



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, PLANNING DIRECTOR

October 3, 2007

AGENDA DATE: October 18, 2007

Agenda Item: 9

Time: 1:30 p.m.

Agricultural Policy Advisory Commission
County of Santa Cruz
701 Ocean Street, Room 400
Santa Cruz, CA 95060

Subject: Consider amending County Code Chapter 16.50 to eliminate the requirement for discretionary approval and noticing requirements for some minor residential additions and accessory structures within agricultural buffers.

Dear Commissioners:

In June of this year, Planning Staff presented to the Board of Supervisors a set of regulatory reforms intended to simplify the planning process for minor residential projects, while continuing to protect important community values and resources. In August, the Board gave conceptual approval to the proposed reforms and directed planning staff to develop ordinance amendments to implement these reforms. One of the proposed reforms would amend County Code Chapter 16.50 to eliminate the requirement for discretionary approval and noticing requirements for certain minor accessory structures and residential additions to existing residential construction within agricultural buffers. As directed by the Board of Supervisors, Planning Staff is requesting that your Commission provide a recommendation to the Board regarding this proposed ordinance amendment.

Discussion

The proposed amendment would eliminate the requirement for Level IV discretionary approval and noticing requirements for residential additions, accessory structures and private recreational facilities less than 1,000 square feet within an agricultural buffer, as long as the new development extended no further into the agricultural buffer than the existing residential structures. (See Exhibit B for the text of the proposed ordinance.) Analysis by staff suggests that by requiring the installation of a physical barrier and the recording of a deed notice as standard conditions of approval for such projects, we can eliminate the need for a costly discretionary review process, while continuing to protect commercial agricultural land use and minimize conflicts between commercial agriculture and residential land use as intended by the Agricultural Land Preservation Ordinance. Your Commission administered the regulations in this way between approximately 1980 and 1995 (see Policy Memo – Exhibit C).

Analysis of current review process

As your Commission is aware, County Code requires Level IV discretionary review, with noticing to your Commission and to owners of commercial agricultural land within 300 feet of the project, for all additions to existing residential structures, habitable accessory structures, and private recreational facilities within an agricultural buffer. The agricultural buffer determination may also be appealed to your Commission. Over the years, the requirement that the project be noticed to your Commission has been variously interpreted by Planning Staff to require either that the item be placed on your consent agenda, or that the Commission members merely receive notice regarding the project. Regardless, the Level IV review process typically takes several months and costs several thousand dollars for the applicant. By comparison, residential additions and small habitable accessory structures that are not within agricultural buffers and are outside the coastal zone require only a building permit. In the Coastal Zone, small additions to residences generally do not require discretionary review.

Analysis by staff suggests that such a comprehensive and expensive review process is generally unnecessary for minor residential projects within agricultural buffers, since the discretionary review and noticing process rarely changes the project outcome. In 2006 and 2007 to date, there were 17 minor residential projects on your Commission's consent agenda requiring agricultural buffer determinations. None of these projects were denied, none were pulled from the consent to the regular agenda, no member of the public requested that an item be discussed at a public hearing, and none of the agricultural buffer determinations were appealed.

Limiting the scope of residential projects in agricultural buffers that could be approved without discretionary review will further ensure that projects with the potential to generate land use conflicts would continue to receive the higher level of scrutiny provided by the discretionary review process. Since only projects that extend no further into the setback would be allowed with only building permit approval, the residents applying for such projects would already be familiar with any impacts resulting from adjacent agricultural land uses. Additions, habitable accessory structures and private recreational facilities greater than 1,000 square feet would still require Level IV discretionary review and noticing.

Recommended review process

In order to ensure protection of agricultural land adjacent to residential properties, staff is recommending the implementation of the following application and review process for additions, private recreational facilities and habitable accessory structures less than 1,000 square feet that extend no further into the agricultural buffer than the existing residential development:

The applicant would apply for a building permit. Along with the standard application materials, the applicant would be required to submit photographs showing the location of the proposed development, the existing development on the property, and the adjacent agricultural property within 200 feet of the proposed development. The planner would review the photographs and the project plans, and would require as a standard condition of approval the installation of a 6-

foot solid fence or vegetative screening to provide a physical barrier between existing residential development and the adjacent agricultural land, and between the proposed residential development and the adjacent agricultural land. The installation of the required physical barrier would be required before the building permit could be finalized. Staff would also require as a standard condition of approval that the property owner record an acknowledgement of adjacent agricultural use if he or she had not done so previously.

Commercial projects within agricultural buffer areas, additions and habitable accessory structures greater than 1,000 square feet, additions that extended further into the agricultural buffer than the existing residential development, and new residential development within agricultural buffers would continue to be subject to the discretionary review process specified in County Code Chapter 16.50.

Recommendation

It is therefore recommended that your Commission:

1. Accept and file this report; and
2. Adopt the resolution (Exhibit **A**) recommending that the Board of Supervisors adopt the proposed amendment to County Code Chapter 16.50.

Sincerely,

Annie Murphy
Planner II

- Exhibits:
- A. Resolution
 - B. Ordinance
 - C. Policy Memo

cc: County Counsel

BEFORE THE AGRICULTURAL POLICY ADVISORY COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following Resolution is adopted:

**AGRICULTURAL POLICY ADVISORY COMMISSION RESOLUTION
REGARDING PROPOSED AMENDMENTS TO COUNTY CODE CHAPTER
16.50 TO ELIMINATE THE REQUIREMENT FOR DISCRETIONARY
APPROVAL FOR RESIDENTIAL ADDITIONS, ACCESSORY STRUCTURES
AND PRIVATE RECREATIONAL FACILITIES LESS THAN 1,000 SQUARE
FEET THAT EXTEND NO FURTHER INTO THE AGRICULTURAL BUFFER
THAN THE EXISTING RESIDENTIAL STRUCTURES.**

WHEREAS, County Code Chapter 16.50, the Agricultural Land Preservation and Protection Ordinance, requires a buffer between commercial agricultural land and residential land uses to minimize conflicts between such land uses in order to protect agricultural land; and

WHEREAS, County Code Chapter 16.50 allows for residential additions and habitable accessory structures within the buffer area, subject to Level IV discretionary review and the installation of an appropriate physical barrier between the proposed residential development and adjacent commercial agricultural land; and

WHEREAS, for new residential additions, habitable accessory structures, and private recreational facilities less than 1,000 square feet that extend no further into the agricultural buffer than the existing residential structures, the installation of an appropriate physical barrier can be required as a standard condition of approval to a building permit without requiring discretionary review.

NOW, THEREFORE, BE IT RESOLVED, that the Agricultural Policy Advisory Commission recommends that the amendments to County Code Chapter 16.50, attached hereto as Exhibit B, be approved by the Board of Supervisors.

PASSED AND ADOPTED by the Agricultural Policy Advisory Commission
of the County of Santa Cruz, State of California, this _____ day of
_____, 2007 by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
Steven Guiney, Secretary

APPROVED AS TO FORM:

COUNTY COUNSEL

cc: County Counsel
Planning Department

SECTION

Subsection (b) 1 of Section 16.50.095 of the Santa Cruz County Code is hereby amended to read as follows:

1) Provide and maintain a two hundred (200) foot buffer setback between Type 1, Type 2 or Type 3 commercial agricultural land and non-agricultural uses involving habitable spaces including dwellings, habitable accessory structures and additions thereto: and commercial, industrial, recreational, or institutional structures, and their outdoor areas designed for public parking and intensive human use, except that if an existing legal dwelling already encroaches within the two hundred (200) foot buffer setback, proposed additions thereto, habitable accessory structures or private recreational facilities--none exceeding 1,000 square feet in size--shall be exempt from this subsection so long as they encroach no further than the existing dwelling into the buffer setback and an appropriate vegetative or other physical barrier, as determined necessary, either exists or is provided and maintained. For the purposes of this Section, outdoor areas designed for intensive human use shall be defined as surfaced ground areas or uncovered structures designed for a level of human use similar to that of a habitable structure. Examples are dining patios adjacent to restaurant buildings and private swimming pools. The two hundred (200) foot agricultural buffer setback shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts.

SECTION

The first paragraph of Subsection (g) of Section 16.50.095 of the Santa Cruz County Code is hereby amended to read as follows:
 (g) Proposals to reduce the required two hundred (200) foot agricultural buffer setback for additions to existing residential construction (dwellings, habitable accessory and private recreational facilities not otherwise exempted by Section 16.50.095(b)1) and for the placement of agricultural caretakers' mobile homes on agricultural parcels shall be processed as a Level 4 application by Planning Department staff as specified in Chapter 18.10 of the County Code with the exception that:

COUNTY OF SAN DIEGO

INTER-OFFICE CORRESPONDENCE

DATE: February 14, 1980

TO: Planning Department

FROM: Agricultural Policy Advisory Commission *w/deg 2/78/80*

SUBJECT: Agricultural Buffer Review for Additions to Existing Structures

The Agricultural Policy Advisory Commission requests review of all additions (both those needing only a building permit and those needing a discretionary permit) which would reduce the setback area between any existing structure and adjacent agricultural land. This review would also pertain to the construction of non-habitable structures such as garages, workshops, studios, etc.

EXAMPLE

