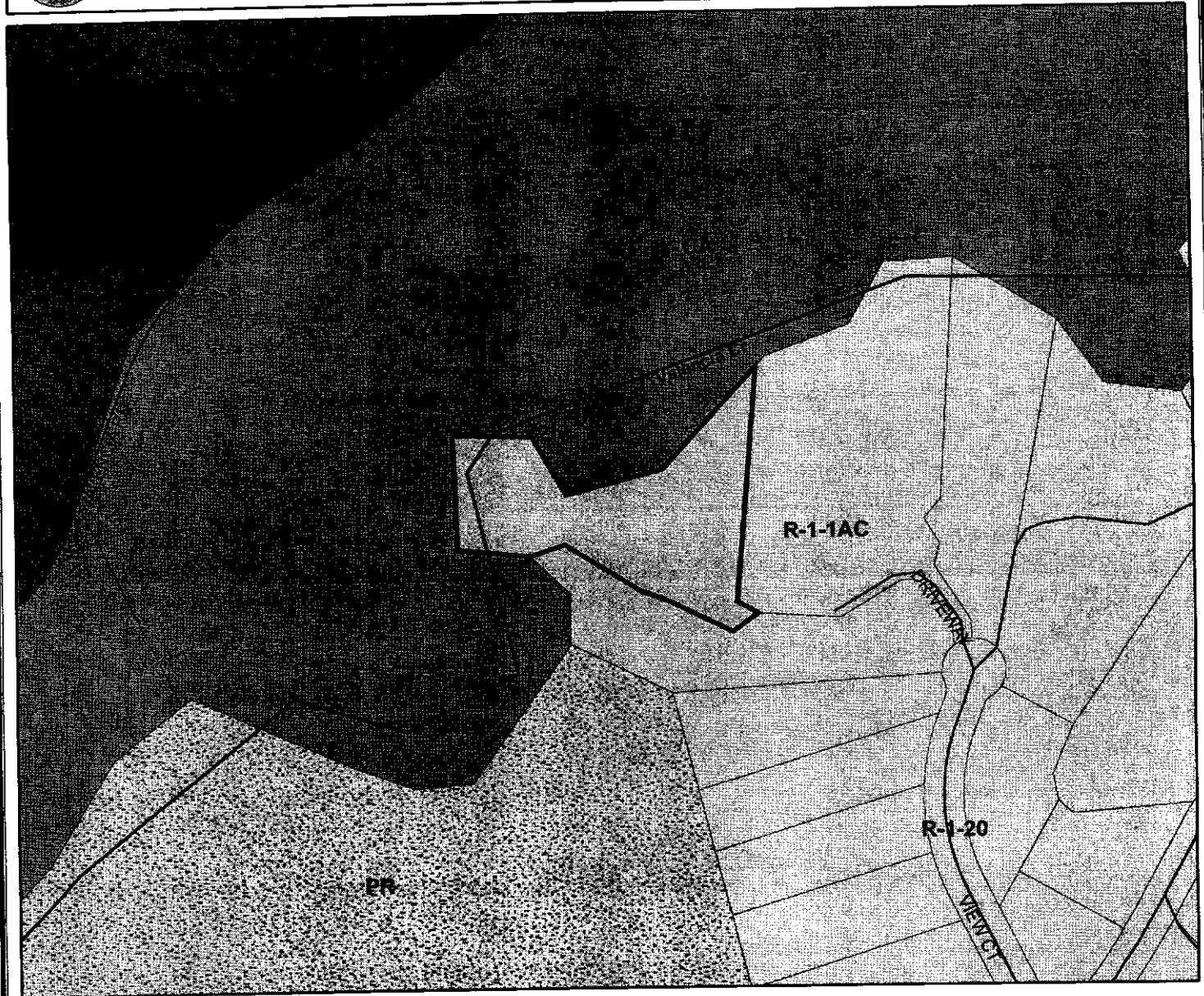
RID DEL MAR ESTATES UNIT NO.2 TR 223
35MB48 10/26/60
AMENDED MAP OF LOT 54 TR223 UNIT NO.2
35MB40 4/13/61

Note - Assessor's Parcel & Block Number shown in purple









Assessor's Map No. 41-35
County of Santa Cruz, Calif
January, 1997

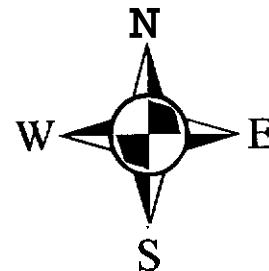


Zoning Map



Legend

-  APN 041-351-23
-  Assessors Parcels
-  Streets
-  PERENNIAL STREAM
-  RESIDENTIAL-SINGLEFAMILY (R-1)
-  PARK (PR)
-  AGRICULTURE COMMERCIAL (CA)
-  SPECIAL USE (SU)

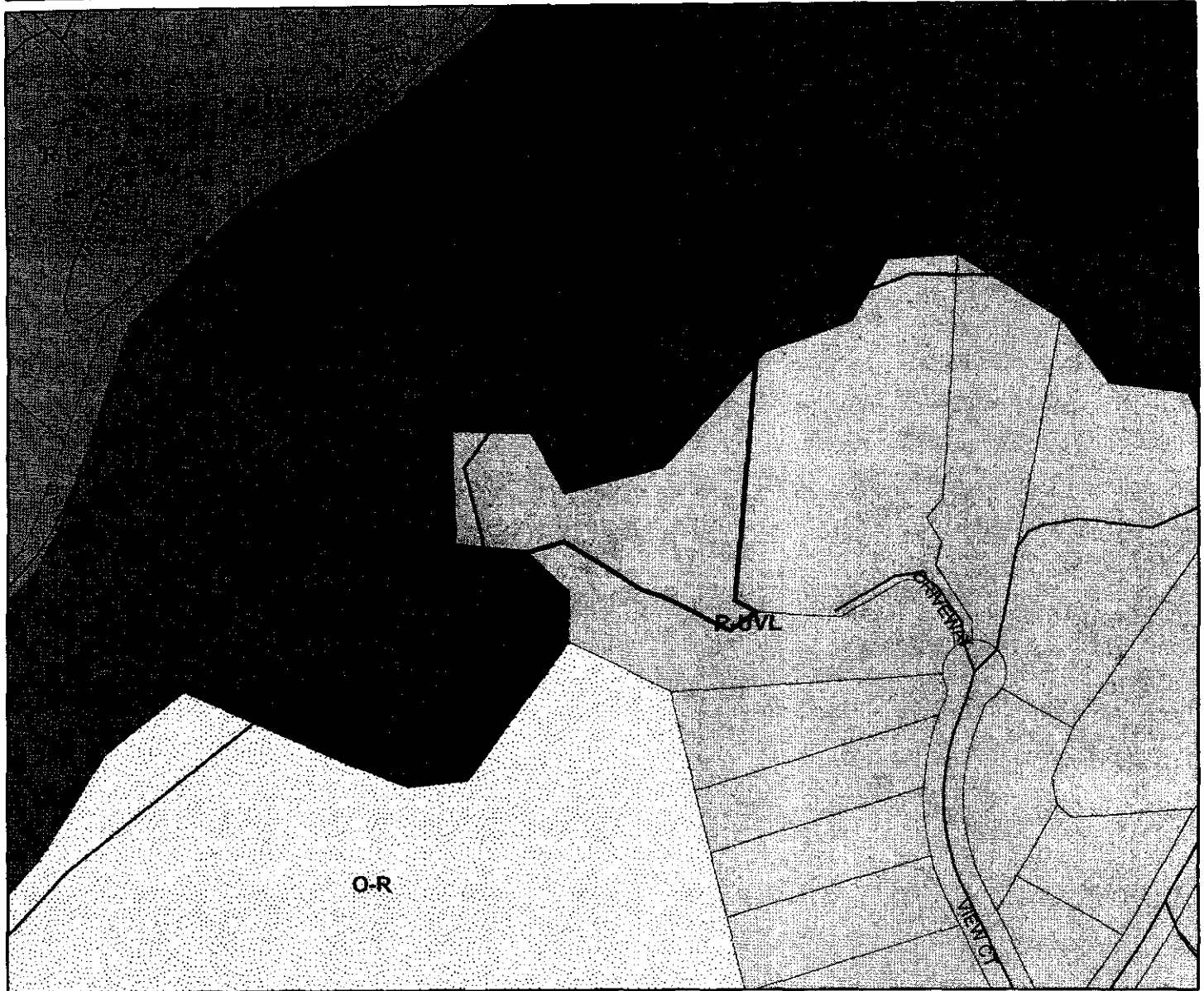


Map Created by
County of Santa Cruz
Planning Department
December 2006

EXHIBIT F

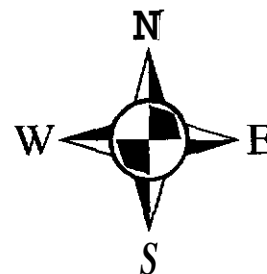


General Plan Designation Map



Legend

- APN 041-351-23
- Assessors Pards
- Streets
- PERENNIAL STREAM
- Residential- Urban Very Low Density (R-UVL)
- Residential-Rural (R-R)
- Residential-Mountain (R-M)
- Parks and Recreation (O-R)



Map Created by
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Planning Department
December 2006

EXHIBIT E

EXHIBIT G

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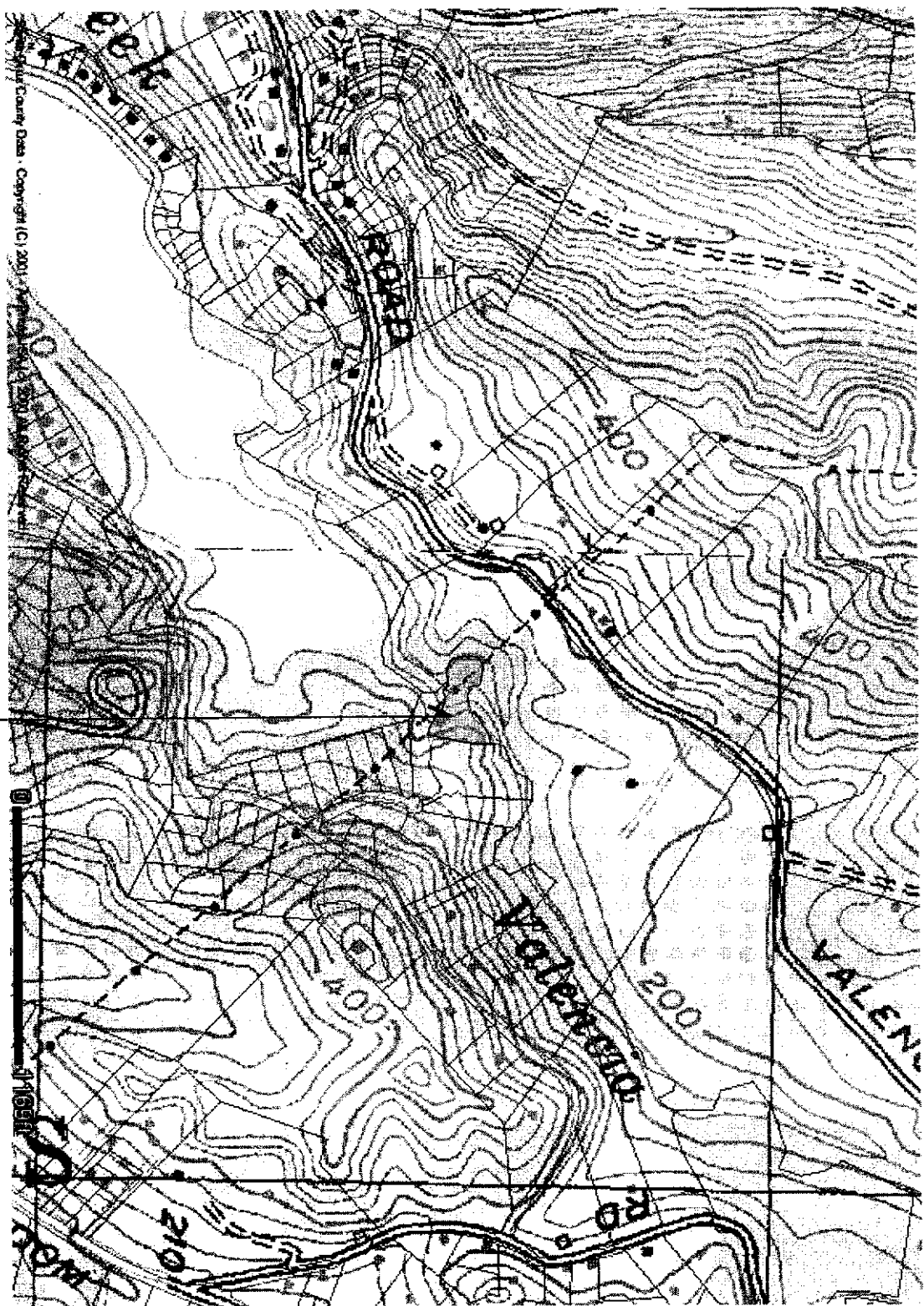
PROJECT LOCATION

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4-12-2006

EXHIBIT G

- 15 -



PROJECT LOCATION