

# Staff Report to the Zoning Administrator

Application Number: 141126

**Applicant:** Barbara Brown **Owner:** Lance & Barbara Brown

**APN:** 046-261-05

Agenda Date: 2/20/15 Agenda Item #: 2 Time: After 9:00 a.m.

**Project Description**: Proposal to construct a new 1,299 square foot single family dwelling with a 1,500 square foot detached non-habitable accessory structure containing a half bath (consisting of a 480 square foot greenhouse, a 624 square foot workshop and a 440 square foot garage) on a vacant parcel. Requires an Agricultural Buffer Setback Reduction to reduce the required 200 foot setback to 130 feet from APN 046-072-01 a property zoned for Commercial Agriculture located to the northwest and APN 046-261-15 located 100 feet to the south, a Residential Development Permit for the construction of a non-habitable accessory structure greater than 1,000 square feet on a rural parcel zoned RA, and a Coastal Development Permit.

**Location**: Property located at the southwest end of an unnamed right of way approximately 225 feet from its intersection with San Andreas Road (1179 San Andreas Road) which is approximately 1,550 feet southeast of the intersection with Sand Dollar Drive.

Supervisorial District: Second District (District Supervisor: Friend)

**Permits Required**: Coastal Development Permit, Residential Development Permit and Agricultural Buffer Setback Reduction.

### **Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 141126, based on the attached findings and conditions.

### **Exhibits**

A.	Categorical Exemption (CEQA	E.	Assessor's, Location, Zoning and
	determination)		General Plan Maps
B.	Findings	F.	Staff Report - APAC
C.	Conditions	G.	Comments & Correspondence
D	Project plans		•

### **Parcel Information**

Parcel Size: 28,444.7 square feet (.65 acres)

Existing Land Use - Parcel: Vacant - Residential

Existing Land Use - Surrounding: Residential and Commercial Agriculture

Project Access: Private right of way

Planning Area: San Andreas
Land Use Designation: AG (Agriculture)

Zone District:

Coastal Zone:

Appealable to Calif. Coastal

RA (Residential Agriculture)

X Inside Outside
X Yes No

Comm.

### **Environmental Information**

Geologic Hazards: Not mapped/no physical evidence on site

Soils: Required with Building Permit

Fire Hazard: Not a mapped constraint

Slopes: Relatively flat site; steep slope at south west side of property

Env. Sen. Habitat: Biotic Report reviewed under Application REV141054

Grading: No grading proposed

Tree Removal: No trees proposed to be removed

Scenic: Mapped scenic resource

Drainage: Review complete, further review at Building stage

Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: Inside X Outside

Water Supply: San Andreas Mutual Water Company

Sewage Disposal: Septic

Fire District:

Aptos La Selva Fire Protection

Drainage District:

Outside Flood Control District

### **Project Setting**

The subject parcel is located in an area characterized by a mix of residential and agricultural zoned parcels. This is a proposal to develop a vacant parcel with a single family dwelling and accessory structure in a rural part of the San Andreas Planning area. This portion of the County lies within an area shown on maps as being within the Coastal Appeals jurisdiction. Based on the location and scope of work being proposed, a Coastal Development Permit is required.

In January of 2011 a notice of violation was issued for neglected property and construction and occupancy of a structure without benefit of permits. As part of this proposal, all issues related to the existing code violation would be addressed.

The subject property is relatively flat in topography with a steep slope at the west side. The subject parcel is located approximately 1/3 of a mile from a known breeding pond for Santa Cruz

APN: 046-261-05 Owner: Brown

long-toed salamander. The parcel is located within the AG (Agriculture) General Plan designation and the implementing zone district is RA (Residential Agriculture).

Commercial Agriculture zoned land is situated within 200 feet at the northwest (Assessor's Parcel Number 046-072-01) and south (Assessor's Parcel Number 046-261-15) of the subject parcel. Based on the location of the proposed improvements, a review by APAC (Agricultural Policy Advisory Commission) was required. On January 15, 2015, this project was heard by APAC and a reduced setback to lands zoned for Commercial Agriculture was approved.

### Zoning & General Plan Consistency

The subject property is a parcel of approximately 28,445 square feet, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The proposed residence is a principal permitted use within the zone district and the zoning is consistent with the site's AG (Agriculture General Plan designation).

The location of the proposed development is within a mapped scenic area as designated by the County General Plan. Based on the location of the proposed development being surrounded by lots developed with single family dwellings and the size and design of the proposed development being consistent with the surrounding land use density and intensity, no adverse impacts to scenic resources would occur.

### **Local Coastal Program Consistency**

The proposed residence is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles. The project site is located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### **Environmental Review**

On June 12, 2014 a Biotic Assessment prepared by Biosearch Associates was submitted for review by the County. On July 22, 2014 the County found, with added recommendations, the findings contained in the report adequate to ensure no impact to sensitive habitat or species. The proposed development qualifies for a Class 3 Categorical Exemption under the California Environmental Quality Act (CEQA) and not subject to further environmental review.

### 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.

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APN: 046-261-05 Owner: Brown

### **Staff Recommendation**

• Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

• APPROVAL of Application Number 141126, 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.co.santa-cruz.ca.us

Report Prepared By: Nathan MacBeth

Santa Cruz County Planning Department

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### 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: 141126 Assessor Parcel Number: 046-261-05
Project Location: 1179 San Andreas Road
Project Description: Construction of a single family dwelling and accessory structure.
Person or Agency Proposing Project: Barbara Brown
Contact Phone Number: (831) 421-1435
A 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. <u>Ministerial Project</u> 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. X Categorical Exemption
Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)
F. Reasons why the project is exempt:
Construction of a single family dwelling and accessory structures on a parcel designated for residenticuses
In addition, none of the conditions described in Section 15300.2 apply to this project.
Date:
Nathan MacBeth, Project Planner

### **Coastal Development Permit Findings**

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned RA (Residential Agriculture), a designation which allows residential uses. The proposed residence and accessory structure are principal permitted uses within the zone district, and the zoning is consistent with the site's AG (Agriculture) General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by residential lots developed to a low residential density; the colors will be natural in appearance and complementary to the site; and the development site is not on a prominent ridge, beach, or bluff top. The location of the proposed accessory structure will be situated near the proposed dwelling and a final landscape plan will be required at the building permit stage to reduce visual impacts.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that while the project site is located between the shoreline and the first public road, the proposed development will not interfere with public access to the beach, ocean, or any nearby body of water. Public access to the beach exists approximately 1500 feet to the northwest off San Andreas Road at the intersection with Sand Dollar Road. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structures are sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. Residential uses are allowed uses in the RA (Residential Agriculture) zone district, as well as the General Plan and Local Coastal Program land use designation of AG (Agriculture). Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles.

### **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 single family dwelling and accessory structure is located in an area designated for residential uses and is not encumbered by physical constraints to development. A Biotic Report Review (application REV141054) was complete for the proposed development. The project, as conditioned, would have no adverse impacts to biotic resources, specifically the Santa Cruz long-toed salamander.

Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to these amenities. Further, APAC (Agricultural Policy Advisory Commission) has approved the proposed setbacks to nearby lands zoned for Commercial Agriculture. As conditioned, a Statement of Acknowledgement shall be recorded for the issuance of a Development Permit in an area identified by the County as containing potential Residential-Agricultural Use conflicts.

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 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 RA (Residential Agriculture) zone district as the primary use of the property will be a residential development that, with the approval of a Residential Development Permit to construct an accessory structure in excess of 1,000 square feet in size and approval of an Agricultural Setback reduction (described below), meets all current site standards for the zone district.

As recommended by APAC on 1/15/2014 an agricultural buffer setback reduction is approved for the proposed development allowing for reductions to the required 200 foot setback to lands zoned for Commercial Agriculture located to the northwest and southwest of the subject property. The reductions include a 130 foot setback to APN 046-072-01 located to the northwest and a reduction from 200 feet to 100 feet to APN 046-261-15 located to the southwest of the subject property. As a condition of approval, the property owner is required to permanently maintain a vegetative buffer and physical barriers to reduce potential Agricultural-Residential Use conflicts.

The request for a half bathroom within the workshop portion of the proposed accessory structure is supported by the nature of the property owner's home occupation which does not rise to the level of needing a development permit. The property owner works primarily with metal and stone which generate excessive dirt and materials. It is the desire of the property owner to reduce the amount of debris associated with the home occupation from being tracked into the primary

### 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 proposed residential use is consistent with the use and density requirements specified for the AG (Agriculture) land use designation in the County General Plan. General Plan Policy 5.14.1 allows for the construction of one residence and accessory uses where the proposed use does not conflict with adjacent agricultural activity. As described above, APAC has reviewed and conditioned the proposed development to ensure there will be no adverse impacts the adjacent agricultural operations.

The location of the proposed development is within a mapped scenic area as designated by the County General Plan and Local Coastal Program. As proposed, the development is consistent with General Plan Policy (LCP) 5.10.12 in that the surrounding developed lots contain single family dwellings of similar size and design. As described above, the proposed development is consistent with County Code Section 13.20.130 with respect to coastal design criteria. Further, the clustered design and retention of existing mature landscape ensure compatibility of the proposed development and the existing rural character of the neighborhood. Consequently, no adverse impacts to scenic resources are expected.

The proposed residence will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the residence will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed residence and accessory structure will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the structures will comply with the site standards for the RA zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories). Though the proposed accessory structure at approximately 1,500 square feet exceeds the 1,000 square feet allowed on a rural parcel it can be allowed with approval of a Residential Development Permit. The size of the proposed structure is characteristic of the neighborhood in that accessory structures of this size are typical in areas containing a mix of rural residential and agricultural development and can be found in the vicinity.

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 the proposed residence is to be constructed on an existing undeveloped lot surrounded by parcels developed at very low residential density. Utilities are readily available and the proposed development will not overload existing utilities given the low density of the surrounding residential development. The level of traffic generated by the proposed project is anticipated to be only 1 peak trip per day (1 peak trip per dwelling unit); such an increase will not adversely impact existing roads or intersections in the surrounding area.

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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residence is consistent with the land use intensity and density of the neighborhood. The proposed accessory structure is of similar size to accessory structures found in the vicinity which is characteristic of neighborhoods developed with a mix of rural residential and agricultural development. Further, the location of the proposed development has been reviewed and conditioned by the Agricultural Policy Advisory Commission to ensure compatibility with the nearby Commercial Agricultural operations.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

The proposed development is not subject to design review as described in County Code Section 13.11.040.

### **Conditions of Approval**

Exhibit D: Project Plans 6 sheets, prepared by Joshua Drews, dated 10/6/2014

- I. This permit authorizes the construction of a 1,299 square foot one bedroom single family dwelling and 1,500 square foot non-habitable accessory structure containing a half bath (consisting of a 480 square foot greenhouse, a 624 square foot workshop and a 440 square foot garage). This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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.
    - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
  - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review

and approval.

- 2. Submit Grading and drainage plans prepared by a licensed Civil Engineer for review and approval.
- 3. Submit a detailed erosion control plan for review and approval.
- 4. Details showing compliance with fire department requirements.
- B. Submit a Landscape Plan for review and approval. The Landscape Plan shall be substantially compliant with Exhibit D.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- D. All Conditions of Approval for the Agricultural Buffer Setback Reduction as approved by the Agricultural Policy Advisory Commission (APAC) shall be met.
  - 1. Please note that permanent fencing shall be constructed such that at least every 25 feet there is a minimum 3 inch gap at the base to allow passage of SCLTS (Santa Cruz Long-toed Salamander).
- E. Meet all requirements of and pay drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- F. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- G. Meet all requirements and pay any applicable plan check fee of the Fire Protection District.
- H. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- I. Pay the current fees for Parks and Child Care mitigation for 1 bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- J. Pay the current fees for Roadside and Transportation improvements for 1 bedroom. Please contact the Department of Public Works for a current list of fees.
- K. Provide required off-street parking for 2 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- L. Submit a written statement signed by an authorized representative of the school

- district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- M. Complete and record a Declaration of Restriction to construct a non-habitable accessory structure. You may not alter the wording of this declaration. Follow the instructions to record and return the form to the Planning Department.
- 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. A pre-construction meeting shall be scheduled and occur prior to any site disturbance. Please contact Resource Planner, Robert Loveland (831) 454-3163.
  - B. Construction hours: Monday through Saturday between the hours of 8 AM 5 PM unless authorization to work beyond the specified hours is granted in advance by Planning Staff.
  - C. Grading and foundation work should be completed during the dry season when adult Santa Cruz long-toed salamanders (SCLTS) are not active above ground (April 15th-October 15th). If this type of work is performed during the wet season then the following item shall be completed:
    - 1. The entire work area will be encircled with a drift fence that is approved by a qualified biologist. The fencing shall be monitored weekly by a qualified biologist and maintained from October-March
  - D. All site improvements shown on the final approved Building Permit plans shall be installed.
  - E. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - F. The project must comply with all recommendations of the approved soils reports.
  - G. Structures (e.g., shed, garage) constructed at the back of the driveway shall allow and maintain safe passage around both sides of the structure to the vegetated slope for the SCLTS.
  - H. Any curb or step proposed across the lot will have a ramp of some sort incorporated into the design a maximum of 25 feet apart for passage of the SCLTS.
  - I. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the

Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

### IV. Operational Conditions

- A. 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.
- B. No outdoor storage, operations or activities associated with the home occupation are allowed unless an amendment to this permit is approved.
- C. Avoid disturbing the vegetated slope except when conducting native plant restoration activities including removal of nonnative species.
- 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.
  - 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.

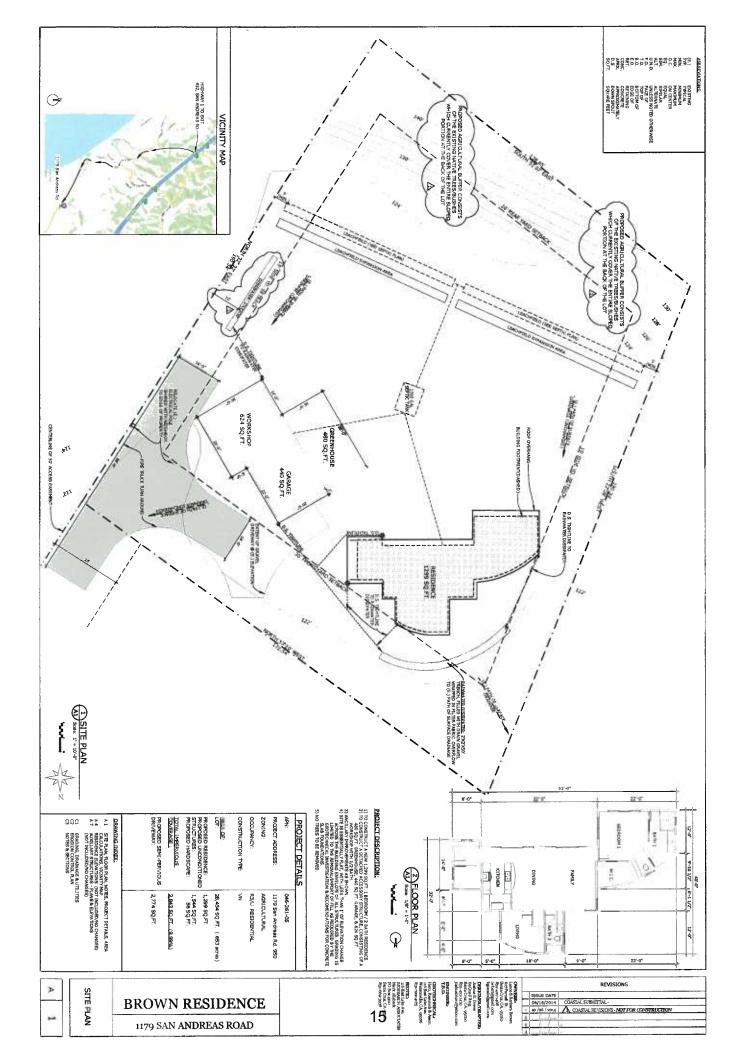
D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

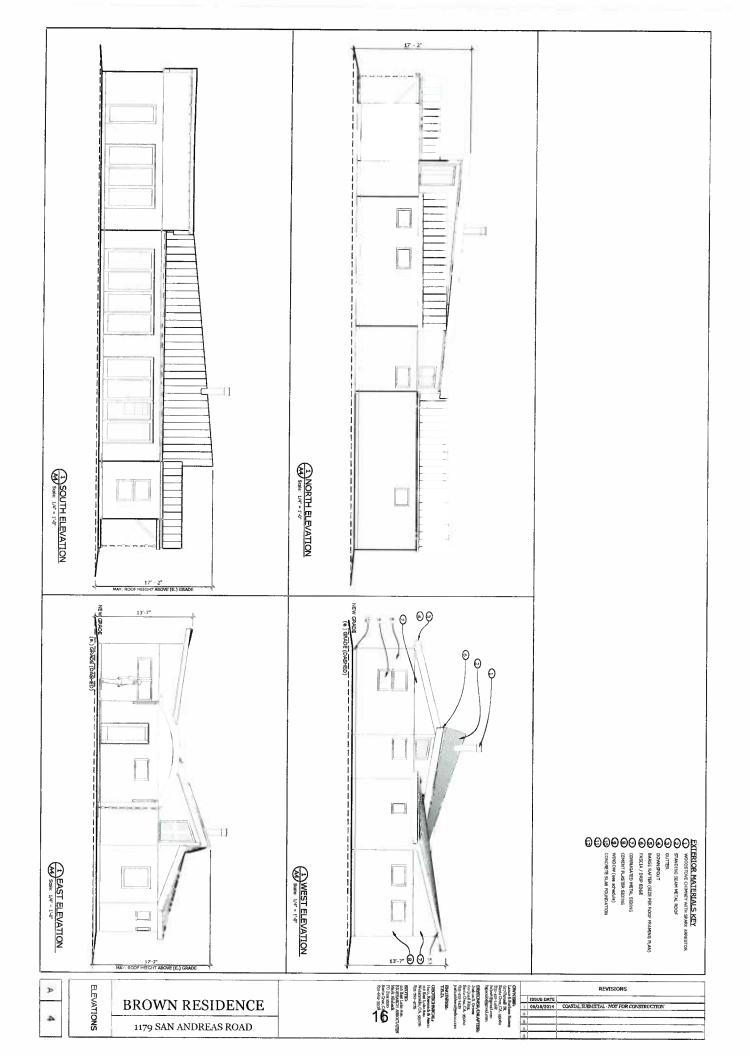
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

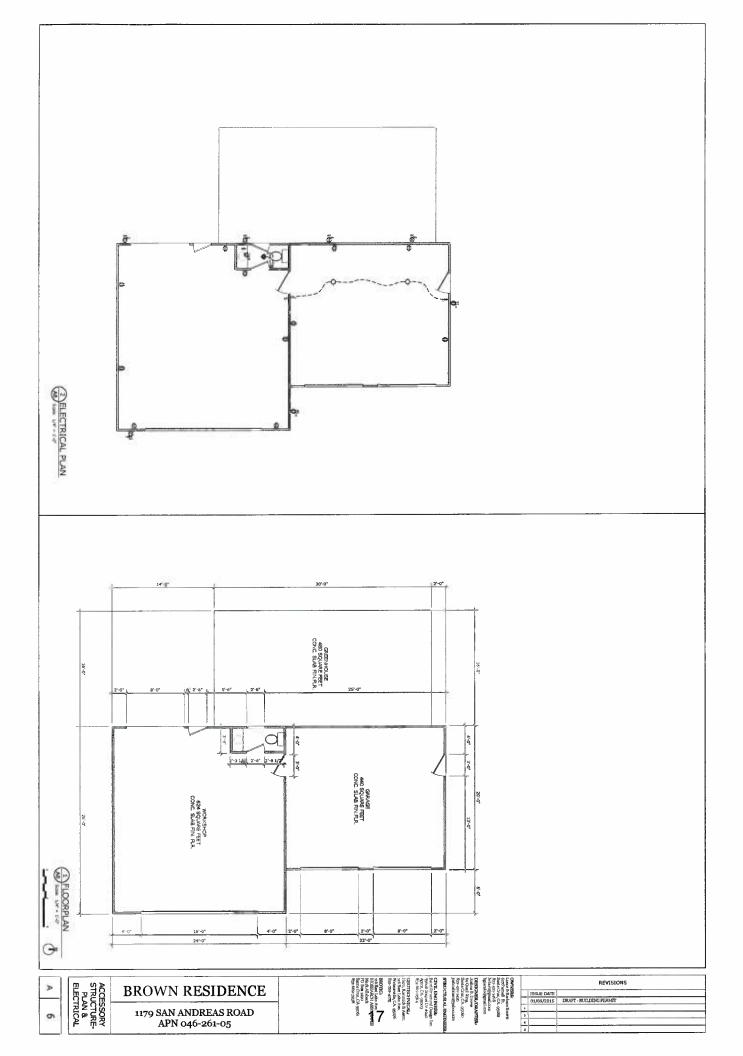
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

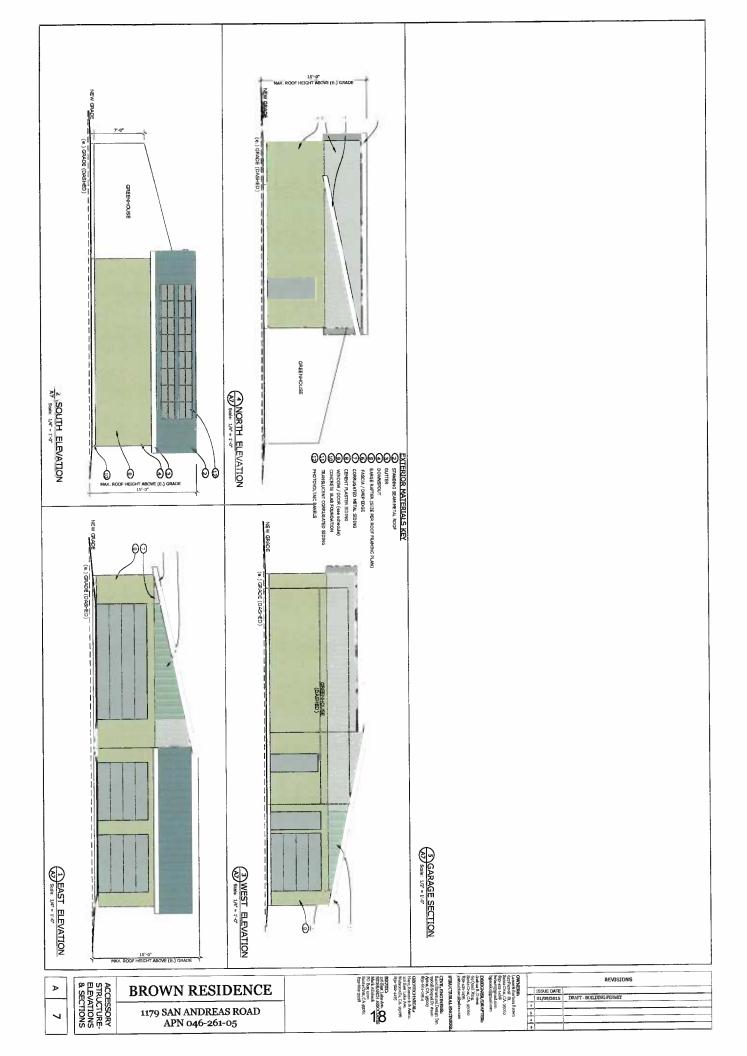
Approval Date:		
Effective Date:	***	
Expiration Date:		
Wanda Willian		Nathan MacBeth
Deputy Zoning Adm	ninistrator	Project Planner

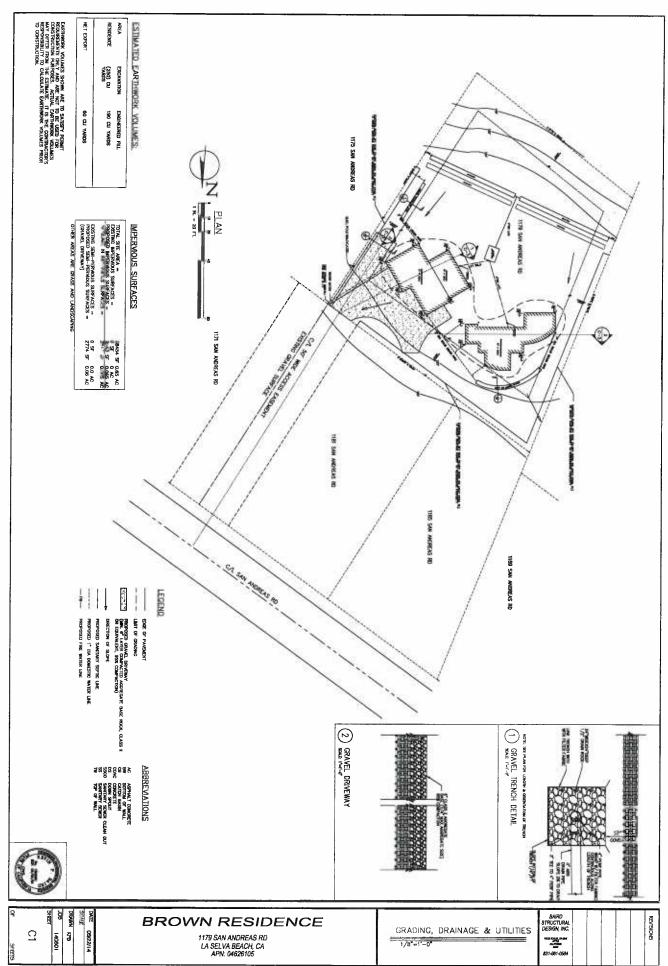
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

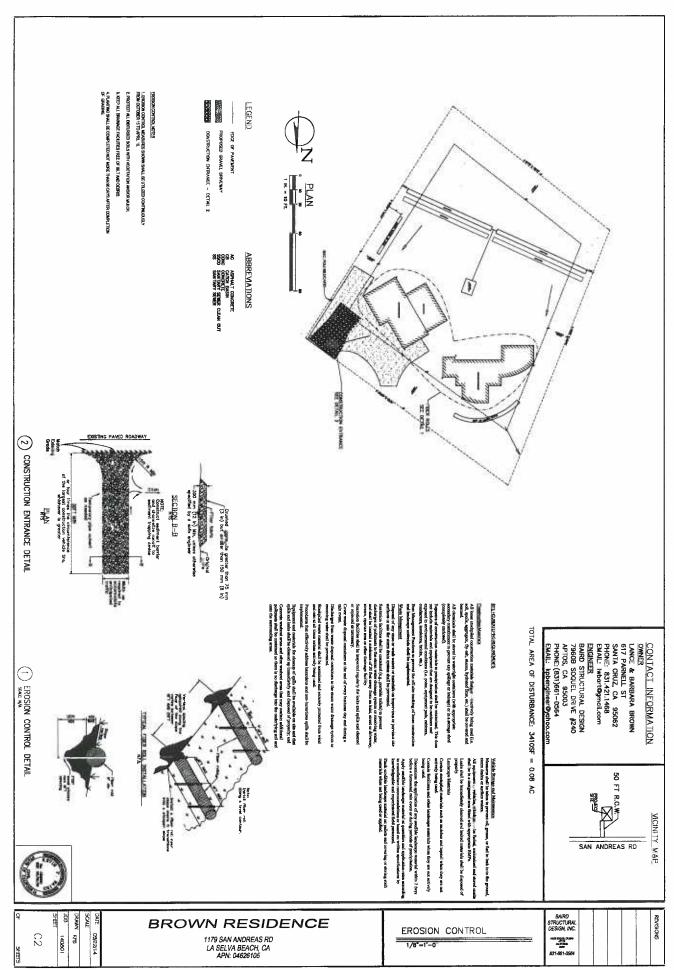


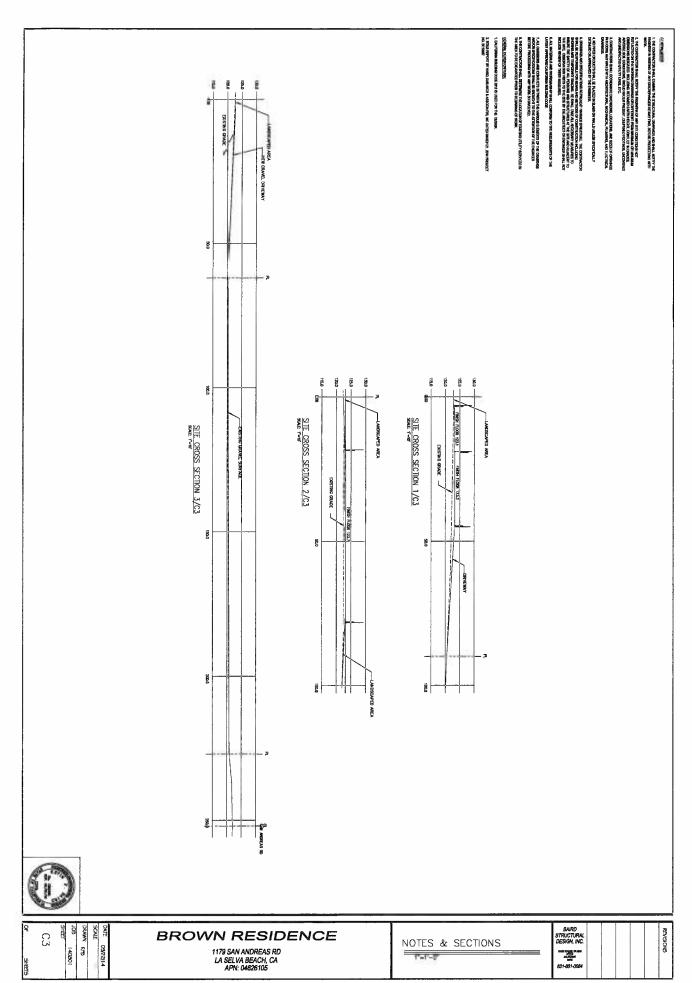




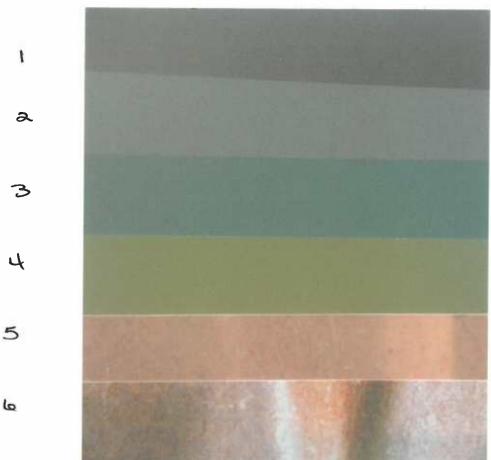






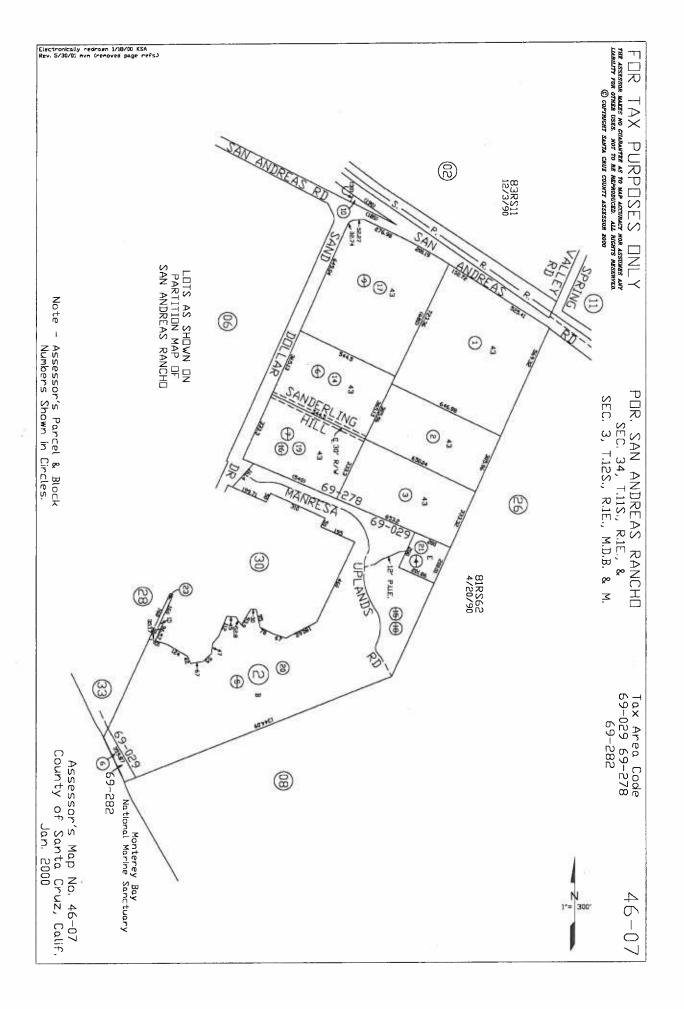


Re: Application # 141126 APN # 046-261-05



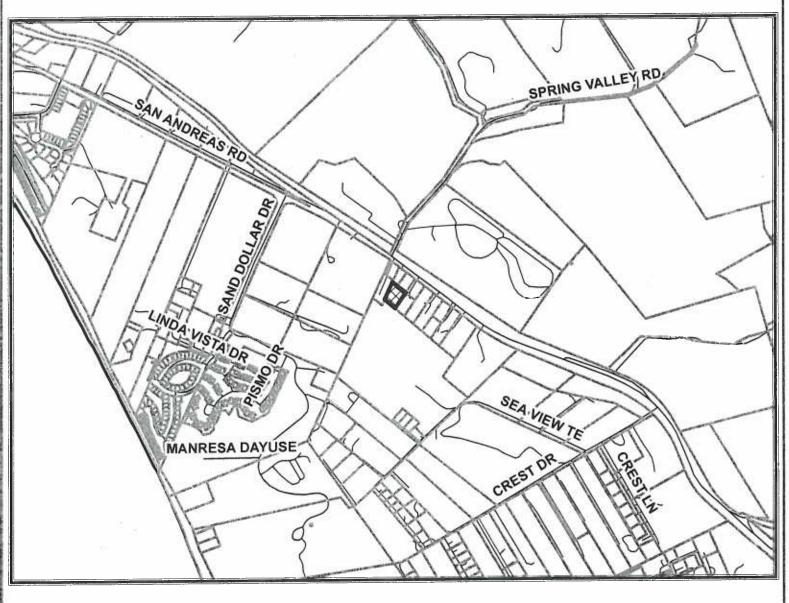
- 1. EXTERIOR TRIM
- 2. CONCRETE / GROWND COVER, WALKWAYS
- 3. ROOF
- 4. STUCCO/ EXTERIOR WALLS
- 5. ACCENT / WALL
- L. ACCENT STUCCO/ EXTERIOR WALLS







## Location Map



0 850 1,700 3,400 5,100 6,800 Feet

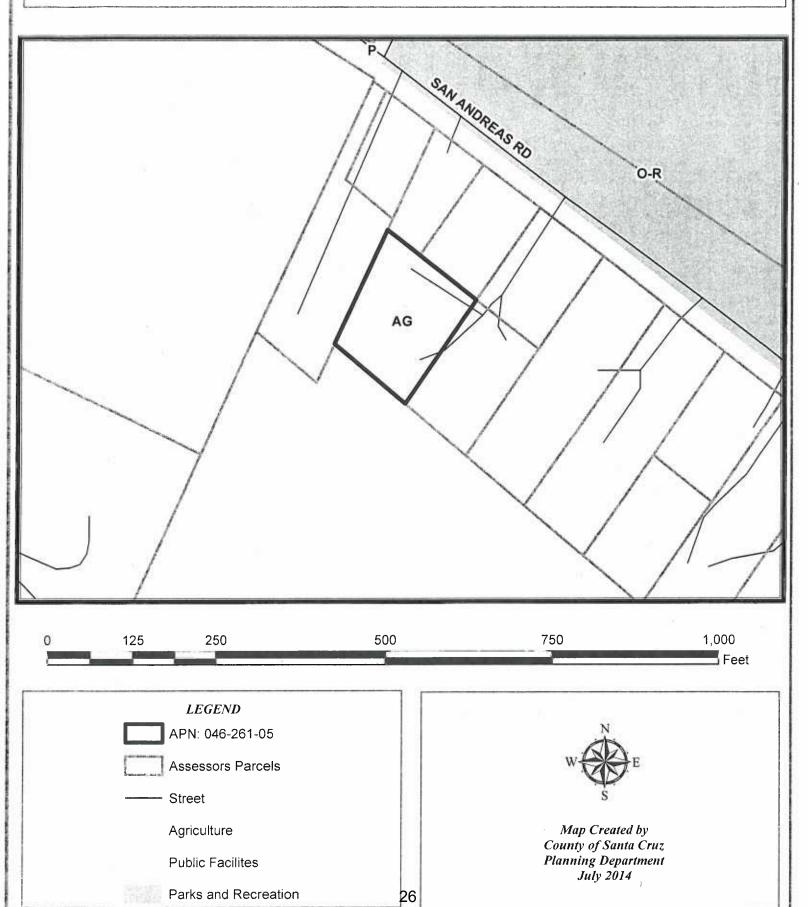
APN: 046-261-05
Assessors Parcels
Street
County Boundary



Map Created by County of Santa Cruz Planning Department July 2014

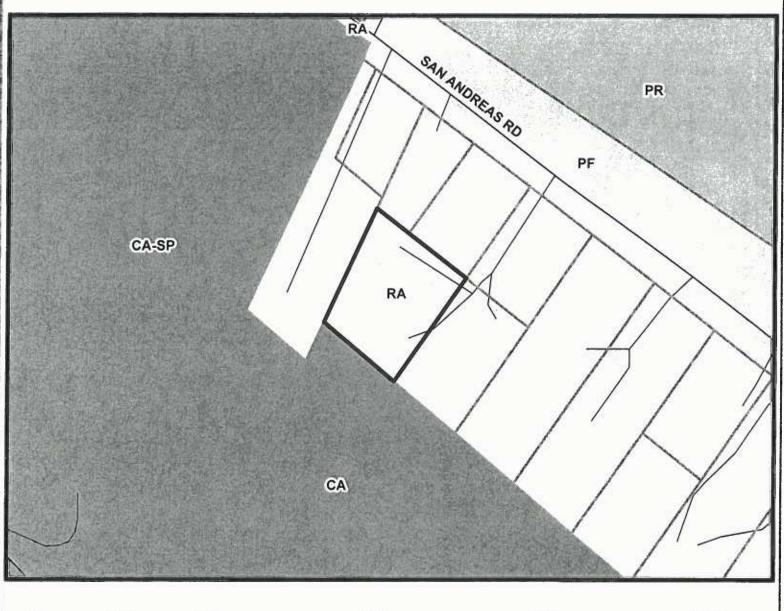


### General Plan Designation Map





# Zoning Map



0 125 250 500 750 1,000 Feet

APN: 046-261-05

Assessors Parcels

Street

AGRICULTURE RESIDENTIAL

PUBLIC FACILITY

PARK

AGRICULTURE COMMERCIAL



Map Created by County of Santa Cruz Planning Department July 2014

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# Staff Report to the Agricultural Policy Advisory Commission

Application Number: 141126

Applicant: Barbara Brown

Date: 1/15/15

Owner: Brown

Agenda Item

 Owner: Brown
 Agenda Item #:

 APN: 046-261-05
 Time: 1:30 p.m.

**Project Description**: Proposal to construct a new 1,299 square foot single family dwelling with a 1,500 square foot detached non-habitable accessory structure on a vacant parcel. Requires an Agricultural Buffer Setback Reduction to reduce the required 200 foot setback to lands zoned for Commercial Agriculture to 130 feet from APN 046-072-01 located to the northwest and 100 feet from APN 046-261-15 to the west.

**Location**: Property located at the southwest end of an unnamed right of way approximately 225 feet from its intersection with San Andreas Road (1179 San Andreas Road) which is approximately 1,550 feet southeast of the intersection with Sand Dollar Drive.

Permits Required: Agricultural Buffer Setback Reduction

### **Staff Recommendation:**

• Approval of Application 141126, based on the attached findings and conditions.

### **Exhibits**

A.	Project Plans	D.	Assessor's, Location, Zoning, and
B.	Findings		General Plan maps
C.	Conditions	E.	Comments & Correspondence

#### Parcel Information

Parcel Size:	28,444 square feet
Existing Land Use - Parcel:	Vacant - Residential
Existing Land Use - Surrounding:	Residential and Commercial Agriculture
Project Access:	Private right of way
Planning Area:	San Andreas
Land Use Designation:	AG (Agriculture)
Zone District:	RA (Residential Agriculture)
Supervisorial District:	Second District (District Supervisor: Friend)
Within Coastal Zone:	X Inside Outside
Appealable to Calif. Coastal	X Yes No
Comm.	<del></del>

### **Services Information**

Inside Urban/Rural Services Line: Yes X No

Water Supply: San Andreas Mutual Water Company

Sewage Disposal: Septic

Fire District: Aptos La Selva Fire Protection
Drainage District: Outside Flood Control District

### **Analysis and Discussion**

The proposed project is to construct a 1-story single-family dwelling of approximately 1,299 square feet on a 28,454 square foot (.65 acre) parcel. The building site is within 200 feet of Commercial Agricultural land to the north and west. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 130 feet from APN 046-072-01 located to the northwest and 100 feet from APN 046-261-15 to the south.

The subject property is characterized by relatively flat topography. The parcel is located outside the Urban Services Line and can be characterized as a neighborhood containing a mix of residential and agricultural uses. The parcel is located within the Agriculture (AG) General Plan designation and the implementing zone district is (RA) Residential Agriculture. Commercial Agriculture zoned land is situated within 200 feet at the northwest (Assessor's Parcel Number 046-072-01) and south (Assessor's Parcel Number 046-261-15) of the subject parcel.

Reductions to the required agricultural setback are recommended due to the fact that if the required 200 foot setbacks were maintained they would not allow sufficient building area. Further, there is a substantial topographic difference between the subject parcel and adjacent lands located to the south zoned for Commercial Agriculture at which the applicant is proposing to maintain an existing vegetative buffer.

The parcel located immediately to the northwest of the subject parcel (APN 046-261-01) is zoned Residential Agriculture and developed with an existing single family dwelling and outbuildings. APN 046-261-01 is approximately 115 feet wide and contains some mature vegetation. With the repair and extension of an existing fence along the boundary between APN 046-261-01 and the subject parcel an adequate agricultural buffer would be created between the proposed single family dwelling and land zoned for Commercial Agriculture (APN 046-072-01).

The applicant will also be required to record a Statement of Acknowledgement regarding the issuance of a building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts.

### Recommendation

• Staff recommends that your Commission APPROVE the Agricultural Buffer Reduction from 200 feet to about 130 feet & 100 feet feet to the single-family dwelling from the adjacent CA zoned property known as APN 046-072-01 & 046-261-15, proposed under Application # 141126, 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: <a href="https://www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

Report Prepared By: Nathan MacBeth

Santa Cruz County Planning Department

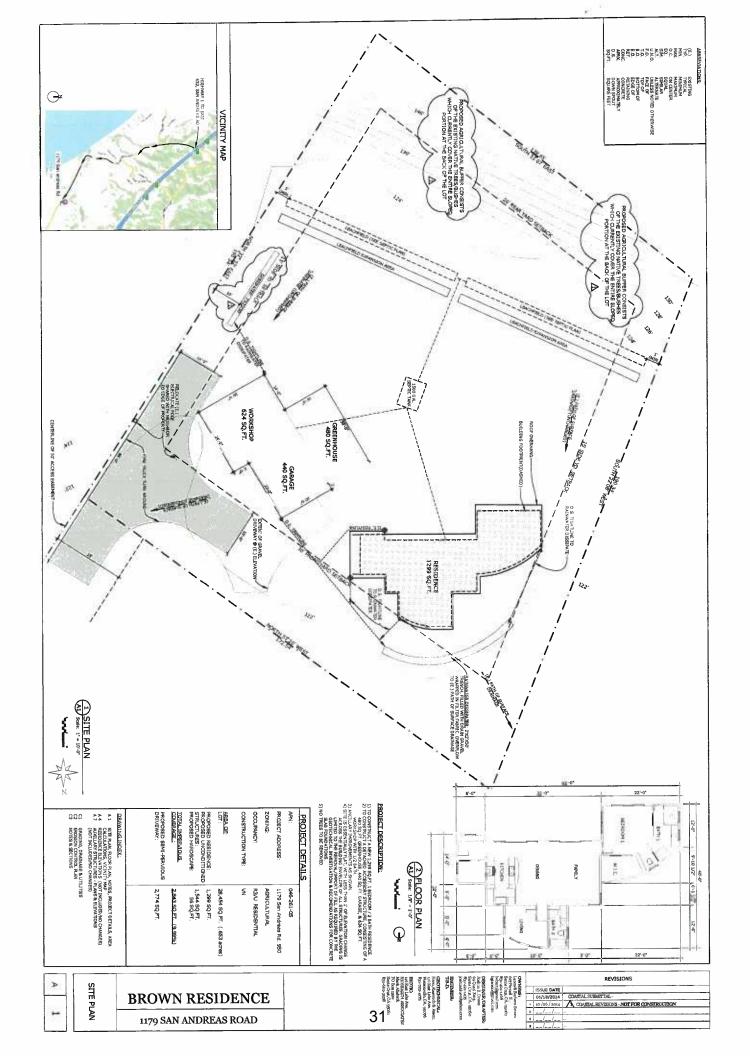
701 Ocean Street, 4th Floor Santa Cruz CA 95060

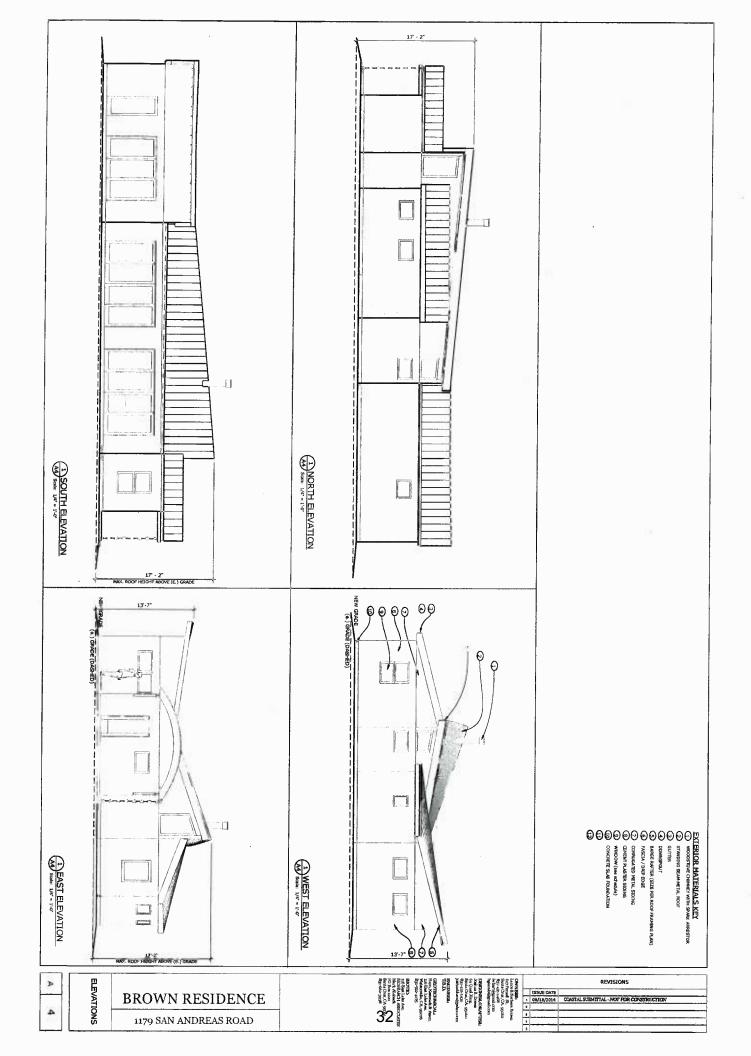
Phone Number: (831) 454-3118

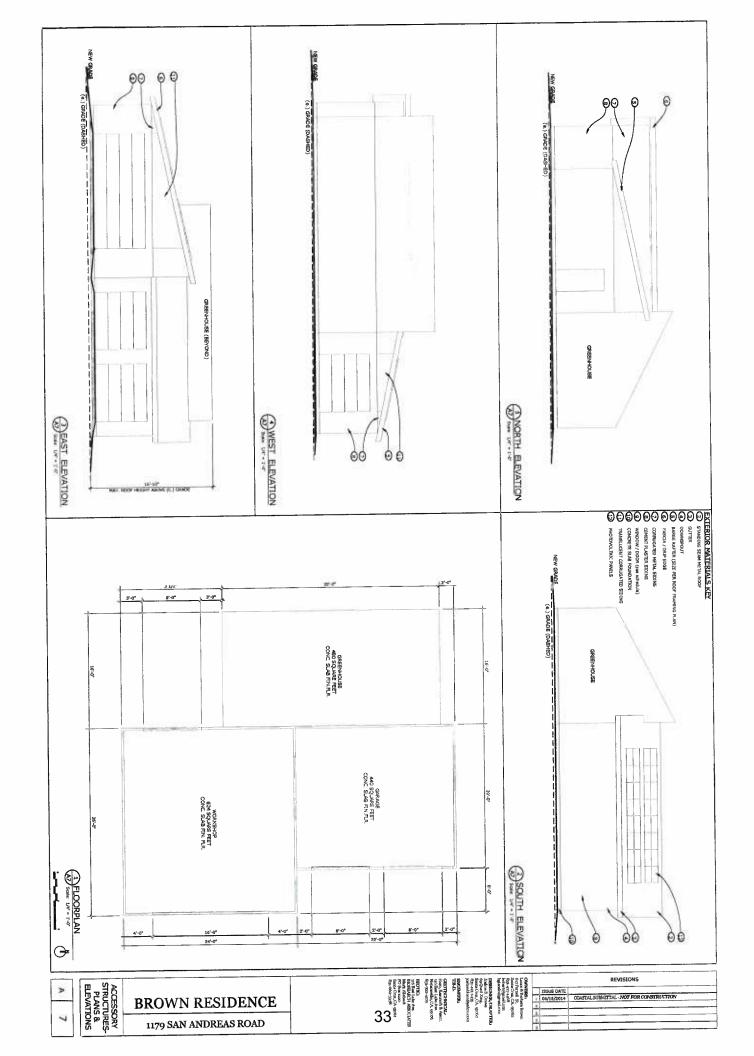
E-mail: nathan.macbeth@co.santa-cruz.ca.us

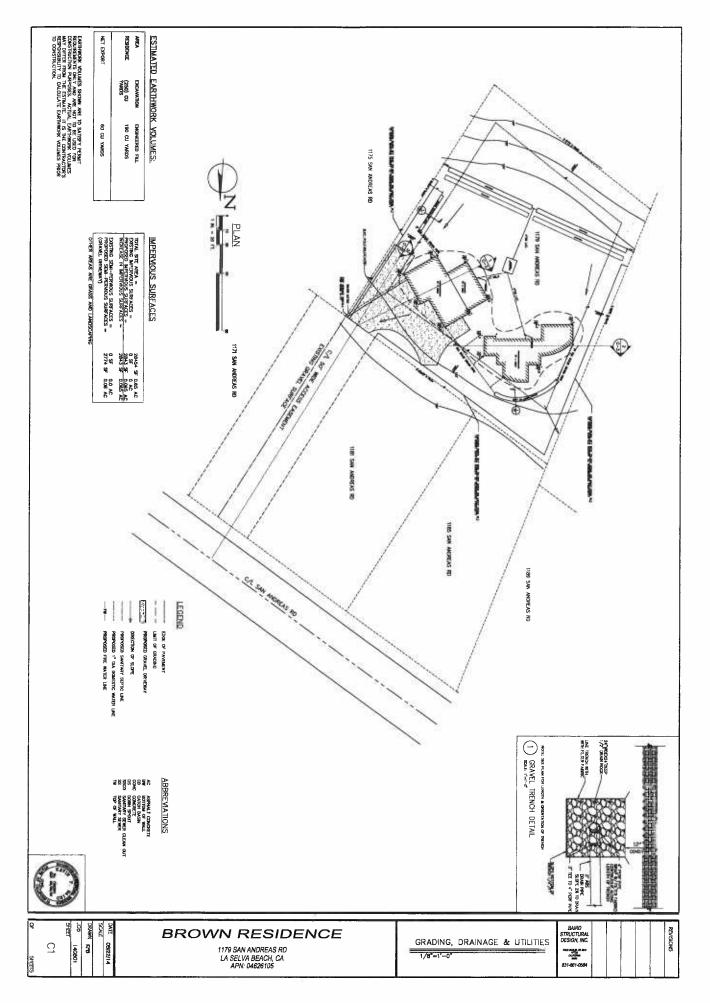
Report Reviewed By: Steven Guiney, AICP

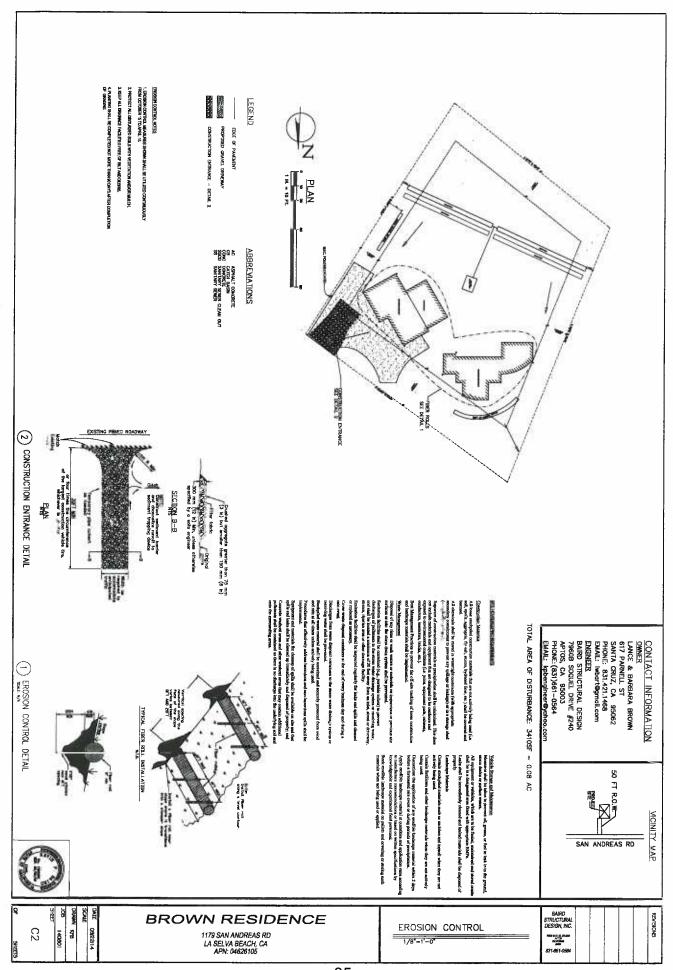
Principal Planner Development Review

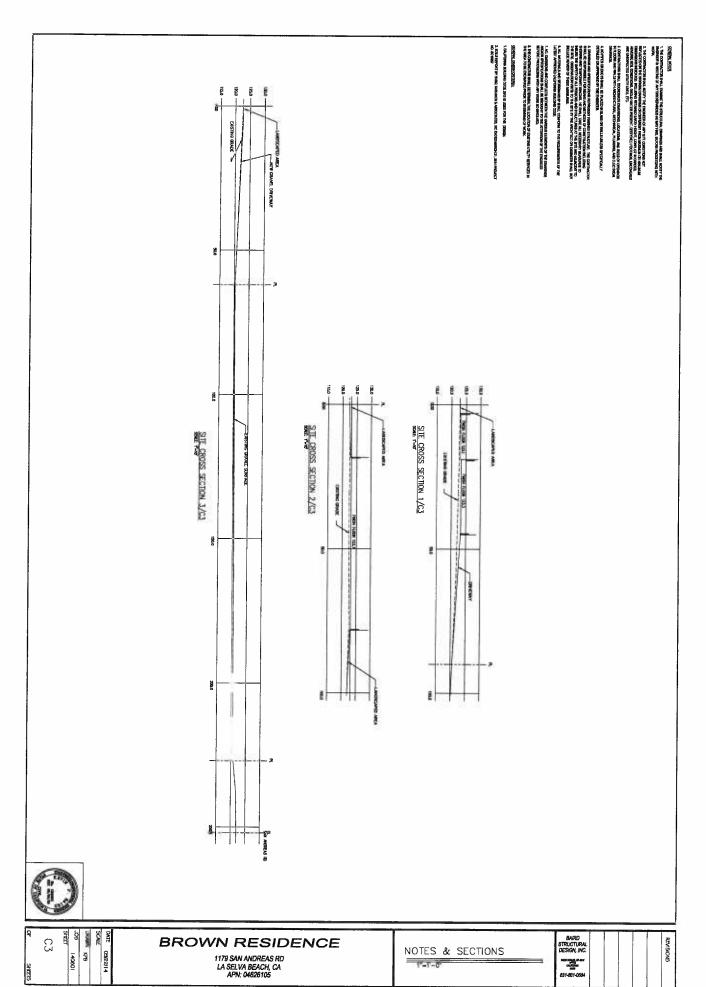












### Required Findings for Agricultural Buffer Setback Reduction County Code Section 16.50.095(D)

1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminates or minimizes the need for a 200 foot agricultural buffer setback; or

Significant topographical differences exist between the subject parcel and the portion of APN 046-261-15 which is actively being farmed. A reduction in the required 200 foot agricultural setback to 100 feet and the west of the proposed single family dwelling is supported by a 60 foot grade differential between the portion of APN 046-261-15 which is being farmed and the subject parcel.

In addition to the topographical difference, the area between the proposed building site and the portion of APN 046-261-15 that is being farmed is heavily vegetated with mature vegetation and contains slopes of approximately 40%. Additional landscaping and solid fences are not recommended in that the existing vegetation serves as an adequate vegetative buffer and the slope will serve as an adequate physical barrier.

2. Permanent substantial vegetation (such as a Riparian Corridor or Woodland protected by the County's Riparian Corridor or Sensitive Habitat Ordinances) or other physical barriers exist between the agricultural and non-agricultural uses which eliminate or minimize the need for a two hundred (200) foot agricultural buffer setback; or

This finding does not apply.

3. A lesser setback is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural land, 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) or the existence of some other factor which effectively supplants the need for a two hundred (200) foot agricultural buffer setback; or

A lesser setback of 130 feet to lands zoned for Commercial Agriculture (APN 046-072-01) located to the northwest of the subject property in that parcel located immediately to the west of the subject parcel (APN 046-261-01) is zoned residential and developed with an existing single family dwelling. Further, an existing six foot high solid wood board fence lines the majority of the north property line of the subject parcel. As a condition of approval the existing fence shall be extended and/or repaired as necessary to provide a continuous physical barrier along the west property line. Existing mature vegetation located on APN 046-261-01, between the subject property and land zoned Commercial Agriculture to the northwest, serves as a suitable vegetative buffer therefore no additional planting is recommended.

4. The imposition of a two hundred (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 (e.g. solid fencing and/or vegetative screening) to provide the maximum buffering possible,

Application #: 141126 APN: 046-261-05

Page 5

Owner: Brown

consistent with the objective of permitting building on a parcel of record.

The subject parcel is approximately 190 feet deep in which the imposition of a 200 foot setback from APN 046-261-15 (south side) would prevent development on the subject parcel. As previously stated in finding #1, existing mature vegetation and topography of the area located between the proposed building site and the portion of APN 046-261-15 that is actively being farmed serve as a sufficient vegetative and physical agricultural buffer. No additional buffering is recommended at the south side of the subject parcel.

APN: 046-261-05 Owner: Brown

### Conditions of Approval

I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN (046-072-01 & 046-261-15). This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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 and Grading Permit from the Santa Cruz County Building Official.
  - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- 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 130 feet to APN 046-072-01 and 100 feet to APN 046-261-15 from the single-family dwelling to the adjacent Commercial Agriculture zoned parcels.
    - 2. Final plans shall show the location of the vegetative buffering barrier (and any fences/walls used for the purpose of buffering adjacent agricultural land) which shall be composed of drought tolerant shrubbery. The shrubs utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.
  - 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.

Page 6

APN: 046-261-05 Owner: Brown

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. The required vegetative and/or physical barrier shall be installed. The applicant/owner shall contact the Planning Department's Agricultural Planner, a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
- C. 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. The vegetative and physical barrier shall be permanently maintained.
- B. All required Agricultural Buffer Setbacks shall be maintained.
- C. 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:

Application #: 141126

APPL 046 261 05

APN: 046-261-05 Owner: Brown

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. The required vegetative and/or physical barrier shall be installed. The applicant/owner shall contact the Planning Department's Agricultural Planner, a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and/or other) has been completed.
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- 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.
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  - 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. <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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

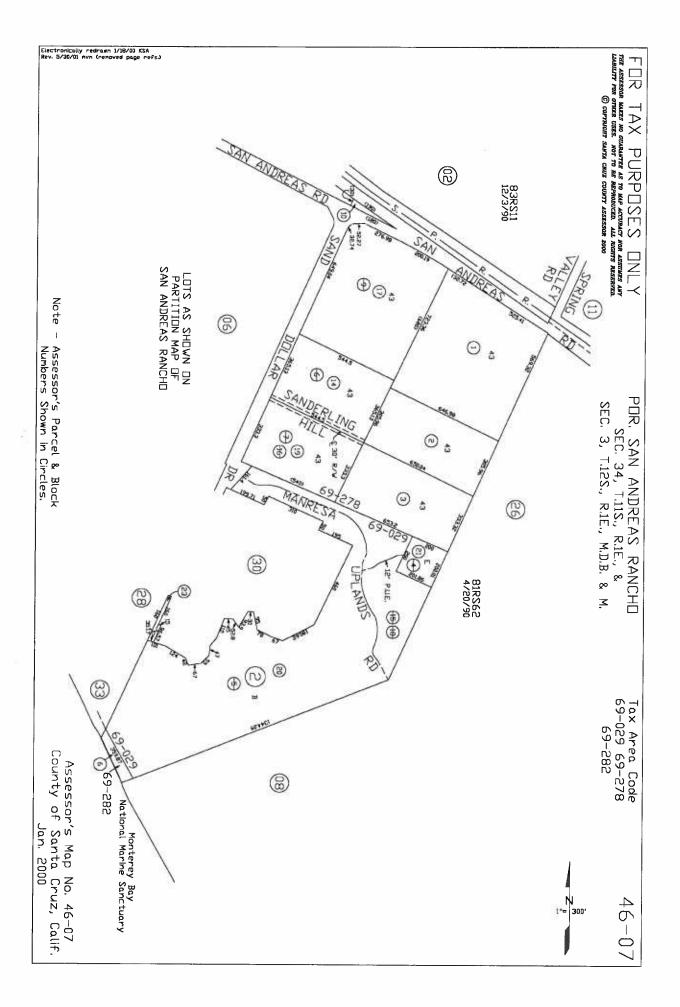
Minor Variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below or if additional discretionary permits are required for the above permitted project, this permit shall expire on the same date as any subsequent approved discretionary permit(s) unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date:	1-15-15		
Effective Date:	1-29-15		
Expiration Date:	1-29-18		

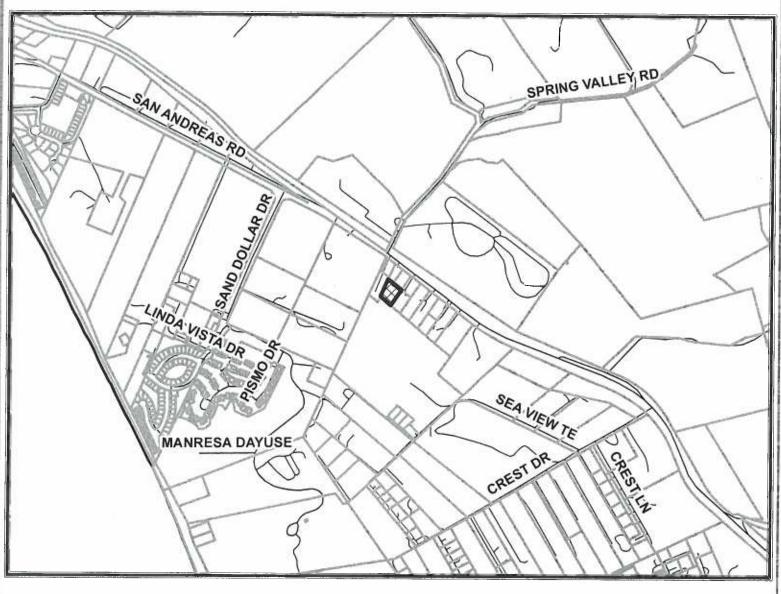
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under the provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.







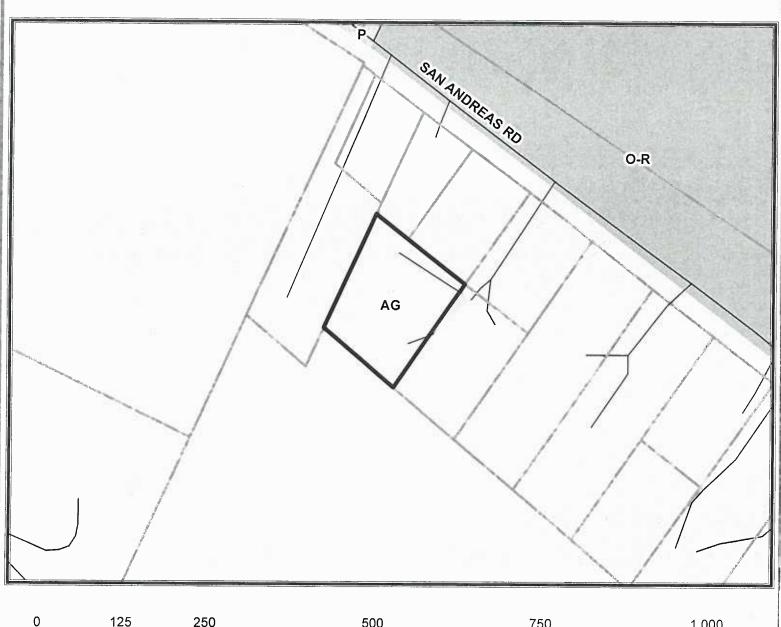
# Location Map



850 1,700 3,400 5,100 6,800 Feet LEGEND APN: 046-261-05 Assessors Parcels Street Map Created by County Boundary County of Santa Cruz Planning Department July 2014 45



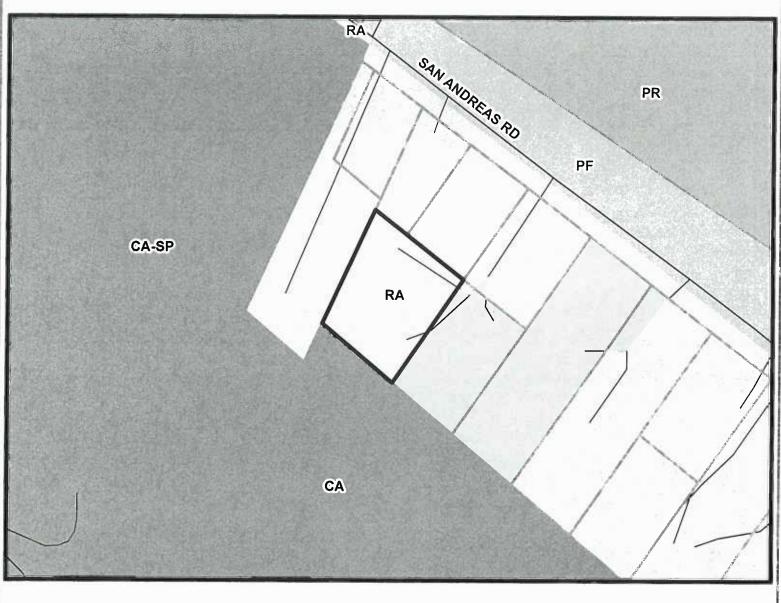
### General Plan Designation Map



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Agriculture			Map Created by County of Santa Cruz			
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# Zoning Map



125 250 500 750 1,000 Feet **LEGEND** APN: 046-261-05 Assessors Parcels Street AGRICULTURE RESIDENTIAL Map Created by PUBLIC FACILITY County of Santa Cruz Planning Department PARK July 2014 AGRICULTURE COMMERCIAL 47