

Staff Report to the Agricultural Policy Advisory Commission

Application Number: 07-0132

Applicant: Bert Lemke, Architect
Owner: Thomas & Patricia Clarke

APN: 046 271 25

Time: 1:20 mm

APN: 046-271-25 **Time:** 1:30 p.m.

Project Description: Proposal to construct a 2394 square foot single-family dwelling and a detached 864 square foot garageishop.

Location: Northeast side of an unnamed right-of-way at about 165 feet northwest of its intersection with Crest Drive at about 215 feet west of the intersection with Lindero Drive.

Permits Required: Agricultural Buffer Setback Reduction and Coastal Development Permit (to be heard by the Zoning Administrator)

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0132, based on the attached findings and conditions.

Exhibits

A. Project plans
B. Findings
C. Conditions
D. Categorical Exemption (CEQA
E. Location and Assessor's parcel maps
F. General Plan and Zoning maps
G. Site photos

Parcel Information

determination)

Parcel Size: 23,261 square feet per GIS (about 0.54 acre), 18,167

square feet as shown on plans

Existing Land Use - Parcel:

Existing Land Use - Surrounding:

Project Access:

Planning Area:

Land Use Designation:

Vacant

Residential

Crest Drive

San Andreas

Agriculture (AG))

Zone District: Commercial Agriculture (CA)
Supervisorial District: 2nd (District Supervisor: Pine)
Within Coastal Zone: _____ Unside _____ Outside

Appealable to Calif. Coastal Comm. X Yes No

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Application #:07-0132 APN: 046-271-25

Owner: Thomas & Patricia Clarke

Environmental Information

Geologic Hazards: Not mappedino physical evidence on site

Soils: Elder Sandy Loam

Fire Hazard: Not a mapped constraint

Slopes: 2 – 9 percent

Env. Sen. Habitat: Not mappedino physical evidence on site Grading: 30 cubic yards cut and 30 cubic yards fill

Tree Removal: 18 trees proposed to be removed (15 pines, 3 cypresses)

Scenic: Not a mapped resource
Drainage: Existing drainage adequate

Archeology: Not mappedino physical evidence on site

Services Information

Inside Urban/Rural Services Line: Yes X No Water Supply: San Andreas Mutual

Sewage Disposal: On-site

Fire District: Aptos – La Selva

Drainage District: Zone 7

Project Setting

The proposed project is to construct a 2394 square foot single-family dwelling and a detached 864 square foot garageishop. The project is located at the northeast side of **an** unnamed right-of-way at about 165 feet northwest of its intersection with Crest Drive at about 215 feet west of the intersection with Lindero Drive. The building site is located on a parcel zoned CA (Commercial Agriculture) and is within 200 feet of other CA zoned parcels in all directions. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to 10 feet from APN 046-271-07, 15 feet from APN 052-271-24, 30 feet from APN 046-271-34, 36 feet from APN 046-271-36, 38 feet from APN 046-271-08, 130 feet from APN 046-271-21, and 190 feet from APN 046-241-03 (see Exhibit E).

APN	046-271-07	046-271-24	046-271-34	046-271-36	046-271-08	046-271-21	046-241-03
Buffer	10 feet	15 feet	30 feet	36 feet	38 feet	130 feet	190 feet

The subject property slopes gently from the highest point of 156 feet near the proposed garage on the east side of the site to 142 feet near the west comer. The parcel carries an Agriculture (AG) General Plan designation and the implementing zoning is (CA) Commercial Agriculture. The parcels abutting the subject parcel are all developed with residences. With the exception of the parcel to the southwest, APN 046-271-08, a portion of which has been farmed in the recent past, none of the other abutting parcels have had for at least 15 years any agricultural activity.

Analysis and Discussion

The location of the existing house on APN 046-271-08 is such that any renewed agricultural activity on that parcel would be approximately 175 feet from the subject parcel. Excepting APN 046-271-08,

Application #:07-0132 APN: 046-271-25

Owner: Thomas & Patricia Clarke

none of the abutting parcels are large enough for feasible commercial agricultural activities. being between one-half and one acre in size. The closest actively farmed CA parcels are APN 046-271-21, about 130 feet to the northeast, which is separated from the subject parcel by a residentially developed parcel and trees and APN 046-241-03, about 190 feet to the southeast, which is separated from the subject parcel by Crest Drive and residentially developed parcels (see Exhibit E).

The subject parcel is approximately 142 feet by 131 feet. Reduced agricultural buffers are recommended due to the fact that there is no area on the property that is more than 200 feet from CA land and the lack of agricultural activity, both currently and in the future on adjacent parcels, because of their small sizes. No fencing or vegetative barrier is proposed or recommended because of the existing residential development and trees that provide an adequate buffer between the agricultural uses and the residential uses. In 1991 your commission approved an agricultural buffer reduction on APN 046-271-36, which abuts the subject parcel on the northwest, to as little as 20 feet without requiring any fencing or vegetative bamer. That approval was based on existing residential development and the relatively small size of the parcels, which rendered them not viable for commercial agricultural. The current recommendation is therefore consistent with previous determinations of your Commission for proposed development in the neighborhood.

While no fencing or vegetative barriers are required, **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 1s 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 the single family dwelling to 10 feet from APN 046-271-07, to 15 feet from APN 052-271-24, to 30 feet from APN 046-271-34, to 36 feet from APN 046-271-36, to 38 feet from APN 046-271-08, 130 feet to APN 046-271-21, and to 190 feet from APN 046-241-03 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: Steven Guiney

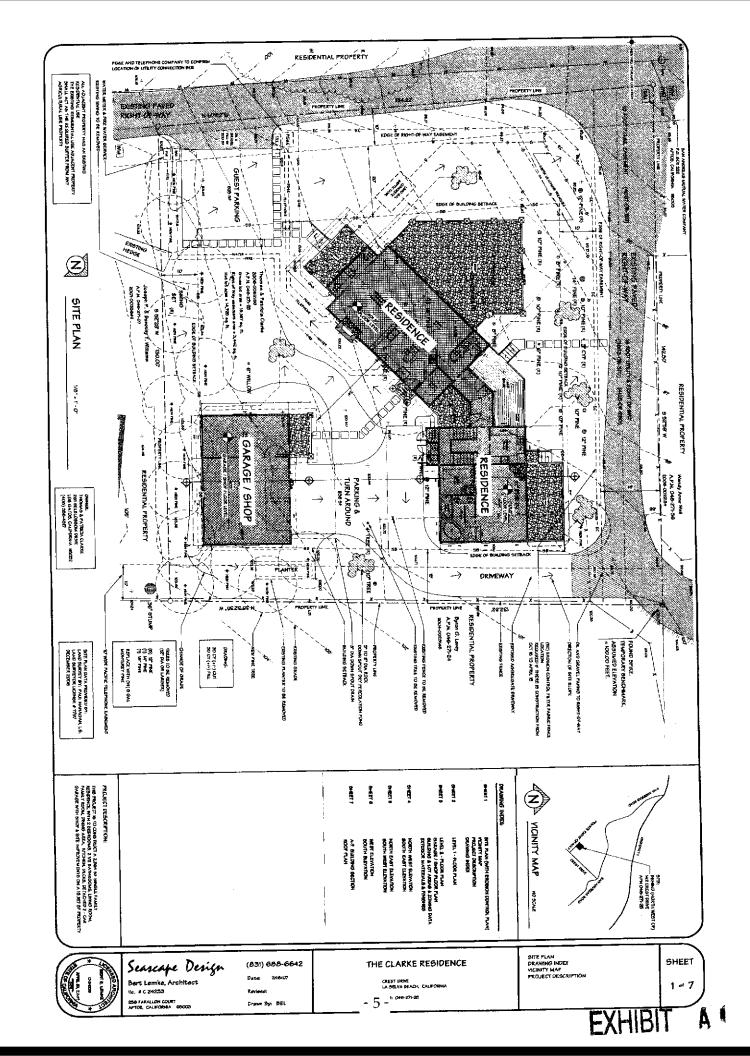
Santa Cruz County Planning Department

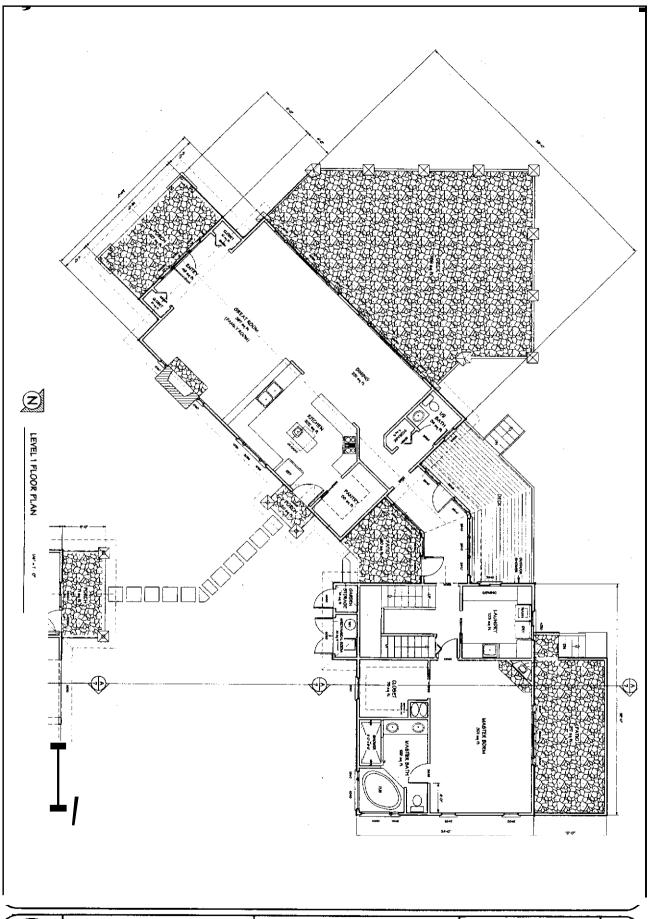
701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3172 E-mail: pln950@co.santa-cruz.ca.us Application #:07-0132 APN: 046-271-25

Owner: Thomas & Patricia Clarke

Report Reviewed **By:** Paia Levine
Principal Planner
Development Review







Seascape Design
Bers Lemke, Architect
Nr. # C 24225
Ber MANLON COUNT
AFTOR, CAUPOINNA 80000

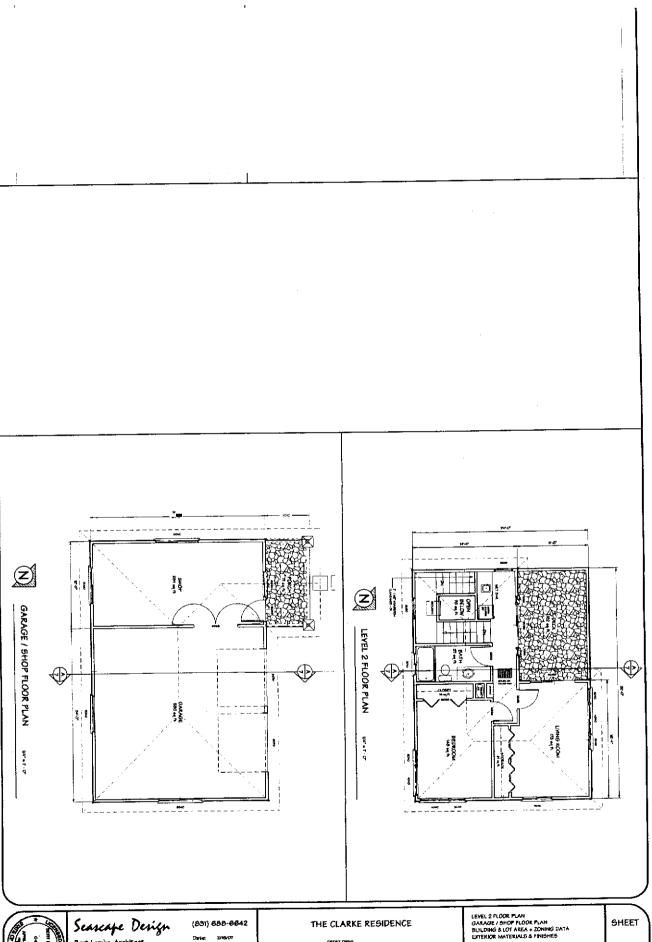
(831) 668-6642

THE CLARKE RESIDENCE

- 6 - 240-271-20

LEVEL 1 FLOOR PLAN

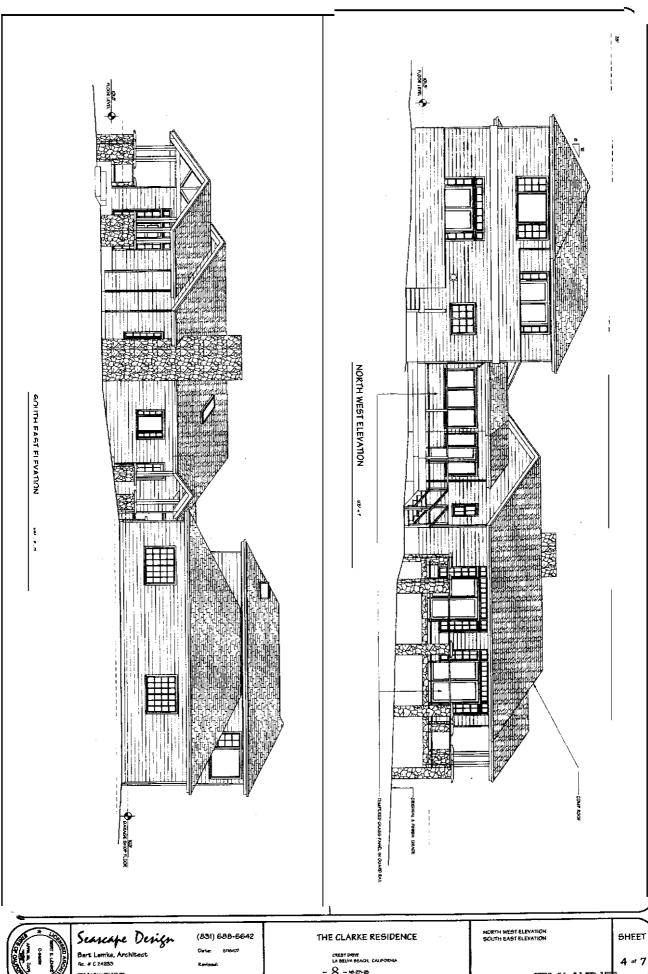
SHEET





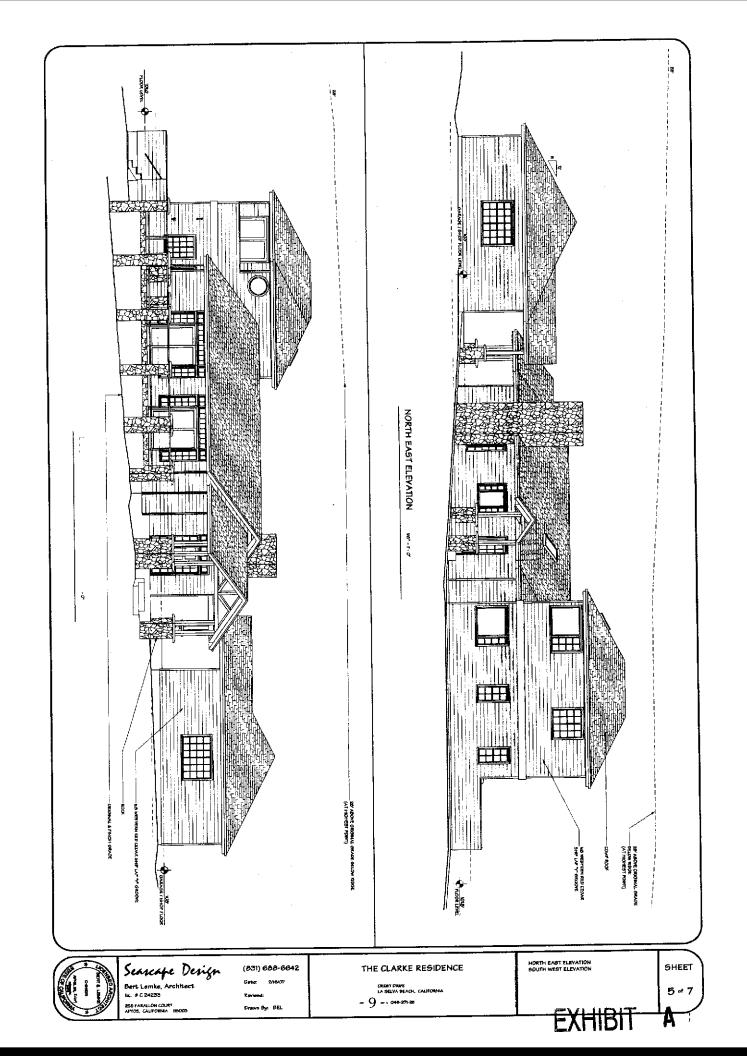
CREST DRIVE LA SELVA SEACH, CALIFORNIA - 7 - 040-271-20

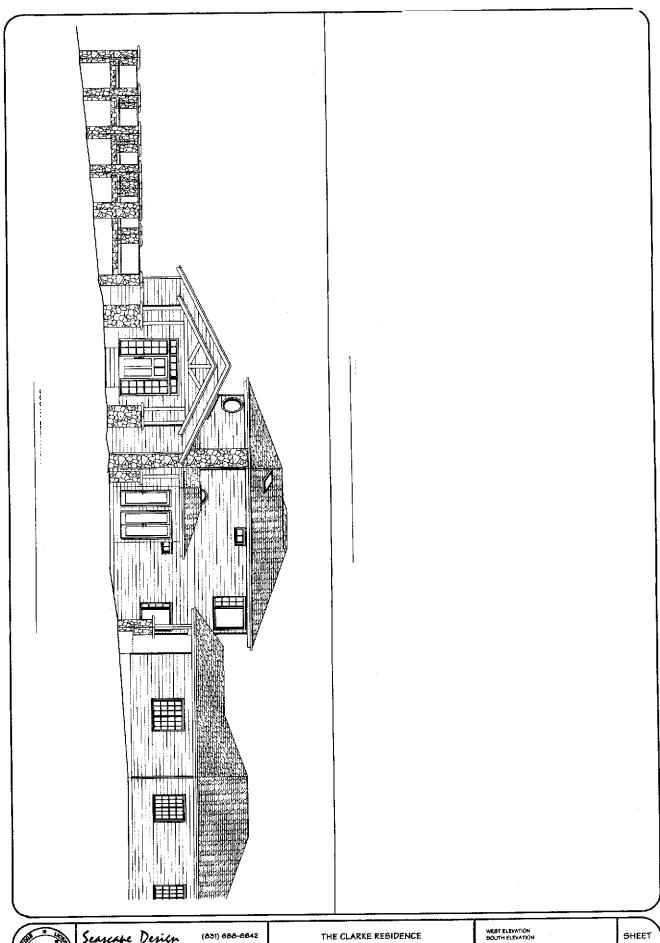
3 4 7



256 FARALLON COURT APTOS, CALIFORNIA 60000

- 8 - 10-27-20







Seascape Design Bort Lomko, Architect 16. 0 C 24235

(831) 688-6642

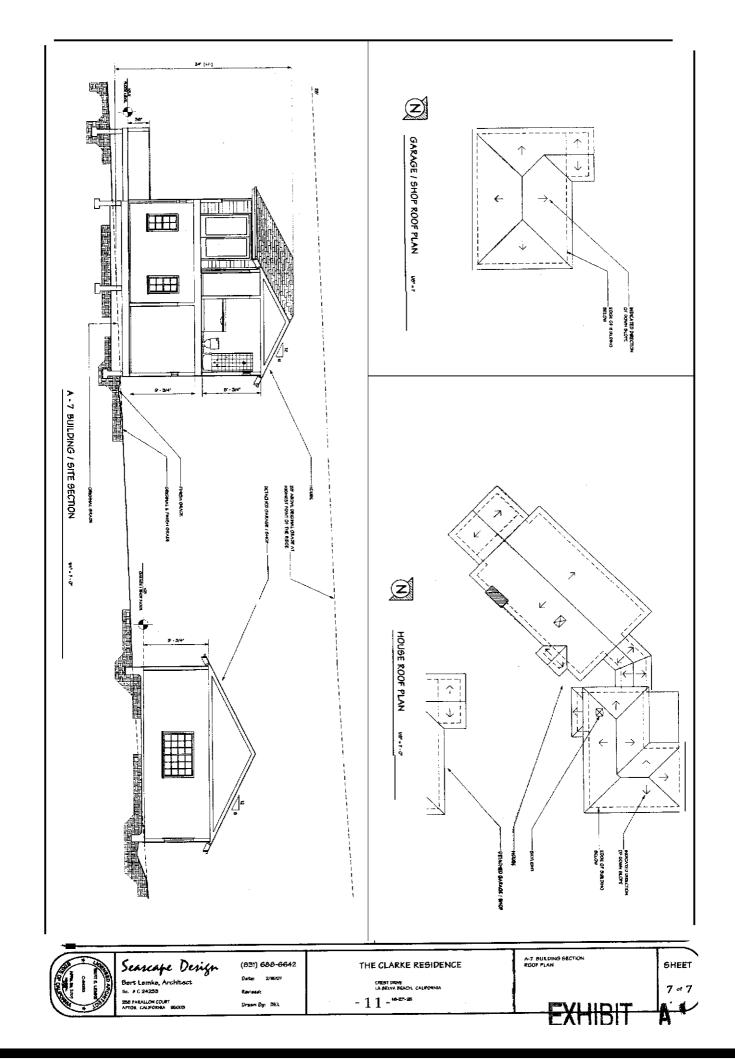
THE CLARKE RESIDENCE

CREST DRIVE LA SELVA BEACH, CALIFORNIA - 10 -+271-28

SHEET

6 4 7





Application #:07-0132 Page 5

APN:046-271-25

Owner: Thomas & Pahicia Clarke

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 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 screeningor other techniques to provide the maximum buffering possible, consistent with *the* objective of permitting building on a parcel of record.

The subject parcel is less than 200 feet wide in any dimension and therefore the imposition of a 200-foot buffer would preclude building on an existing parcel of record. The proposed building envelope bas been set back from all property lines in keeping with **the** required zoning setbacks, consistent with objective of permitting building on a parcel of record. However, no buffering fences or vegetative barriers are required for the following reasons: the construction of buffering fences and vegetative barriers along all property lines is unnecessary because each of the abutting properties either have existing single family dwellings, which render them unusable for commercial agricultural activities, or have residences that create a buffer between this property and **CA** land farther away that is actively farmed.

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 parcel, though zoned **CA**, is only 0.54 acres in size, is also surrounded by residentially developed parcels on all sides, and is too small to be viable for commercial agriculture. Therefore, the employment of techniques to preserve arable land would not further the objective of preserving productive commercial agricultural land.

Application #:07-0132 Page 6

APN: 046-271-25

Owner: Thomas & Patricia Clarke

Required Findings for Development on Land Zoned Commercial Agriculture or Agricultural Preserve County Code Section 13.10.314(a)

1. The establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area.

The parcel is too small to be economically viable for commercial agriculture and the surrounding residential development and parcel sizes (generally 0.5 to one acre) preclude active farming on this parcel. Residential development of this parcel will not adversely affect parcels where there is an existing commercial agricultural operation.

2. The use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or no other agricultural use of the parcel is feasible for the parcel; or

The parcel is too small to support commercial agriculture.

3. The use consists of an interim public use which does not impair long-term agricultural viability; and

N/A

4. Single family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in the area.

The small size of the subject parcel and abutting parcels precludes viable commercial agriculture; therefore conflicts will not arise. The residential development of the subject parcel will not conflict with existing commercial agricultural operations in the area because a statement of acknowledgment of existing nearby agricultural activities is required to be recorded and the residential development is infill in an area already mostly developed with residences.

5. The use will be sited to remove no land from production (or potential production) if any non-farmable potential building site is available, or if this is not possible, to remove as little land as possible from production.

The subject parcel is not currently and has not for at least the past 15 years been in agricultural production; neither have any of the other small parcels in this area. No land will be removed from agricultural production by this proposal.

Application #:07-0132 Page 7

APN: 046-271-25

Owner: Thomas & Pahicia Clarke

Required Findings for Residential Development on Land Zoned Commercial Agriculture or Agricultural Preserve In The Coastal Zone County Code Section 13.10.314(b)

- 1. The parcel is less than one acre in size; or the parcel has physical constraints (such as adverse topographic, geologic, hydrologic, or vegetative conditions) other than size which preclude commercial agricultural use; or that the residential use will be ancillary to commercial agricultural use of the parcel based upon the fact that either:
 - (i) 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
 - (ii) 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.

The parcel is approximately 0.54 acres.

2. The residential use will meet all the requirements of section 16.50.095 pertaining to agricultural buffer setbacks.

No new physical buffers are required. The requirements of Section 16.50.095 pertaining to agricultural buffer setbacks will be met by **the** existing development, which provides the physical buffers.

3. The owners of the subject 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 the issuance of the permit for the proposed development.

As required by County Code Section 16.50.095 and General Plan Policy 5.13.32, an Agricultural Statement of Acknowledgement is required to be recorded on the property deed **prior** to issuance of a building permit.

APN: 046-271-25

Owner: Thomas & Patricia Clarke

Conditions of Approval

Exhibit A: Project Plans, 7 sheets by Seascape Design, Revised 5/30/07

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to 10 feet from APN 046-271-07, to 15 feet from APN 052-271-24, to 30 feet from APN 046-271-34, to 36 feet from APN 046-271-36, to 38 feet from APN 046-271-08, to 130 feet from APN 046-271-21, and to 190 feet from APN 046-241-03. 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 Coastal Development Permit from the County of Santa Cruz Planning Department.
 - C. 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 10 feet from APN 046-271-07, to 15 feet from APN 052-271-24, to 30 feet from APN 046-271-34, to 36 feet from APN 046-271-36, to 38 feet from APN 046-271-08, to 130 feet from APN 046-271-21, and to 190 feet from APN 046-241-03, from the proposed single-family dwelling.
 - 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.
 - C. **The** project shall comply with all requirements of Public Works Drainage Division. Plans shall include dispersal and spreading of runoff from the proposed addition as part of **the** final site plan in order to mitigate for the additional

Owner: Thomas & Patricia Clarke

impervious area associated with this project. Zone 7 fees will be assessed on the net increase in impervious area due to this project.

- 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 permanently 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, it 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.

APN: 046-271-25

Owner: Thomas & Pahicia Clarke

C. <u>Settlement</u>. 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 Vanations to this permit which do not affect the overall concept **or** density may he 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:	October 18,2007
Effective Date:	November 2.2007
Expiration Date:	November 2,2009
Empiration Date.	11010111001 2,2007

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: 07-0132

Assessor Parcel Number: 046-271-25

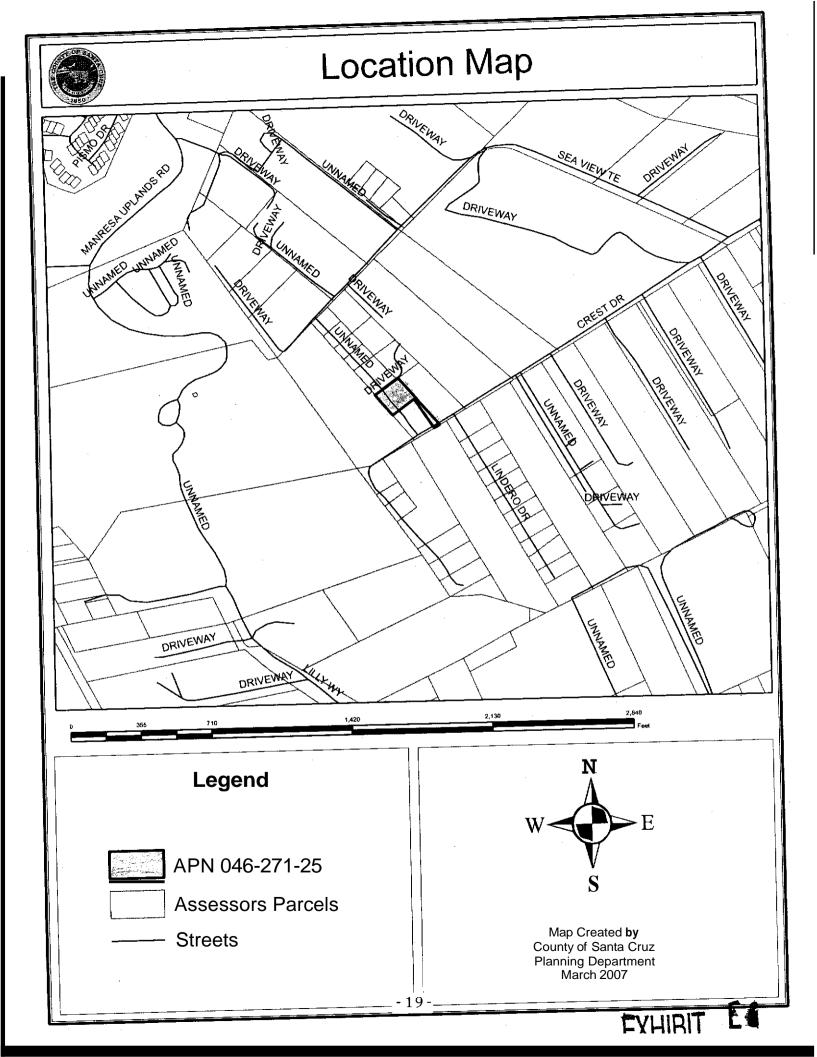
Contact Phone Number: (831) 688-6642

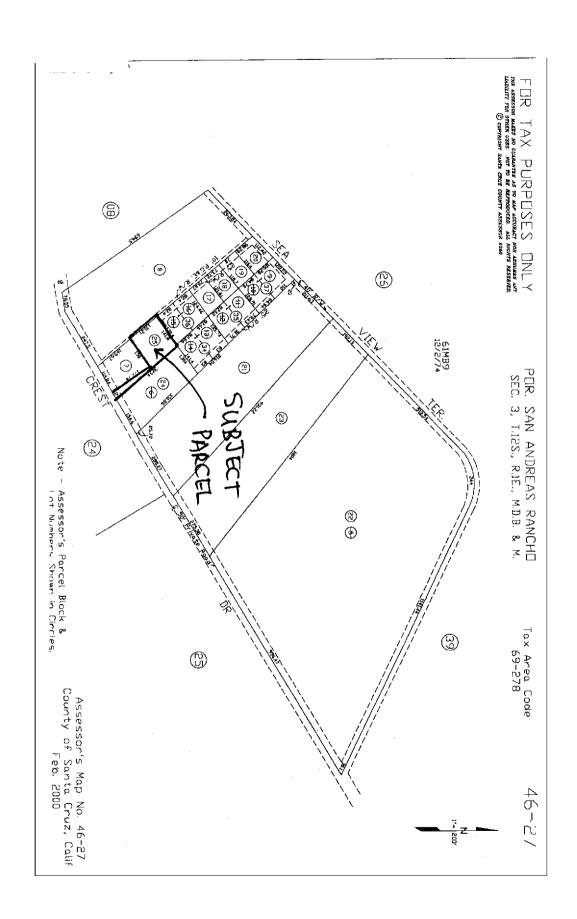
Project Location: Northeast side of an unnamed right-of-way at about 165 feet northwest of its intersection with Crest Drive at about 215 feet west of the intersection with Linden Drive, La Selva Beach

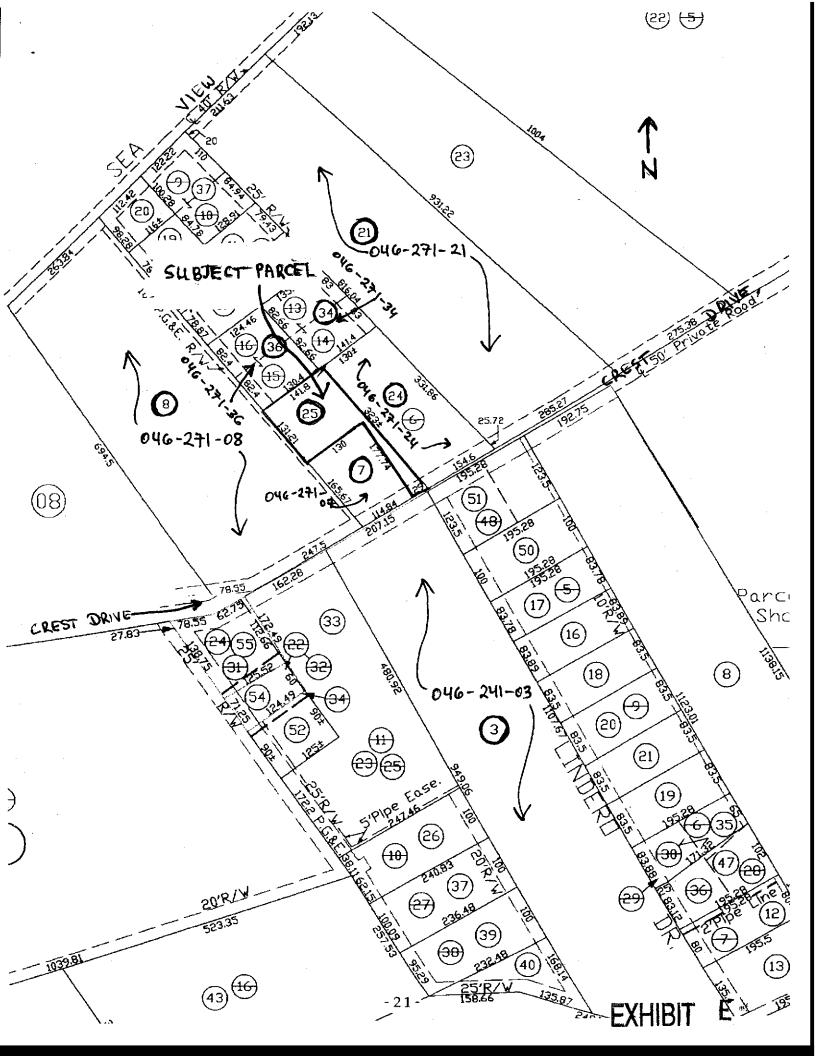
Project Description: Construct a 2394 square foot single family dwelling and a detached 864 square foot garage/shop and reduce the 200 foot agricultural buffer setback to 10feet from APN 046-271-07, to 15feet from APN 052-271-24, to 36 feet from APN 046-271-36, to 38 feet from APN 046-271-08, to 130 feet from APN 046-271-21, and to 190 feet from APN 046-241-03.

Person or Agency Proposing Project: Bert Lemke, Architect

A B	The proposed activity is not a project under CEQA Guidelines Section 15378. 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).				
E. <u>X</u>	Categorical Exemption				
Specify type: Class 3: CEQA Guidelines Section 15303: New Construction of Conversion of Small Structures					
F. Reason	ns why the project is exempt:				
Construction of a single-family dwelling on an existing parcel.					
In addition, no	one of the conditions described in Section 15300.2 apply to this project.				
	Date: 09 October 2007				
	Date: 09 October 2007 AICP, Project Planner				

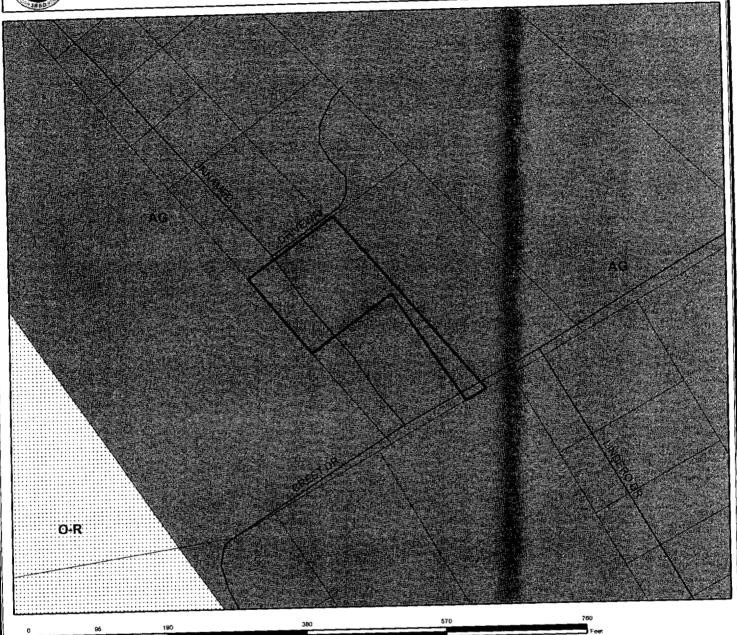


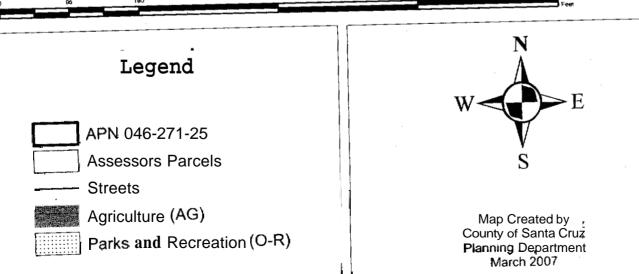






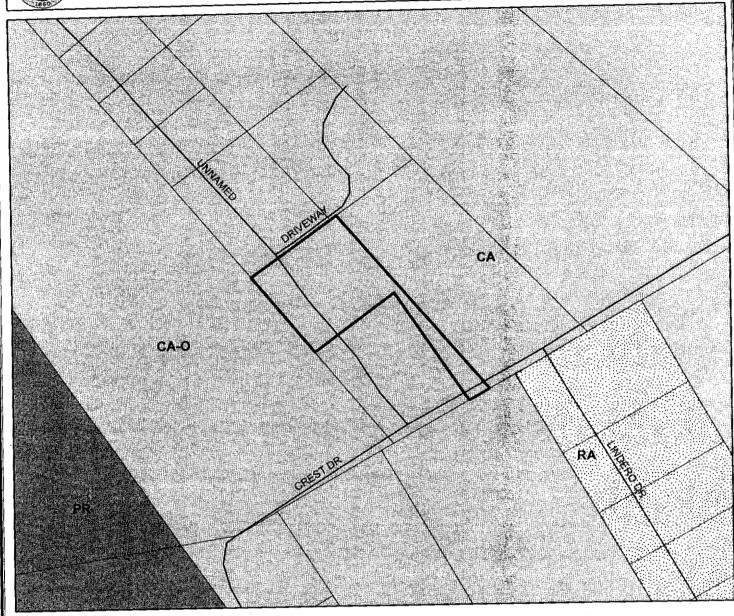
General Plan Designation Map







Zoning Map







AGRICULTURE COMMERCIAL (CA)

PARK (PR) AGRICULTURE RESIDENTIAL (RA)



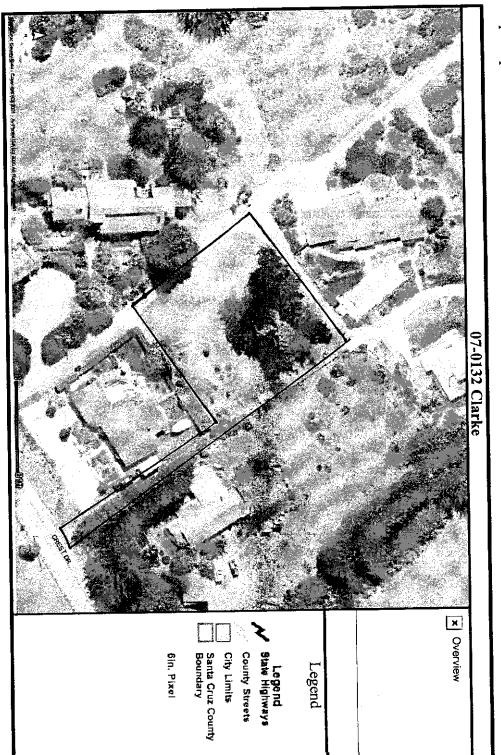
Map Created by County of Santa Cruz Planning Department March 2007

2001 2001

-23-







2007-10-09

TOWARD NORTH COMES 04/17/2007

FROM SOUTH CORNER
TOWARD WEST-CORNER
IN 1991, HOUSE IN CENTER
RECEIVED AG SUFFER REDUCTION
RECEIVED AG SUFFER REDUCTION
REGULATED

04/17/2007

- 27 -

EXHIBIT GT.

FROM WEST GRNER

04/17/2007

- 28

EXHIBIT

TOWARD NORTHEAST FROM WEST GRNER

TYPICAL RESIDENTIAL DEVELOPMONT

04/17/2007

FROM CREST DRIVE 04/17/2007 EXHIBIT & C