



Staff Report to the Zoning Administrator

Application Number: 211180

Applicant: Jim Weaver

Agenda Date: 9/16/22

Owner: Houston & Rodgers

Agenda Item #: 1

APN: 107-521-08 & 107-521-13

Time: After 9:00 a.m.

Site Address: 42 & 46 Browns Valley Road, Watsonville

Project Description: Proposal to transfer 5,155 square feet of land from APN 107-521-13 to APN 107-521-08. Requires a Lot Line Adjustment and Variance to further reduce the site area of APN 107-521-13 below the minimum parcel size required in the RA zone district.

Location: Properties located on Browns Valley Rd in Watsonville, approximately 800 feet from the intersection of Browns Valley Rd and Corralitos Rd (42 & 46 Browns Valley Road).

Permits Required: Variance and Lot Line Adjustment

Supervisory District: Second District (District Supervisor: Friend)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 211180, based on the attached findings and conditions.

Project Description & Setting

The proposed lot line adjustment will transfer 5,155 square feet from APN 107-521-13 to APN 107-521-08. Both parcels are currently under the minimum one-acre size required for the RA – Residential Agriculture zone district. The land transferred from APN 107-521-13 will further reduce that parcel below the minimum one-acre size for the zone district.

The subject parcels will both continue to be nonconforming in terms of lot area as a result of the proposed transfer of land. Though APN 107-521-08 will become larger and closer to compliance with the minimum parcel size for the zone district, a variance is required for the further reduction of APN 107-521-13 below the minimum one acre required in the RA zone district.

No new development is proposed on either parcel. The portion of land being transferred will remain vacant, with the exception of an area used for a septic leach line serving the existing home on APN 107-521-13. Environmental Health Services (EHS) has reviewed and accepted a septic easement on APN 107-521-08 (serving APN 107-521-13) which provides sufficient buffer

ensure the existing septic system would not be adversely impacted by potential future development or improvements. Further, EHS acknowledges there is sufficient area on APN 107-521-13 for future use as a septic leach field (expansion area) if in the event the existing system is no longer viable.

The transfer of this property from one owner to the other will not increase the development potential on either property and will result in a more uniform parcel configuration. No new building sites will be created as a result of this application. There are two parcels currently and there will be two parcels as a result of this permit. No new parcels will be created.

Findings are on file in the County Planning Department.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **211180**, based on the attached findings and 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.sccoplanning.com

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Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information

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: 211180

Assessor Parcel Number(s): 107-521-08 & 107-521-13

Project Location: 42 & 46 Browns Valley Road, Watsonville

Project Description: Boundary adjustment between two legal lots of record.

Person or Agency Proposing Project: Jim Weaver

Contact Phone Number: (831)

- 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).
E. ☒ **Categorical Exemption**

Specify type: Class 5 - Minor Alterations in Land Use Limitations (Section 15305)

F. Reasons why the project is exempt:

Minor Lot Line Adjustment with site variances not resulting in the creation of additional building sites.

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

Nathan MacBeth, Project Planner

Date: _____

EXHIBIT A

Lot Line Adjustment Findings

1. The lot line adjustment will not result in a greater number of parcels than originally existed.

This finding can be made, in that there were two parcels prior to the adjustment and there will be two parcels subsequent to the adjustment.

2. The lot line adjustment conforms with the county zoning ordinance (including, without limitation, County Code section 13.10.673), and the county building ordinance (including, without limitation, County Code section 12.01.070).

This finding can be made, in that no additional building sites will be created by the transfer as all parcels are currently developed, none of the parcels have a General Plan designation of 'Agriculture' or 'Agricultural Resource', none of the parcels are zoned 'TP' or have a designated Timber Resource as shown on the General Plan maps, technical studies are not necessary as all lots are already developed with single family dwellings and the proposal complies with the General Plan designation of the parcels (RR – Rural Residential) per 13.10.673(e).

3. No affected parcel may be reduced or further reduced below the minimum parcel size required by the zoning designation, absent the grant of a variance pursuant to County Code section 13.10.230.

This finding can be made, in that the two subject parcels are currently less than the minimum one-acre size for the RA zone district and the proposed boundary adjustment includes a variance to further reduce APN 107-251-13 below the minimum parcel size required by the zone district. The attached Variance Findings support approval of a reduced parcel size.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the two subject parcels are both substandard in terms of the minimum parcel size required in the Residential Agriculture (RA) zone district. Both parcels are currently less than one acre in size before the proposed boundary adjustment and both parcels will remain less than one acre in size after the adjustment.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that no new development is proposed. The transfer of land from one parcel to another will not result in a change to existing site conditions as it relates to the location of existing structures and the surrounding development. The proposed boundary adjustment will result in a more uniform parcel configuration.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that no new building sites will be created as a result of the proposed transfer of land and no new development is proposed. The portion of land being transferred will remain vacant with the exception of a portion being used for septic leach lines serving APN 107-521-13.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses. No new development is proposed as part of this project and the transfer of land from one parcel to another will not result in a change to existing site conditions as it relates to the location of existing structures and the surrounding development.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed boundary adjustment and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that a variance can be supported to allow for further reduction of APN 107-521-13 below the minimum parcel size for the zone district. No new development is proposed and the primary use of the subject properties will continue to be single family residence.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the existing residential use will remain consistent with the use and density requirements specified for the R-R (Rural Residential) land use designation in the County General Plan. A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that no new development is proposed that would generate additional vehicle trips and the two subject properties are currently served by existing utilities. No impacts to roads to existing roads or intersections in the surrounding area is expected and the project will not overload existing utilities.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed boundary adjustment consists of a transfer of land between two parcels developed with existing single family dwellings. No new development is proposed. The existing homes will remain consistent with the land use intensity and density of the neighborhood.

Conditions of Approval

Exhibit D: Tentative Map, prepared by Edmundson & Associates Land Surveying, dated March 1, 2022.

- I. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. No parcel map is required. File deed(s) of conveyance (which must result in parcel configurations that match the approved Exhibit "A" for this permit) with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership. Please note that this approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property.
- III. The deed(s) of conveyance must contain the following statement after the description of the property(ies) or portion(s) of property to be transferred:
 - A. "The purpose of the deed is to adjust the boundary between Assessor's Parcel Numbers 107-521-08 and 107-521-13 as approved by the County of Santa Cruz under Application 211180. This deed and approval of the related Lot Line Adjustment Number 211180 shall be deemed to permanently reconfigure the affected underlying parcels. Any configuration of such underlying parcels that existed prior to recordation of this deed shall no longer be valid and shall not be used for transfer, conveyance, sale, or any other purpose. This conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated."
- IV. Return a conformed copy of the deed(s) to the Planning Department.
- V. If a map is also to be recorded with the County Surveyor's office (which is not required to implement this approval), you must include a copy of these Conditions of Approval to the County Surveyor with the map to be recorded.
- VI. 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.
- VII. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by

the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

In accordance with Chapter 18.10 of the County Code, minor variations to this permit which do not affect the overall concept, intensity, or density may be approved by the Planning Director at the request of the applicant or staff.

Please note: This permit expires three years from the effective date and is no longer valid if the boundary adjustment is not recorded prior to the expiration date listed below.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney AICP
Deputy Zoning Administrator

Application #: 211180
APN: 107-521-08 & 13
Owner: Houston & Rodgers

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

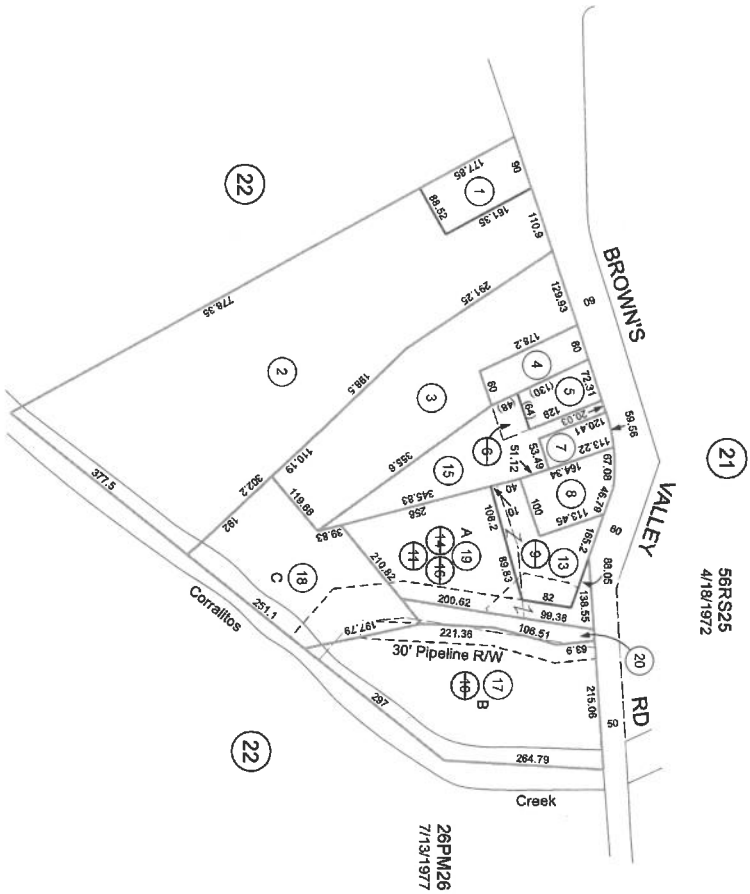
FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR DAMAGES OF ANY KIND. ALL RIGHTS RESERVED.
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RANCHO DE LOS CORRALITOS
POR. SEC. 12, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-262

107-52



Electronically Drawn 1/29/98 KSA
Rev. 4/8/98 CB (Tax Consolidation)
Rev. 4/23/15 AR (Spatial Adjustment)

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

Assessor's Map No. 107-52
County of Santa Cruz, Calif.
Jan. 1998



Parcel Location Map



Mapped
Area

CITY OF
WATSONVILLE

BROWNS VALLEY RD

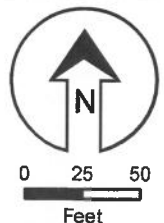
107-521-08

107-521-13

Parcel: 10752108,10752113

- Study Parcel
- Assessor Parcel Boundary
- City Limits

Map printed: 23 Aug. 2021





SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Zoning Map



Mapped
Area

CITY OF
WATSONVILLE
CITY-WAT

107-521-08
(RA)

107-521-13
(RA)

RA

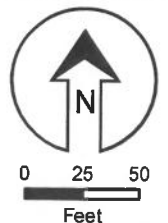
PF

RA

CA

CA

- CA Commercial Agriculture
- RA Residential Agricultural
- PF Public/Community Facilities



Browns Valley Road

AREA TABLE

APN	EXISTING AREA	TO BE GAINED	TO BE LOST	PROPOSED NEW AREA
APN 107-521-08	14470 Sq.ft.	5155 Sq.ft.	0 Sq. ft.	19625 Sq. ft.
APN 107-521-13	19195 Sq.ft.	0 Sq. ft.	5155 Sq.ft.	14040 Sq. ft.

Note: All existing and proposed new areas shown are approximate only.

Scale 1" = 10'

LEGEND

- Survey control point found as noted
- Survey control point set as noted
- Property line, lands involved in adjustment
- Other property line
- Proposed new property line
- Structure line (appr. only)
- Fence
- Tie line
- Edge of pavement
- Record data

NOTE: Septic and Leach Line locations on APN 107-521-13 are based on sketch prepared by Tom's Septic Construction dated 11/24/2021.
 NOTE: The location of the septic expansion areas as shown hereon have been defined by client.
 NOTE: The location of the septic and leach area shown on APN 107-521-08 was defined by client.



Olin S. Edmundson

EDMUNDSON & ASSOCIATES
 LAND SURVEYING
 1512 SEABRIGHT AVENUE
 SANTA CRUZ, CA 95062
 PHONE (831) 425-1796
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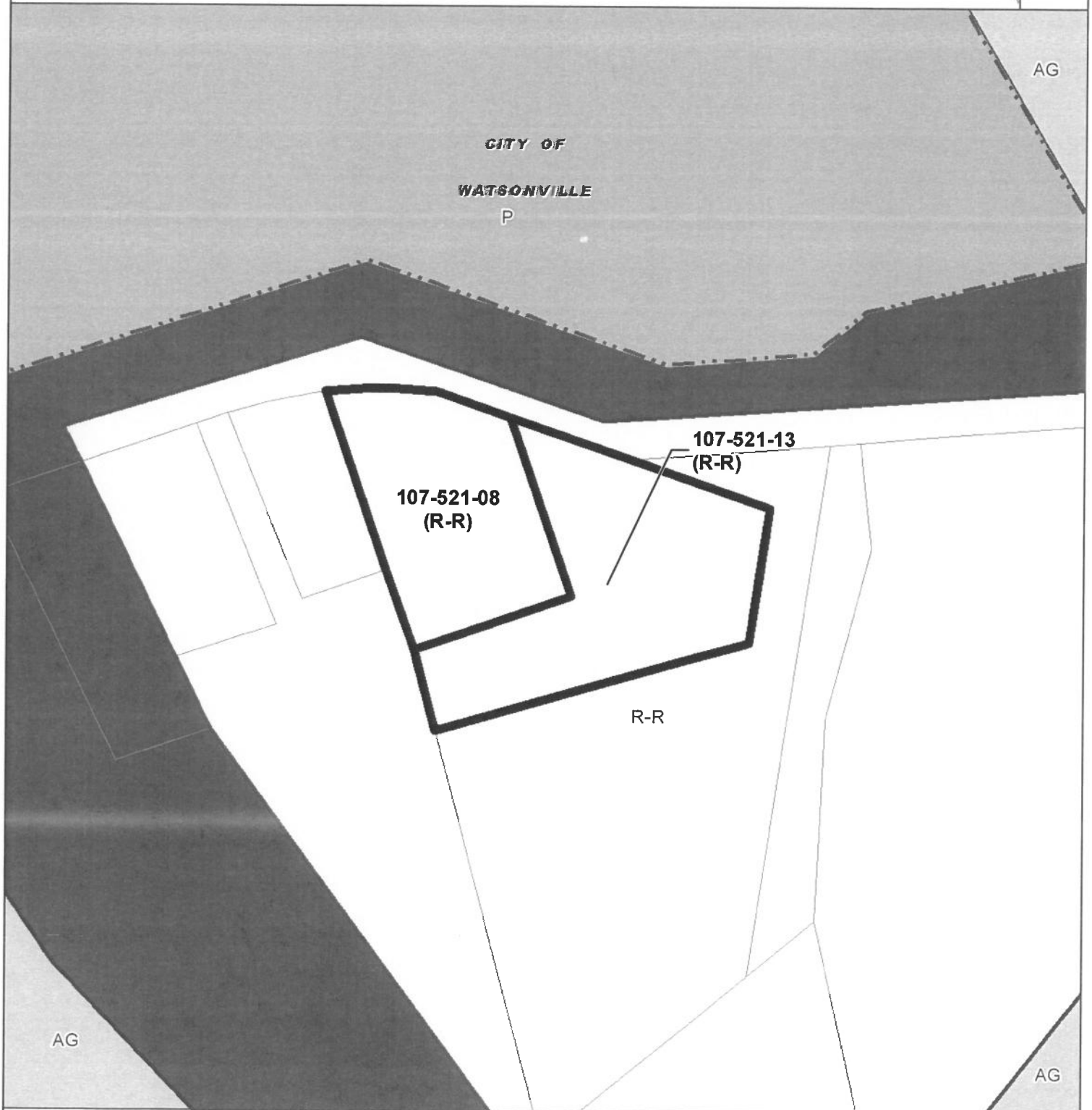
LOT LINE ADJUSTMENT MAP		
BETWEEN ASSESSOR'S PARCEL NO'S. 107-521-08 & 13		
Scale 1" = 10'	Santa Cruz County California	FB 206/34
March 1, 2022	Prepared for Brandon & Yolanda Houston	
File 21025LLA.V5.DWG		Job #21025






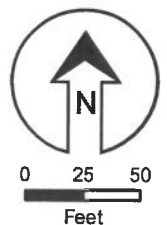
SANTA CRUZ COUNTY PLANNING DEPARTMENT
Parcel General Plan Map



Mapped
Area



-  AG *Agricultural*
-  P *Public Facilities*
-  R-R *Residential Rural*



Parcel Information

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Watsonville
Sewage Disposal: Septic
Fire District: County Fire
Drainage District: Flood Control District 7

Parcel Information

Parcel Size: 14,418 square feet & 18,513 square feet
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential
Project Access: Browns Valley Road
Planning Area: Eureka Canyon
Land Use Designation: R-R (Rural Residential)
Zone District: R-1- (Special Use)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal ☐ Yes ☒ No
Comm.

Technical Reviews: Not applicable

Environmental Information

Geologic Hazards: Not mapped
Fire Hazard: Not a mapped constraint
Slopes: Less than 30% slopes
Env. Sen. Habitat: Mapped biotic, no development proposed
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Archeology: Mapped archeological resource, no development proposed