



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

September 28, 2010

Agenda Date: October 21, 2010

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

Subject: Proposed amendments to County Code Sections 13.10.312(b) 13.10.313(a), and Section 13.20.073, to allow hoop houses/shade and hoop structures/seasonal high tunnels to be located a minimum of 10 feet from any property line in the CA, A, and AP zone districts not abutting a residential district without a variance and to be excluded from the requirement for a coastal development permit.

Members of the Commission:

Background

The annual value of agricultural production in the County in 2009 was \$491,635,000.00, placing the County about in the middle of the 58 counties statewide. In contrast, the County ranks 57th out of the 58 counties in land area. Both the General Plan and County Code recognize the significance of agriculture to the economy and lifestyle of Santa Cruz County.

Berries are the highest value crops at just over \$306,188,000.00 or 62 percent of the total value of all agricultural production in the County. The 2009 value of raspberries, blackberries, and ollalieberries, collectively called caneberries, was approximately \$133,000,000, just over 43 percent of the total berry value and just over 25 percent of the total agricultural production value.

CROP	YEAR	ACRES	PRODUCTION (TONS PER ACRE)	TOTAL PRODUCTION (TONS)	PRICE (PER TON)	TOTAL VALUE
STRAWBERRIES	2009	3,173	35.48	112,578	\$1,533	\$172,582,000
RASPBERRIES	2009	2,044	12.95	26,470	3,939	\$104,265,000
MISC. BERRIES*	2009	676	9.19	6,212	\$4,723	\$29,341,000
TOTAL BERRIES	2009	5,893				\$306,188,000

* Miscellaneous berries includes blackberries, blueberries, currants, and ollalieberries

In order to protect caneberries from the effects of rain and to extend the growing season, caneberries are often covered with some type of a hoop house, also known as high tunnels or shade and hoop structures, one type of which is shown in the photograph below.



One type of Hoop House

These structures protect the berries in a number of ways, including preventing rain from splashing harmful soil organisms, such as bacteria, onto the plants and generally reducing the amount of moisture on the berries, which can cause mold. In Santa Cruz County, hoop houses have been in use for about 15 years.

Typically, hoop houses like those shown in the picture above are less than 12 feet tall, open at the ends and lower sides, and consist of a frame of semi-circular metal or plastic rods and covered with plastic sheeting or some type of fabric. Other types look more like greenhouses, but do not have foundations. Most are covered with some type of fabric or plastic sheeting rather than glass or hard plastic and are typically in use only seasonally, like those in the picture above.

Hoop houses are also used in plant breeding and development; where the plants need exposure to air and light, but also need protection from birds and the elements. These types typically consist of a frame that may be of semi-circular metal or plastic rods or some other type of framing and are covered with some type of fabric. The covering on these typically extends over the ends and down to the ground on the ends and sides. Hoop houses may be temporary, semi-permanent, or permanent.

Exemption from requirement for building permit

County Code Section 12.10.315(a)13 exempts hoop houses from the requirement for a building permit if they are “less than 12 feet in height , constructed of light frame materials and covered with shade cloth or clear, flexible plastic with no associated electrical, plumbing, or mechanical equipment, other than irrigation equipment.” However, hoop houses are not exempt from zoning site standards such as setbacks from property lines. Section 13.10.315 states that “[e]xempt structures must meet all other applicable requirements of this jurisdiction, including required minimum distances from property lines.”

Current setbacks for agriculturally-zoned parcels

There are three agriculture zone districts listed in the County Zoning Ordinance: CA (Commercial Agriculture), A (Agriculture), and AP (Agricultural Preserve). County Code Section 13.10.313(a), Development Standards, generally requires that all parcels in any one of those zone districts maintain 20 foot minimum front, side, and rear yard setbacks. There is an exception for existing A-zoned parcels less than 2.5 acres in size. The setbacks for those parcels are the same as for residentially zoned parcels of the same size. The current setbacks for agriculturally zoned parcels are shown in the following table.

Zone District	Parcel Size	Front Yard Setback	Side Yard Setback	Rear Yard Setback
A	< 2.5 acres	15, 20, 30, or 40 feet	5, 8, 10, or 20 feet	15 or 20 feet
A	2.5 acres or more	20 feet	20 feet	20 feet
CA	All	20 feet	20 feet	20 feet
AP	All	20 feet	20 feet	20 feet

Proposed Setbacks for Agriculturally-Zoned Parcels

The setback requirements for hoop houses are proposed to be revised as part of an effort to make changes to the County’s land use regulations where appropriate to promote continued agricultural production and reflect reasonable, reality-based standards, without compromising environmental protection and the quality of the built environment.

In contrast to the required setbacks for agriculturally-zoned properties shown in the table above, commercially-zoned properties abutting other commercially-zoned properties generally have front yard setbacks of ten (10) feet and side and rear yard setbacks of zero (0) feet. There are some exceptions to those setbacks, such as when a commercially-zoned parcel abuts a residentially- or agriculturally-zoned parcel, the side and rear yard setbacks are increased to thirty (30) feet and if across a street or alley from an agriculturally- or residentially-zoned parcel, the commercial parcel’s front yard is increased to twenty (20) feet. The setback requirements for commercially-zoned parcels abutting other commercially-zoned parcels is a reality based standard recognizing that side yards for open space, light, and air are not needed in commercial development and that zero setbacks result in more compact commercial development by allowing commercial buildings to be contiguous.

Similarly, agriculture-related development such as hoop houses on agriculturally-zoned properties that abut on or are across a street or road from other agriculturally-zoned properties could have setbacks less than 20 feet. A zero lot line setback is not recommended because of the need to have farm equipment maneuver around and along hoop houses.

The proposed change in setback requirements for hoop houses that meet the definition of an agricultural shade structure in Section 12.10.315(a)13 on agriculturally-zoned parcels would allow them to be as close as 10 feet to any property line abutting on or across a street or road from another agriculturally-zoned parcel, as shown in the table below. The changes are the addition of the asterisks following *Front Yard Setback*, *Side Yard Setback*, and *Rear Yard Setback*; and the asterisk footnote.

Zone District	Parcel Size	<i>Front Yard Setback *</i>	<i>Side Yard Setback *</i>	<i>Rear Yard Setback *</i>
A	< 2.5 acres	15, 20, 30, or 40 feet	5, 8, 10, or 20 feet	15 or 20 feet
A	2.5 acres or more	20 feet	20 feet	20 feet
CA	All	20 feet	20 feet	20 feet
AP	All	20 feet	20 feet	20 feet

** Required setback for shade and hoop structures/seasonal high tunnels/hoop houses meeting the definition of an agricultural shade structure (12.10.315(a)13) from all property lines abutting on or across a street or road from another agriculturally-zoned parcel is 10 feet.*

Exclusion from requirement for coastal development permit

County Code Section 13.20.373 generally excludes many agriculture-related structures and facilities such as soil dependent greenhouses, agricultural support facilities, fencing, and water wells from needing a coastal development permit. Hoop houses are not currently excluded. New language is proposed to be added to Section 13.20.073 to generally exclude hoop houses.

Recommendation

Therefore, it is RECOMMENDED that your Commission take the following action:

Adopt the attached resolution (Attachment 1) recommending to the Board of Supervisors adoption of those proposed changes to County Code Sections 13.10.312(b), 13.10.313(a), and Section 13.20.073.

Sincerely,

Steven Guiney
Planner IV
Policy and Special Projects

Agricultural Policy Advisory Commission
Hoop Houses
October 21, 2010

Reviewed By: Glenda Hill
Glenda Hill
Principal Planner

Attachments 1. Resolution
 2. Copy of draft ordinance

cc: County Counsel
 Agricultural Commissioner
 Santa Cruz County Farm Bureau
 Coastal Commission

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 SECTION 13.10.312,
AGRICULTURE USE CHARTS, SECTION 13.10.313, AGRICULTURE SITE
STANDARDS, AND SECTION 13.20.073 TO LIST SHADE AND HOOP STRUCTURES
AS ALLOWED USES IN AGRICULTURAL ZONE DISTRICTS, TO ALLOW SHADE
AND HOOP STRUCTURES TO BE LOCATED WITHIN 10 FEET OF PROPERTY
LINES OF AGRICULTURALLY- ZONED PARCELS ABUTTING ON OR ACROSS A
STREET OR ROAD FROM OTHER AGRICULTURALLY-ZONED PARCELS
WITHOUT A VARIANCE, AND TO EXCLUDE SHADE AND HOOP STUCTURES
FROM THE REQUIRMENT FOR A COASTAL DEVELOPMENT PERMIT.

WHEREAS, the value of agricultural production in Santa Cruz County exceeds
490 million dollars and Santa Cruz County ranks 26th in the value of agricultural
production statewide, while Santa Cruz County ranks 57th in area statewide; and

WHEREAS, the County of Santa Cruz supports and encourages new and
continued commercial agricultural operations in the county; and

WHEREAS, the Santa Cruz County General Plan – Local Coastal Program calls
for protection of agricultural land and County Code Chapter 16.50, the Agricultural Land
Preservation and Protection Ordinance, implements the General Plan – Local Coastal
Program agricultural policies and provides comprehensive protection of agricultural land;
and

WHEREAS, caneberry (non-strawberry berries such as raspberries, blackberries,
and oillalieberries) production accounts for approximately 133 million dollars (25 percent
of the total value) of agricultural production in the County of Santa Cruz; and

WHEREAS, the Agricultural Policy Advisory Commission has determined that
shade and hoop structures are an integral part of caneberry production in Santa Cruz
County and their use increases the value of agricultural production in Santa Cruz County;
and

WHEREAS. The Agricultural Policy Advisory Commission has held a noticed
public hearing about the proposed amendments to County Code Sections 13.10.312,

13.10.313, and 13.20.073, has considered all testimony and information presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Agricultural Policy Advisory Commission recommends that the amendments to County Code Sections 13.10.312, 13.10.313, and 13.20.073, attached hereto as Attachment 1, be approved by the Planning Commission and the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update.

PASSED AND ADOPTED by the Agricultural Policy Advisory Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2010 by the following vote:

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

Chairperson

ATTEST: _____
Samantha Haschert, Secretary

APPROVED AS TO FORM:

COUNTY COUNSEL

cc: County Counsel
Planning Department

Proposed new language is shown underlined.

13.10.312 Uses in agricultural districts.

(b) Allowed Uses. The uses allowed in the agricultural districts shall be as provided in the Agricultural Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level," required for each use in each of the agricultural zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. All Level V or higher Approvals in the "CA" and "AP" zone districts are subject to the special findings required by Section 13.10.314(a) in addition to those required in Section 18.10.230.

AGRICULTURAL USES CHART

KEY:

A = Use must be ancillary and incidental to a principal permitted use on the site

P = Principal permitted use (see Section 13.10.312(a)); no use approval necessary if "P" appears alone

USE	CA	A	AP
Recreational activities: playfields not involving permanent structures or paving. Within the coastal zone allow this use only in the A (Non-commercial Agriculture) zone district.	5	5	5
Second Units, outside the Coastal Zone, subject to the provisions of Section 13.10.681	4	P/4	—
Septic tank sludge disposal sites that are approved by the Health Officer pursuant to Chapter 7.42 and that are located outside the Coastal Zone	—	4	—
<u>Shade and Hoop Structures/ Seasonal High Tunnels/Hoop Houses meeting the requirements of County Code Section 12.10.315(a)13.</u>	<u>P</u>	<u>P</u>	<u>P</u>
Signs in conjunction with principal permitted uses as described in Section 13.10.580(a) and (b)	P	P	P
Signs in conjunction with non-principal permitted uses as described in Section 13.10.580(c) and (d)	BP2	BP2	BP2
Stands for the display and sale of agricultural commodities produced on site**	BP2	BP2	BP2

Proposed new language is shown underlined.

13.10.313 Development standards.

(a) Site and Structural Dimensions.

(1) General. The following site area per dwelling unit, site width, frontage, yard dimensions, and building height limits shall apply to all agricultural zone districts except that maximum height limits and exceptions therefrom for residential structures in all agricultural districts shall be determined in accordance with the provisions of Section 13.10.323 applicable to parcels in the Residential Zone Districts. On legal lots of record less than 2.5 acres in size, all site and structural dimensions of the residential districts as indicated in Section 13.10.323, shall apply, based on the pre-existing parcel size.

AGRICULTURAL SITE AND STRUCTURAL DIMENSIONS CHART

Designation	Parcel Size	Width	Frontage	Front Yard *
A	Less than 5 acres	100'	60'	20'
A	5 acres or more	300'	100'	20'
CA	(All)	300'	100'	20'
AP	(All)	300'	100'	20'

AGRICULTURAL SITE AND STRUCTURAL DIMENSIONS CHART

Designation	Setbacks: *		Max. Hgt. for Ag. Structures	Max. Ht. for Res. Structures
	Side	Rear		
A	20'	20'	40'	28'
A	20'	20'	40'	28'
CA	20'	20'	40'	28'
AP	20'	20'	40'	28'

* Required setback for shade and hoop structures/seasonal high tunnels/hoop houses meeting the definition of an agricultural shade structure (12.10.315(a)13) from all property lines abutting on or across a street or road from another agriculturally-zoned parcel is 10 feet.

Proposed new language is shown underlined.

13.20.073 Agriculturally-related development exclusion.

Agriculturally-related development as listed below is excluded, on all lands designated agriculture on the General Plan and Local Coastal Program Land Use Plan maps, except within one hundred (100) feet of any coastal body of water, stream, wetland, estuary, or lake; within areas between the sea and the first public through road paralleling the sea; or on parcels less than ten (10) acres in size:

(a) Greenhouses, Soil Dependent. The construction, improvement or expansion of soil dependent greenhouses which comply with the requirements of Sections 13.10.313(a) and 13.10.636 and are not located on natural slopes of greater than twenty-five (25) percent nor on sensitive habitat areas as defined in Section 16.32.040.

(b) Agricultural Support Facilities. The construction, improvement, or expansion of barns, storage buildings, equipment buildings and other buildings necessary for agricultural support purposes, including facilities for the processing, packing, drying, storage and refrigeration of produce generated on-site provided that such buildings will not exceed forty (40) feet in height; will not cover more than a total of ten thousand (10,000) square feet of ground area including paving; and will not include agricultural processing plants, greenhouses or mushroom farms. Building construction or expansions of more than two thousand (2,000) square feet of ground area in rural scenic corridors shall comply with Section 13.20.130(c)(4).

(c) Greenhouses and Mushroom Farms. Improvement and expansion of existing mushroom farms and greenhouses provided that such improvements will not exceed forty (40) feet in height, and will not increase ground coverage by more than twenty-five (25) percent or ten thousand (10,000) square feet, whichever is less. Building expansions of more than two thousand (2,000) square feet in rural scenic corridors shall comply with Section 13.20.130(c)(4). This type of development may be excluded only one time per recorded parcel of land. If improvement or expansion is proposed after such development pursuant to this exclusion has been carried out, then a Coastal Zone Approval must be obtained for the subsequent development.

(d) Paving. Paving in association with development listed in subsections (a), (b) and (c) of this section, provided it will not exceed ten (10) percent of the ground area covered by the development.

(e) Fencing. Fences for farm or ranch purposes, except any fences which would block existing equestrian and/or pedestrian trails.

(f) Water Supply Facilities. Water wells, well covers pump houses, water storage tanks of less than ten thousand (10,000) gallons capacity and water distribution lines, including up to fifty (50) cubic yards of associated grading, provided that such water facilities are not in a groundwater emergency area as designated pursuant to Section 11.90.130 of the County Code pertaining to a Groundwater Emergencies will be used for on-site agriculturally-related purposes only.

(g) Water Impoundments. Water impoundments in conformance with the Grading Ordinance, (Chapter 16.20 of Santa Cruz County Code) provided that no portion of the body of water will inundate either temporarily or permanently any drainage areas defined as riparian corridors in Chapter 16.30 (Riparian Corridor Protection), provided that such impoundments will not exceed twenty-five (25) acre feet in capacity and will not be in a designated water shortage area.

(h) Water Pollution Control Facilities. Water Pollution control facilities for agricultural purposes if constructed to comply with waste discharge requirements or other orders of the Regional Water Quality Control Board.

(i) Biomedical Livestock Operations Not Excluded. Barns, storage, equipment, and other buildings, associated paving, fences, and water pollution control facilities which are part of the Biomedical Livestock Operations are not excluded from coastal permit requirements)

(j) Hoop Houses. Hoop houses not needing a building permit, which comply with the requiriements of Section 12.10.315(a)13, and which are not located on natural slopes of greater that twenty-five (25) percent nor on sensitive habitat areas as defined in Section 16.32.040.