



Staff Report to the Agricultural Policy Advisory Commission

Application Number: **151083**

Applicant: Greg Heitzler

Date: 8/20/2015

Owner: Josiah and Kristy Adams and Kroeker

Agenda Item #: 7

APN: 058-101-05

Time: 1:30 p.m.

Project Description: Proposal to construct a 2,202 square foot, two story single family dwelling with an approximately 752 square foot first floor, 1,450 square foot second floor, 122 square foot entry porch, 644 square feet of decking, and a 432 square foot detached garage. The project is located within 200 feet of land designated Type 3 agriculture resource. Requires an Agricultural Buffer Reduction to 20 feet southeast of APN 058-122-12.

Location: The property is located on the northwest side of Church Street, approximately 250 feet northeast of Marine View Avenue within the Town of Davenport.

Permits Required: Agricultural Buffer Setback Reduction

Staff Recommendation:

- Recommend that the Planning Department Approve Application 151083, based on the attached findings and conditions.

Exhibits

- | | |
|------------------|--------------------------------------|
| A. Project plans | D. Assessor's, Location, Zoning, and |
| B. Findings | General Plan maps |
| C. Conditions | |

Parcel Information

Parcel Size:	10,774 square feet
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Single family residential
Project Access:	Church Street, 40 foot right-of-way developed to 18-20 feet
Planning Area:	North Coast
Land Use Designation:	R-UL (Residential Urban Low)
Zone District:	R-1-6 (6000 square feet per unit)
Supervisory District:	3 (District Supervisor: Coonerty)
Within Coastal Zone:	<u> x </u> Inside <u> </u> Outside

7

Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Services Information

Inside Urban/Rural Services Line: ☒ Yes ☐ No
Water Supply: Davenport County Sanitation
Sewage Disposal: Davenport County Sanitation
Fire District: County Fire
Drainage District: Zone 4

Analysis and Discussion

The proposed project is to construct a 2,541 square foot, two story single family dwelling with approximately 1,370 square feet of decking on a 10,774 square foot (.25 acre) parcel. The project is located on the northwest side of Church Street (150 Church Street) within the Town of Davenport. The building site is within 20 feet of Commercial Agricultural land to the northwest. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 20 feet feet from APN 058-122-12.

The subject property is characterized by steep topography sloping from the northwest to the southeast. The parcel is located within the Rural Services Line and can be characterized as located within a suburban neighborhood of Davenport. The parcel is located within the Residential Urban Low (R-UL) General Plan designation and the implementing zone district is (R-1-6) 6000 square feet per unit. The proposed project is situated within 20 feet of commercial agricultural zoned property containing a Type 3 agricultural resource designation and a Williamson Act contract, under Assessor's Parcel Number 058-122-12. Type 3 Coastal Zone Prime Agricultural Land includes prime farmland soils, prime rangeland soils, and unique farmland of Statewide importance. The property is located east of the former Cemex plant and west of San Vicente Street and appears to be unfarmed land used for rangeland.

A reduced agricultural buffer is recommended due to the fact that the requirement to maintain a 200 foot setback would not allow sufficient building area for residential development if the required 200 foot setbacks were maintained from the adjacent Commercial Agriculture zoned property. Furthermore, the proposed development is located within a similar distance as other properties located in proximity to this Commercial Agriculture zoned property. There is also a significant topographic change between the building site and the commercial agricultural resource land.

The project is conditioned to require a 6 foot solid board fence along the rear property line as well as an evergreen hedge of plantings to reduce the impact of agricultural activities on the proposed residential use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcel(s). The project is conditioned to retain existing native vegetation meeting the minimum 6 foot height standard where appropriate to minimize further removal of native willow scrub vegetation. 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 20 feet to the single-family dwelling from the adjacent CA zoned property known as APN 058-122-12, proposed under Application # 151083, based on the attached findings and recommended conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Report Reviewed By: Steven Guiney, AICP
Principal Planner
Development Review

17

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10-17

A-002

PLOT PLAN

DATE	BY	REVISION
Tuesday, July 23, 2016		
10/17/16	AS	1.00
10/17/16	AS	1.01
10/17/16	AS	1.02
10/17/16	AS	1.03
10/17/16	AS	1.04
10/17/16	AS	1.05
10/17/16	AS	1.06
10/17/16	AS	1.07
10/17/16	AS	1.08
10/17/16	AS	1.09
10/17/16	AS	1.10
10/17/16	AS	1.11
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10/17/16	AS	1.13
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10/17/16	AS	1.20



058-101-05
OWNER ADDRESS
JOSHUA ADAMS & KIRSTY
ESQUEL
140 CHURCH STREET, DAVENPORT, CA 95017

140 CHURCH STREET
RESIDENCE
DAVENPORT, CA 95017

GREGORY HEITZLER DESIGN
831-421-9594
I promise that every copy will be 100% accurate (10/17/16)

PLOT PLAN 01
SCALE: 1" = 20'



EXHIBIT A

THE UNIVERSITY OF CHICAGO
LIBRARY

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50000 IN FEET AND 500000 IN METERS (100 400) TIME

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THESE ARE LIMITATIONS OF FIELD AGENCY TRAFFICING ACTIVITY. MOTION
BIBLIOGRAPHY AS WELL AS THE "SPRING" (4) "LEADING" OF THEM. (5/1/1951)

RECENTLY ELABORATION FOR THIS SUBJECT IS IN AN ADVANCED STATE OF PROGRESS. THE RESULTS OF THIS WORK WILL BE AVAILABLE IN THE NEAR FUTURE.

THESE ARE THE ONLY TWO CITIES IN THE WORLD WHERE THE PEOPLE ARE NOT ALLOWED TO SMOKE IN THE STREETS.

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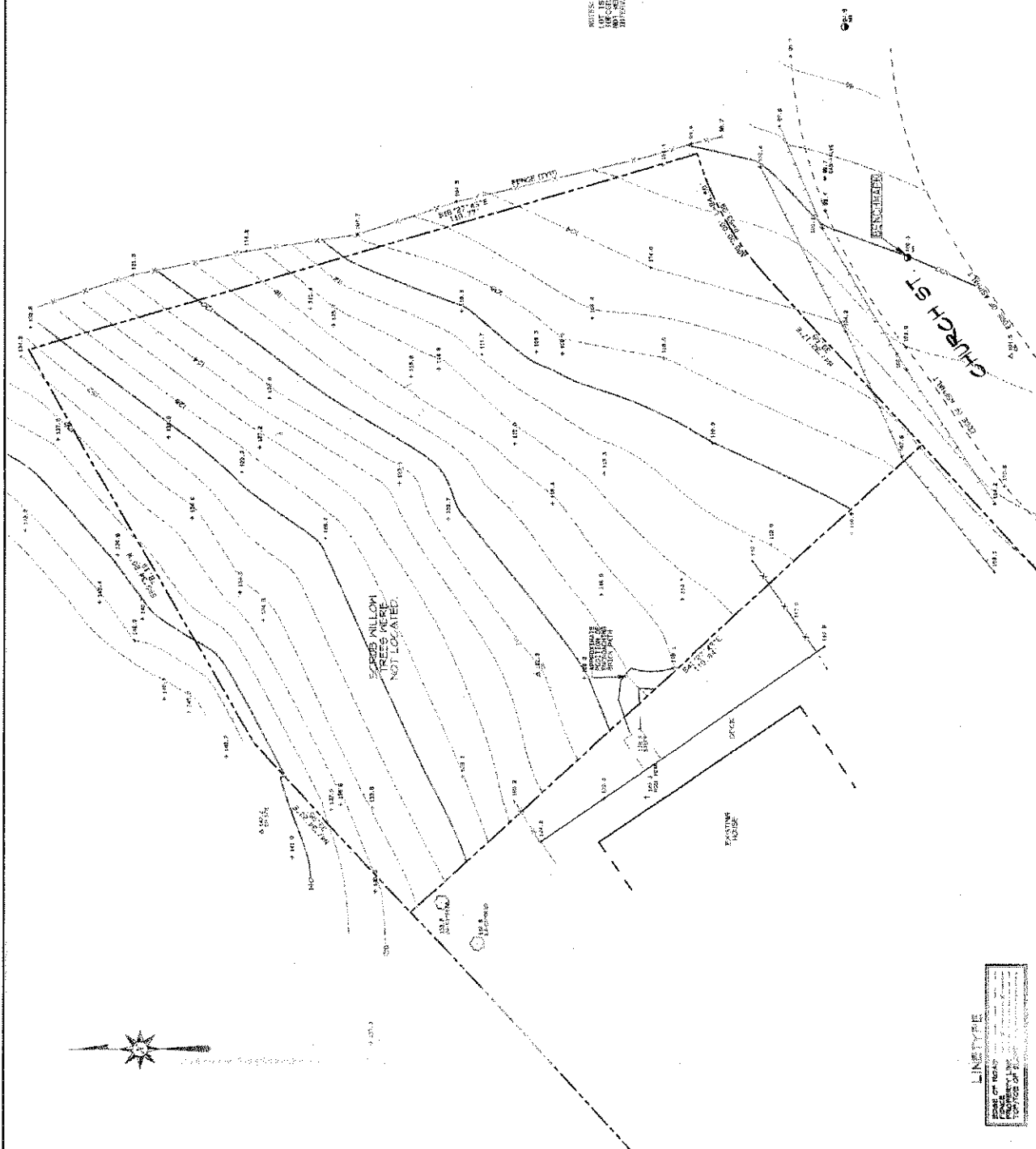
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FOR THE PROPOSED LAND ACQUISITION BY THE
STATE OF CALIFORNIA

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Circular postmark from Laurel Superior Mail Co. The outer ring contains the text "LAUREL SUPERIOR MAIL CO." at the top and "W.D. WARD" at the bottom. Inside the ring, it says "No. 6273", "GENERAL DELIVERY", and "NEW YORK, N.Y.". A date stamp in the center reads "JUN 20-1908".

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NOT BE USED FOR NATIONAL MAP. ACCEPTABLE STANDARDS FOR SCALE AND
PROPORTION.



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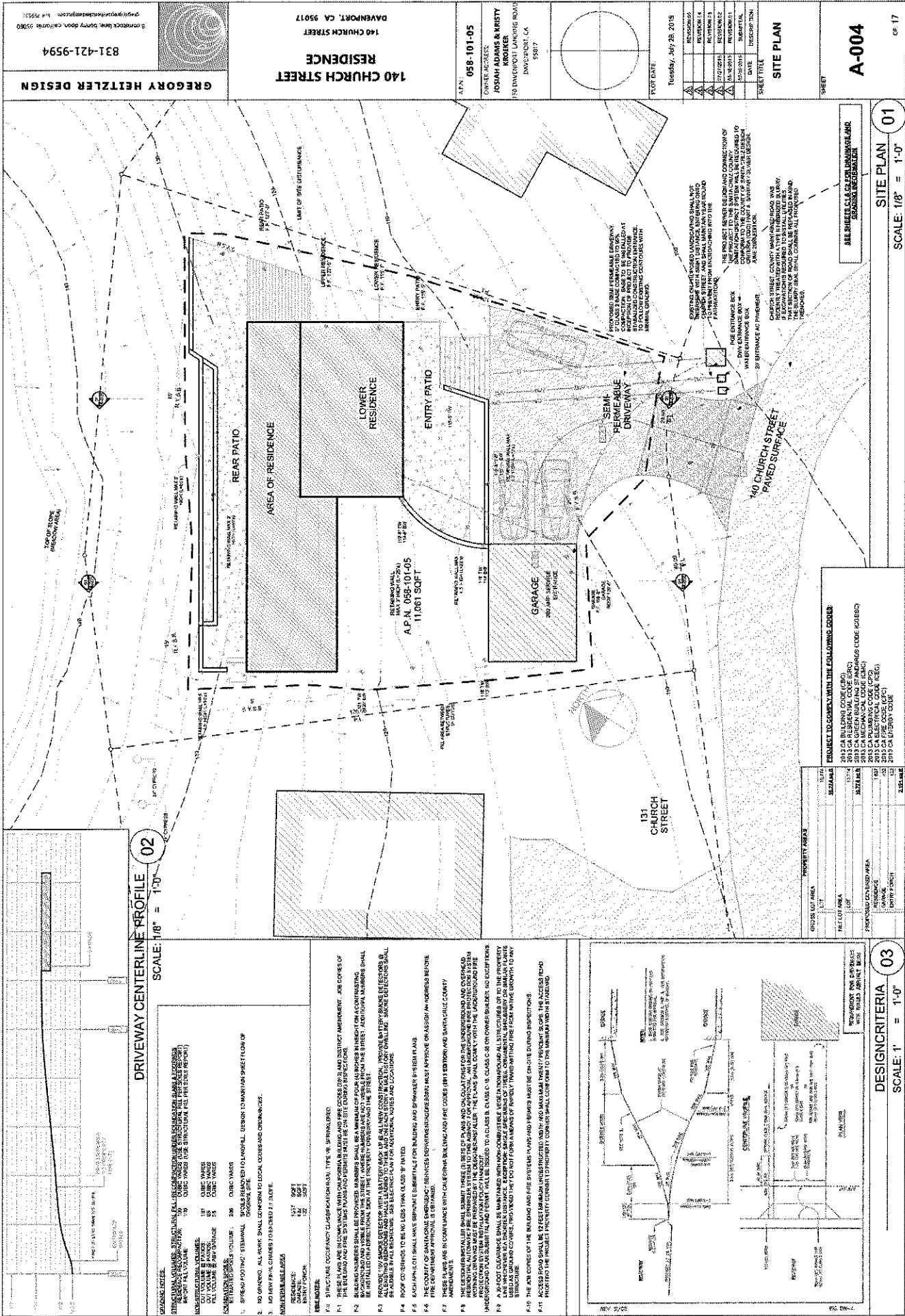
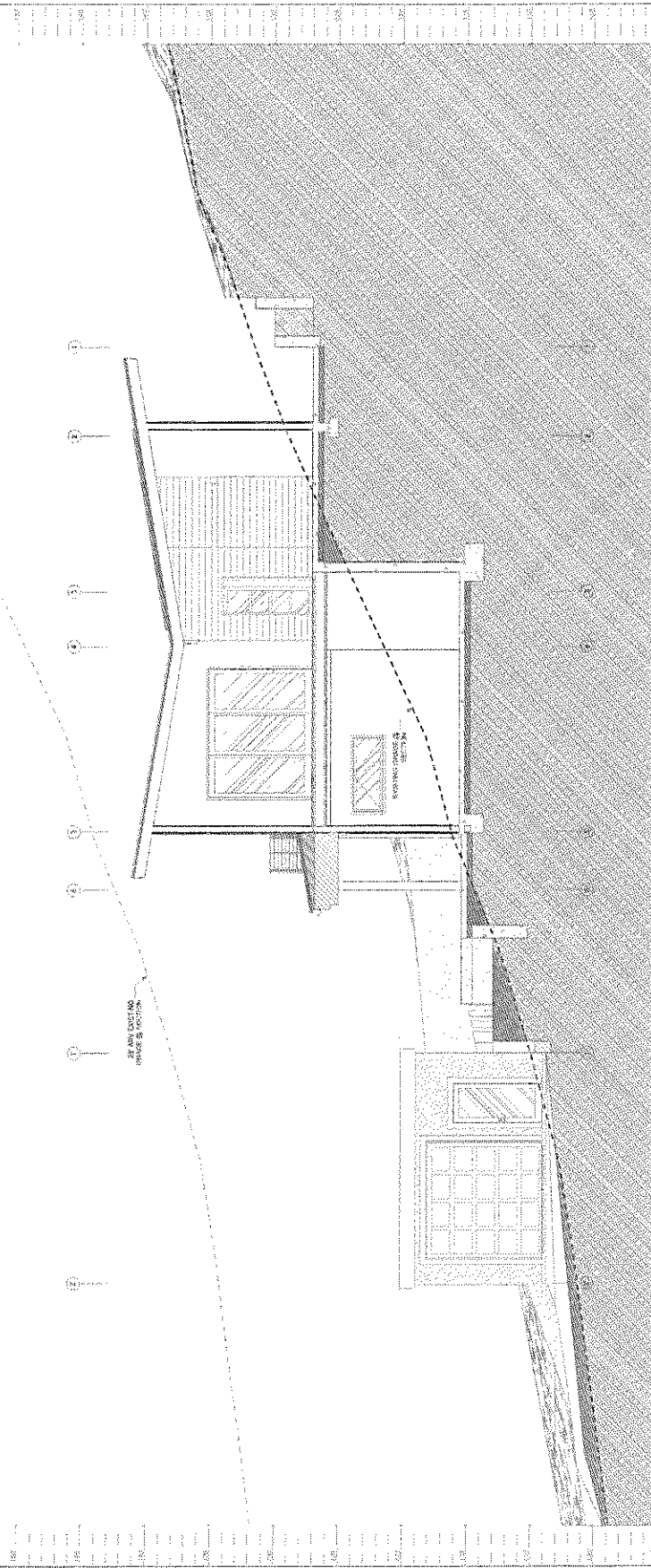


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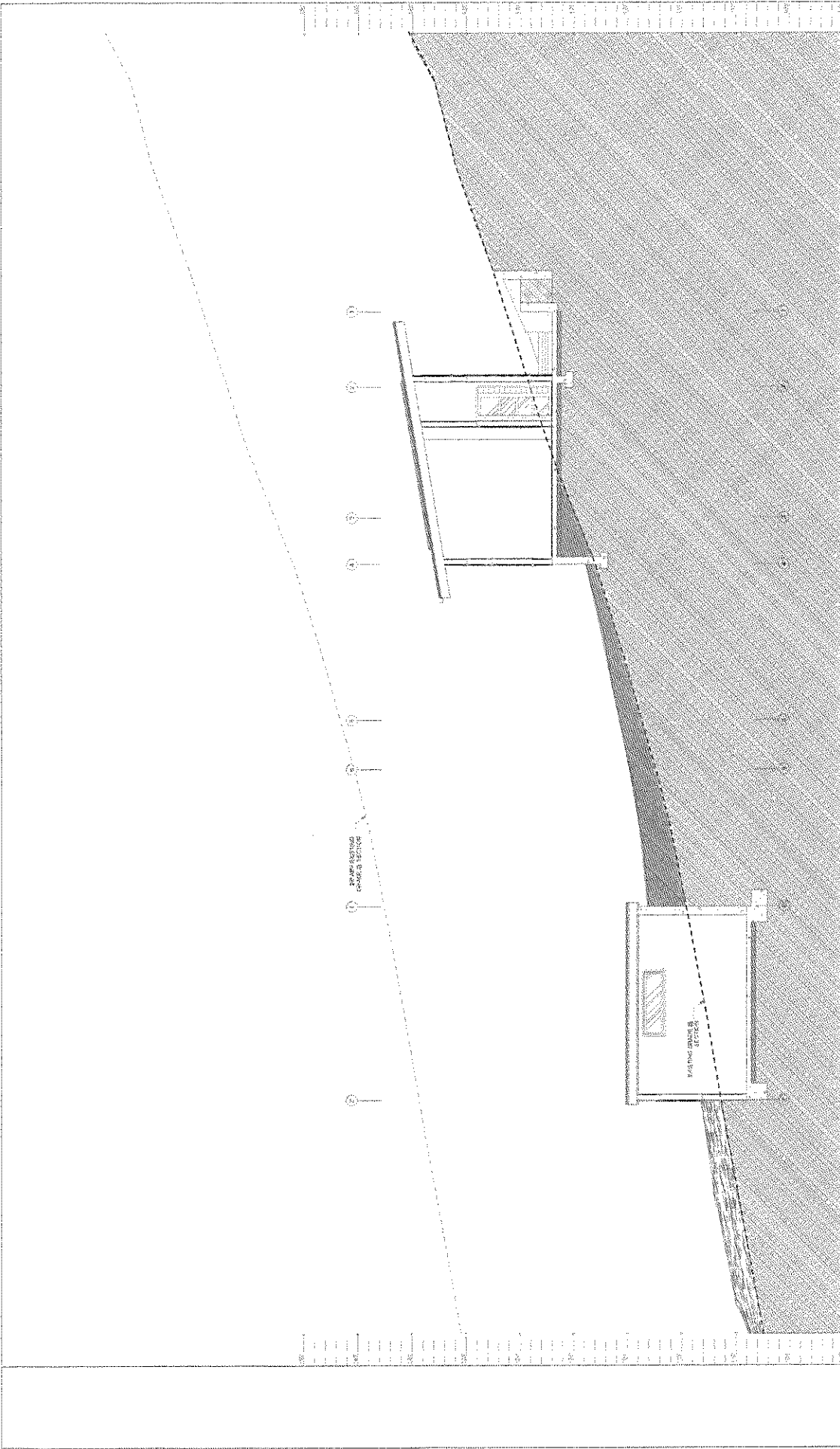
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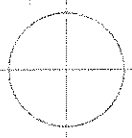
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3	10/05/16	REVISION C
4	10/05/16	REVISION D
5	10/05/16	REVISION E
6	10/05/16	REVISION F
7	10/05/16	REVISION G
8	10/05/16	REVISION H
9	10/05/16	REVISION I
10	10/05/16	REVISION J



058-101-05
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 DUBLIN, CA 94568
 (916) 231-1234

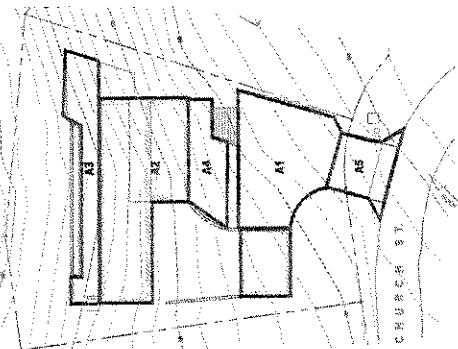
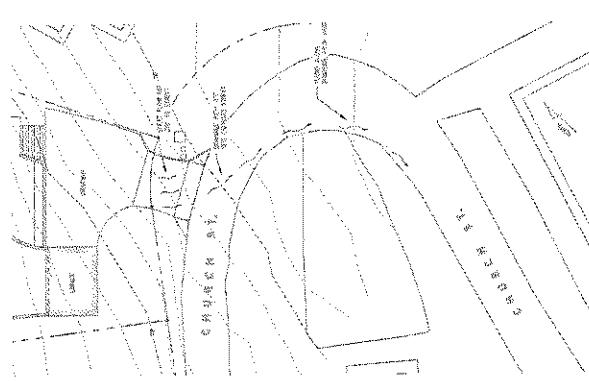
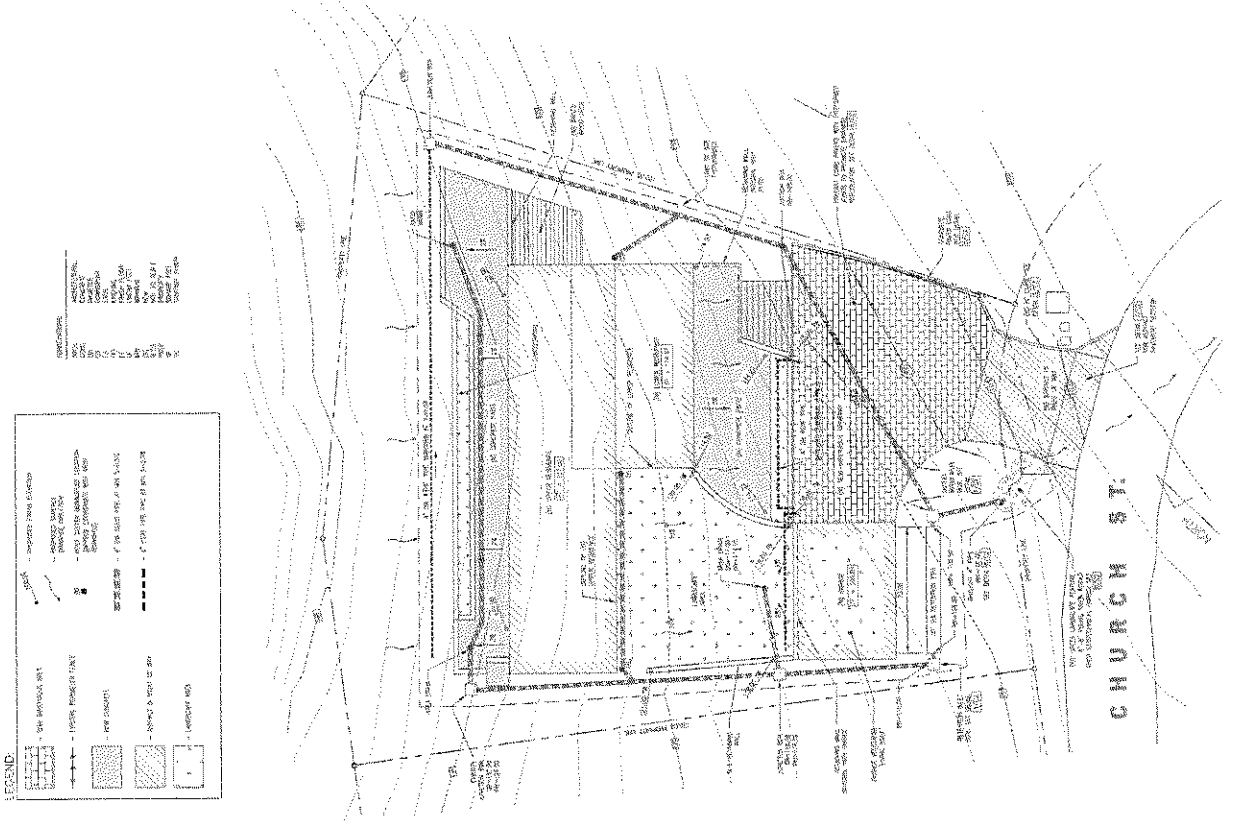
140 CHURCH STREET RESIDENCE
 8 COMSTOCK LANE
 SANTA CRUZ, CALIFORNIA 95060

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831-421-9594

8 COMSTOCK LANE, SANTA CRUZ, CALIFORNIA 95060
 gregoryheitlerdesign.com 10/17/2016

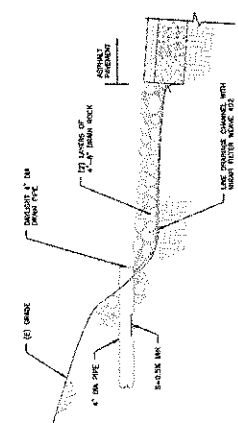
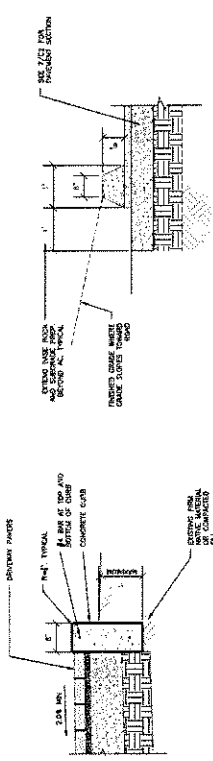
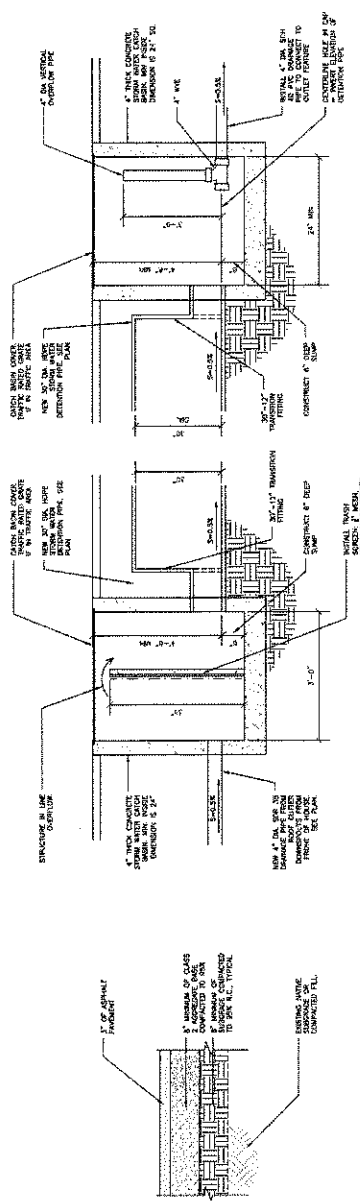
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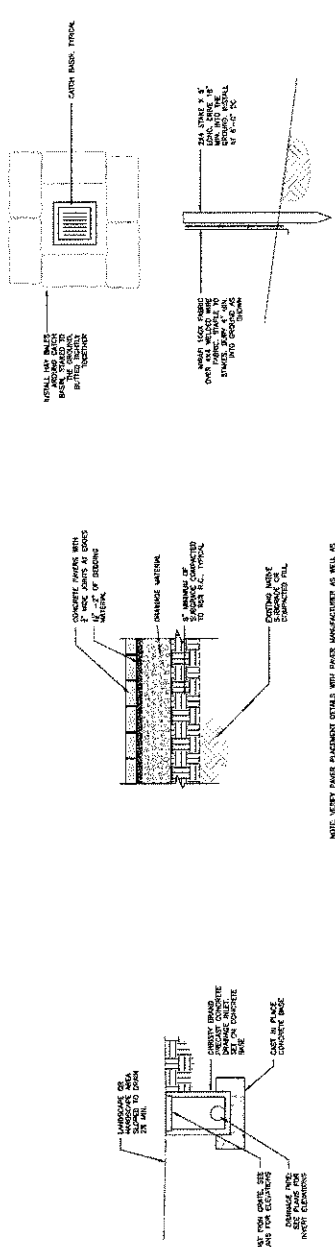
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8 C2	5 C2	2 C2	TYPICAL AC DIKE
8 C2	5 C2	2 C2	TYPICAL AC DIKE



9	6	3
C2	C2	C2
DRAINAGE BOX DETAIL	TYPICAL DRIVEWAY PAVEMENT DETAILS	EROSION CONTROL DETAILS

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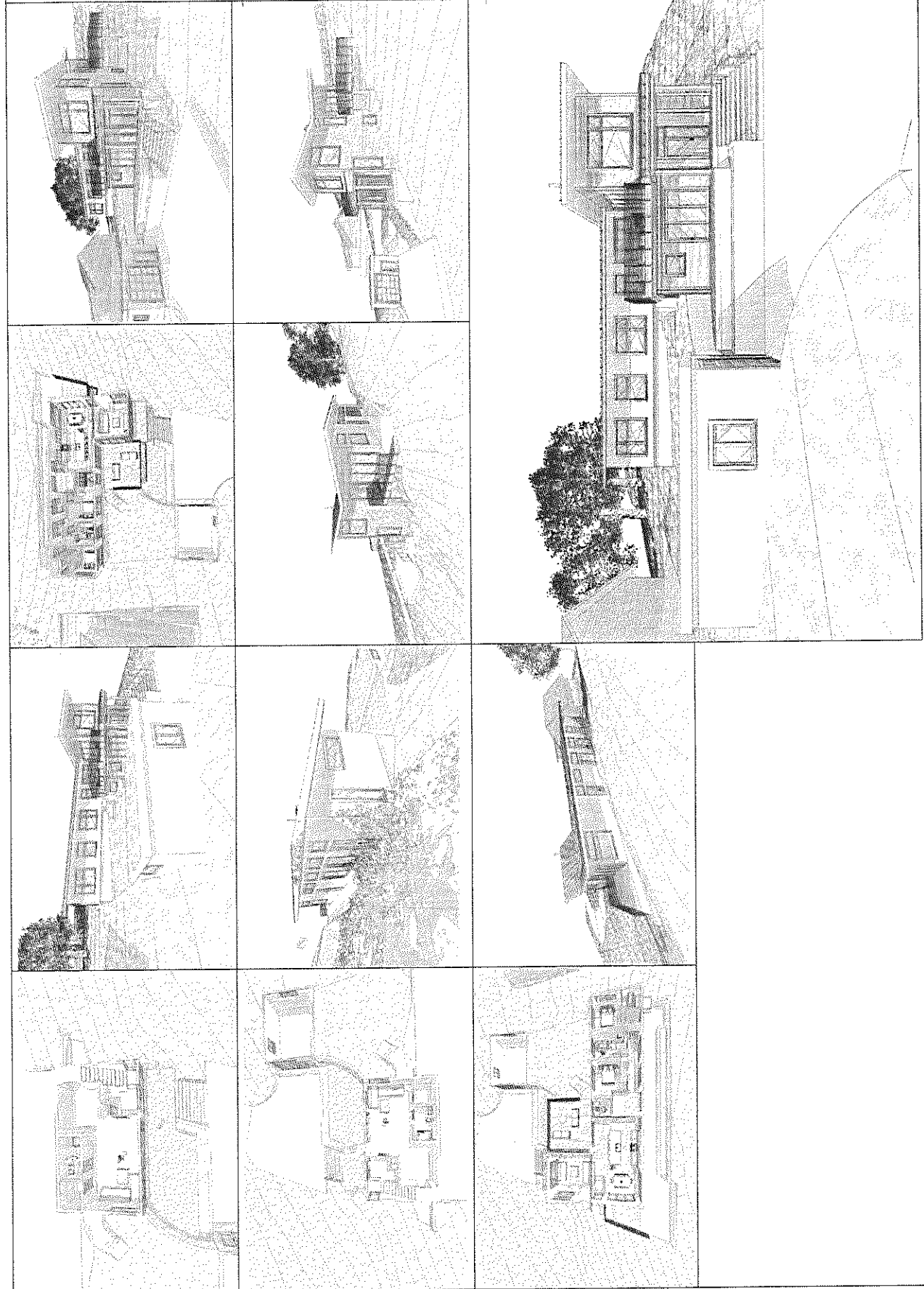
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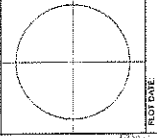


140 CHURCH STREET
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831-421-9594
gregory@heitzlerdesign.com

GREGORY HEITZLER DESIGN

OWNER: ADAMS & KESTY
140 CHURCH STREET
DAVENPORT, CA 95017



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Theresa July 26, 2013

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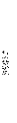


Figure 1

CHURCH ST
RESIDENCE

831-421-9594

GREGORY HEITZLER DESIGN

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Summary

Figure 1

Thursday, Sep 20, 2015

PROPOSED ELEVATION

SCALE: $1/4^{\text{th}} = 1.0^{\text{m}}$

7

JOSHUA ADAMS & KRISTY
KROEGER
PO BOX 1001717, ANTONIO, MISSOURI
67210-0171
UNITED STATES, MO

HEITZLER DESIGN
831-421-9594

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2019-2020

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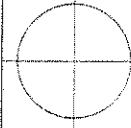
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PROPOSED
LOWER FLOOR
PLAN

SHEET TITLE	DATE
PROPOSED LOWER FLOOR PLAN	2015
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NO. DESCRIPTION	DATE
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2. REVISION 2	2015
3. REVISION 3	2015
4. REVISION 4	2015
5. REVISION 5	2015
6. REVISION 6	2015
7. REVISION 7	2015
8. REVISION 8	2015
9. REVISION 9	2015
10. REVISION 10	2015

PROJECT

DATE: July 20, 2015



OWNER: JOSHUA ADAMS & KRISTY KROEGER
140 CHURCH STREET
DAYVONPORT, CA 95017

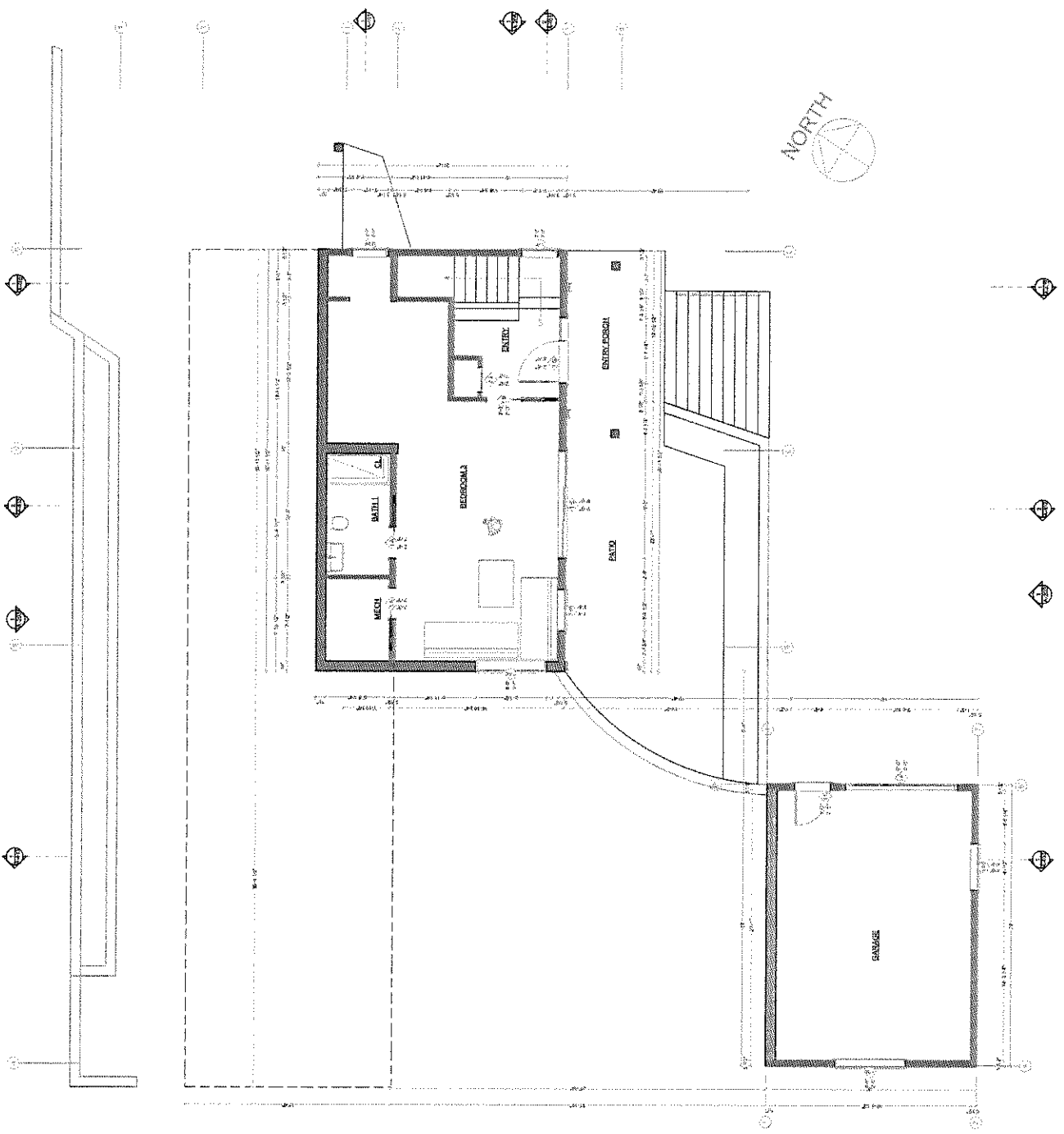
058-101-05

140 CHURCH STREET
RESIDENCE
DAYVONPORT, CA 95017



GREGORY HEITZLER DESIGN
831-421-9594
2 connect lane, dayvondport, california, 95017
greg@gregoryheitzlerdesign.com (p) 951-795513

PROPOSED LOWER FLOOR PLAN
SCALE: 1/4" = 1'-0"
01



PROJECT TO COMPLY WITH THE FOLLOWING CODES:
2011 CA BUILDING CODE (CBC)
2011 CA RESIDENTIAL CODE (ARC)
2011 CA MECHANICAL CODE (CMC)
2011 CA ELECTRICAL CODE (CEC)
2011 CA FIRE CODE (FC)
2011 CA ENERGY CODE

EXHIBIT A

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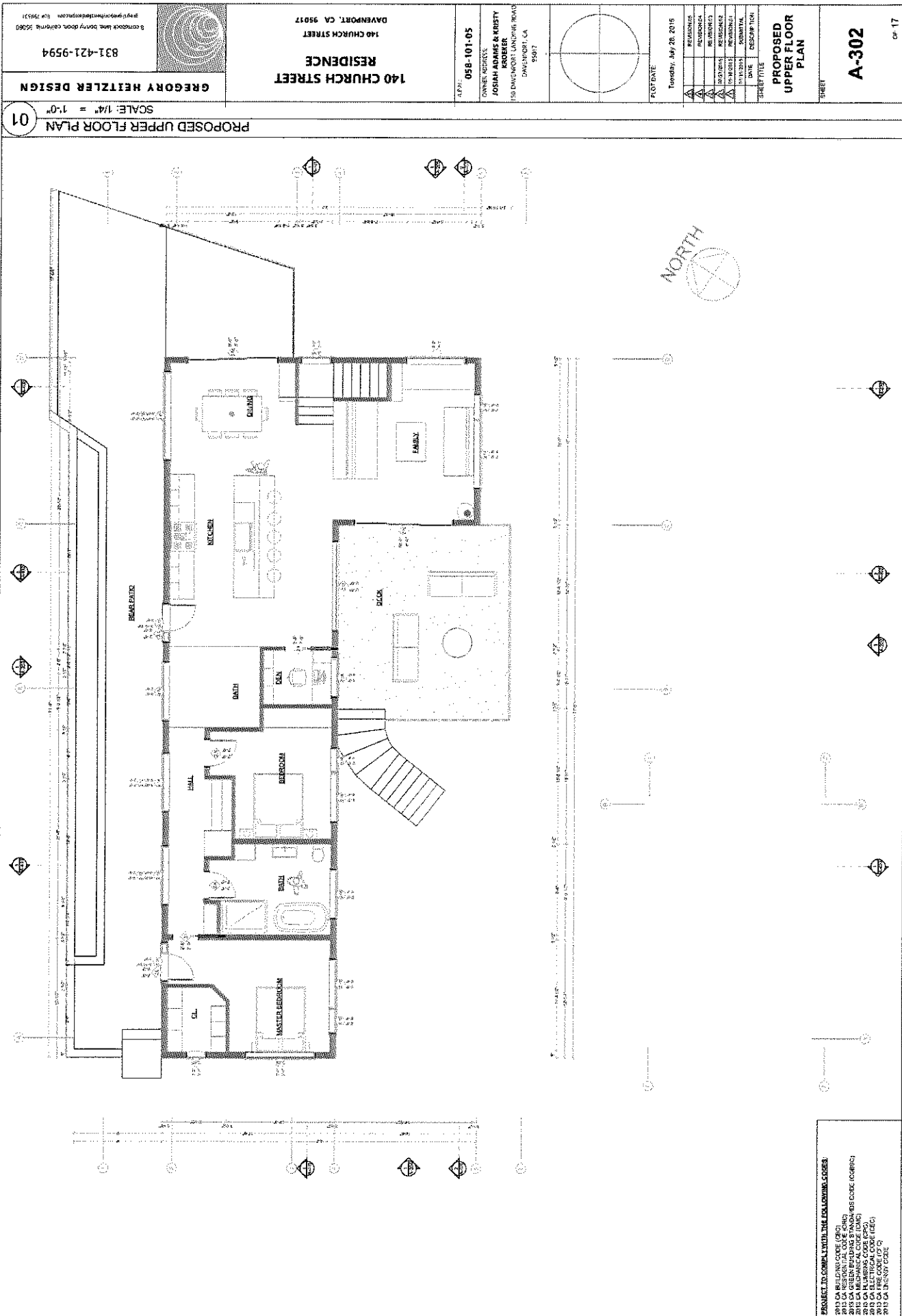
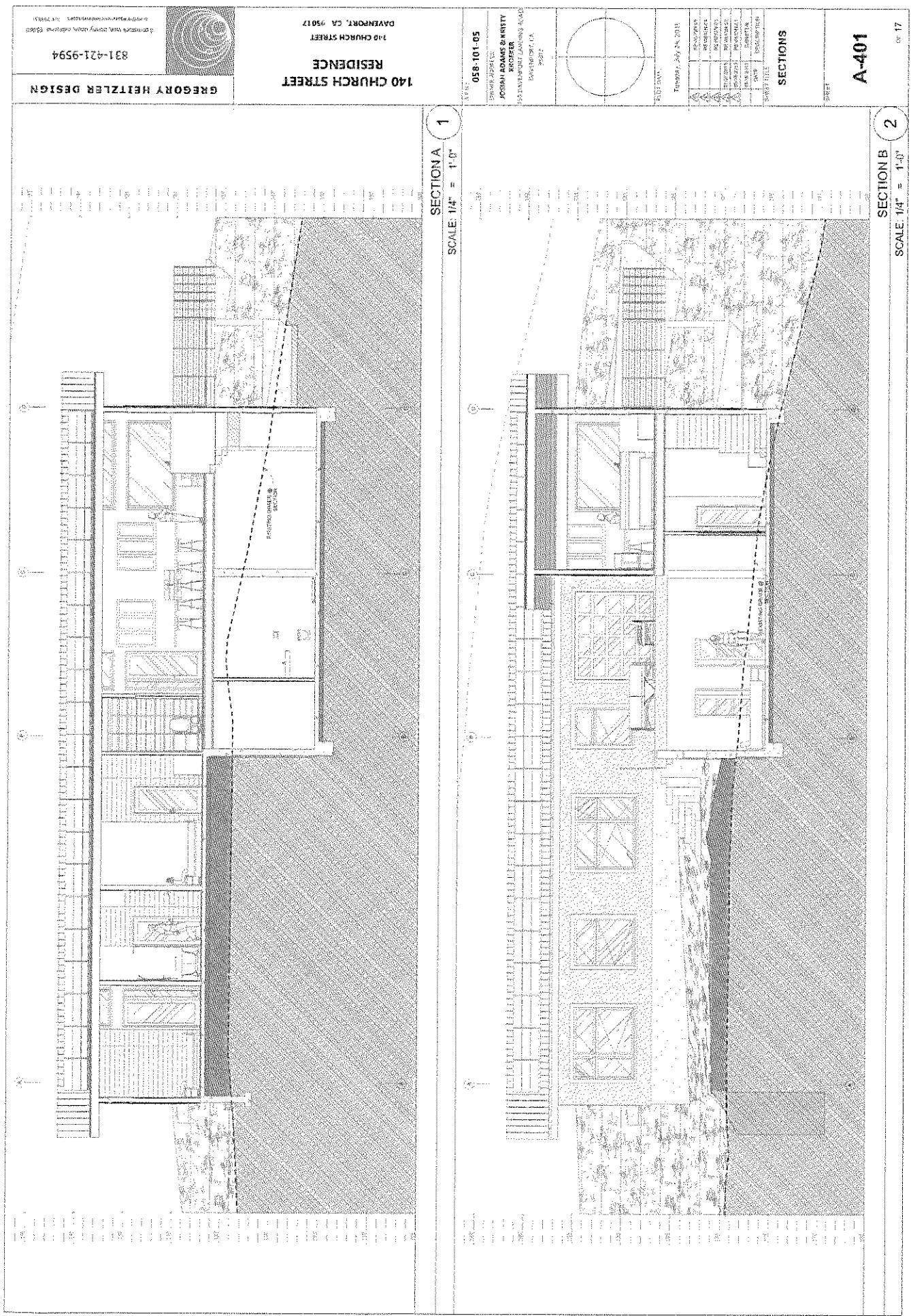


EXHIBIT A

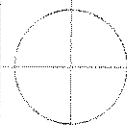
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SECTIONS

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Keywords: *depression; mood disorder; anxiety disorders*

[illegible]

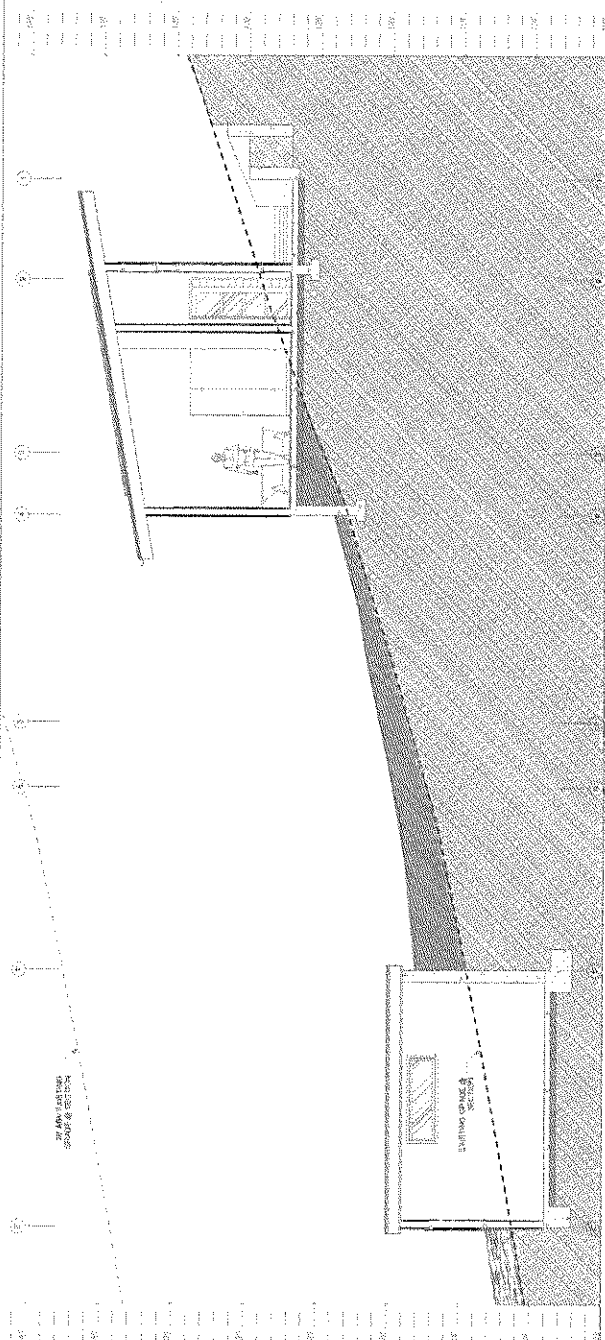
12/25/2008: CA

KROEMER

[illegible]

058-101-05

SECTION E
SCALE: 1/4" = 1'-0"



**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 APN 058-122-12, to allow for a reduction in the required 200 foot setback to about 20 feet. The proposed building site is 60 feet below the elevation of the adjacent Commercial Agriculture zoned parcel activity.

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

The habitable structure is proposed to be set back 20 feet from the adjacent Commercial Agriculture zoned land. Existing vegetation, comprised of scrub willow, located within the 15 foot setback is required to be retained where it meets the height of the required buffer. An effective barrier consisting of a six foot tall solid fence and evergreen shrubs, in areas that do not provide vegetation providing the required 6 foot height, would be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 058-122-12. This barrier, as proposed, shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic.

3. A lesser setback is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent 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
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, consistent with the objective of permitting building on a parcel of record.

The imposition of a two hundred foot agricultural buffer setback would preclude building on the subject property given the small parcel size. Furthermore, the parcel meets the required rear yard setback established for the R-1-6 zone district, consistent with adjacent residential properties in the vicinity that are adjacent to the commercial agricultural parcel. The reduced setback is required to be coupled with a 6 foot solid board fence located on the property line and a evergreen buffer planted to separate the use from agricultural activities on the commercial agricultural property, as required by the agricultural buffer reduction ordinance.

Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from 200 feet to 20 feet from the proposed residential use to APN (058-122-12). 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 copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 2. A development setback of a minimum of 20 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 058-122-12.
 3. Final plans shall show a 6 foot solid board fence along the entire rear property line and retention of existing willow scrub as agricultural buffering vegetation (where meeting the required 6 foot height) and location of a supplemental 6 foot tall vegetative buffering along the entire rear property line, 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.
- 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 fence 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, its 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. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor 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: _____

Effective Date: _____

Expiration Date: _____

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.

EXHIBIT C

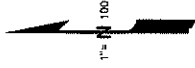
Tax Area Code
86-003 86-020
86-021

SAN VICENTE RANCHO
POR. S.E. 1/4 SEC. 33, T.10S., R.3W., M.D.B. & M.

58-10

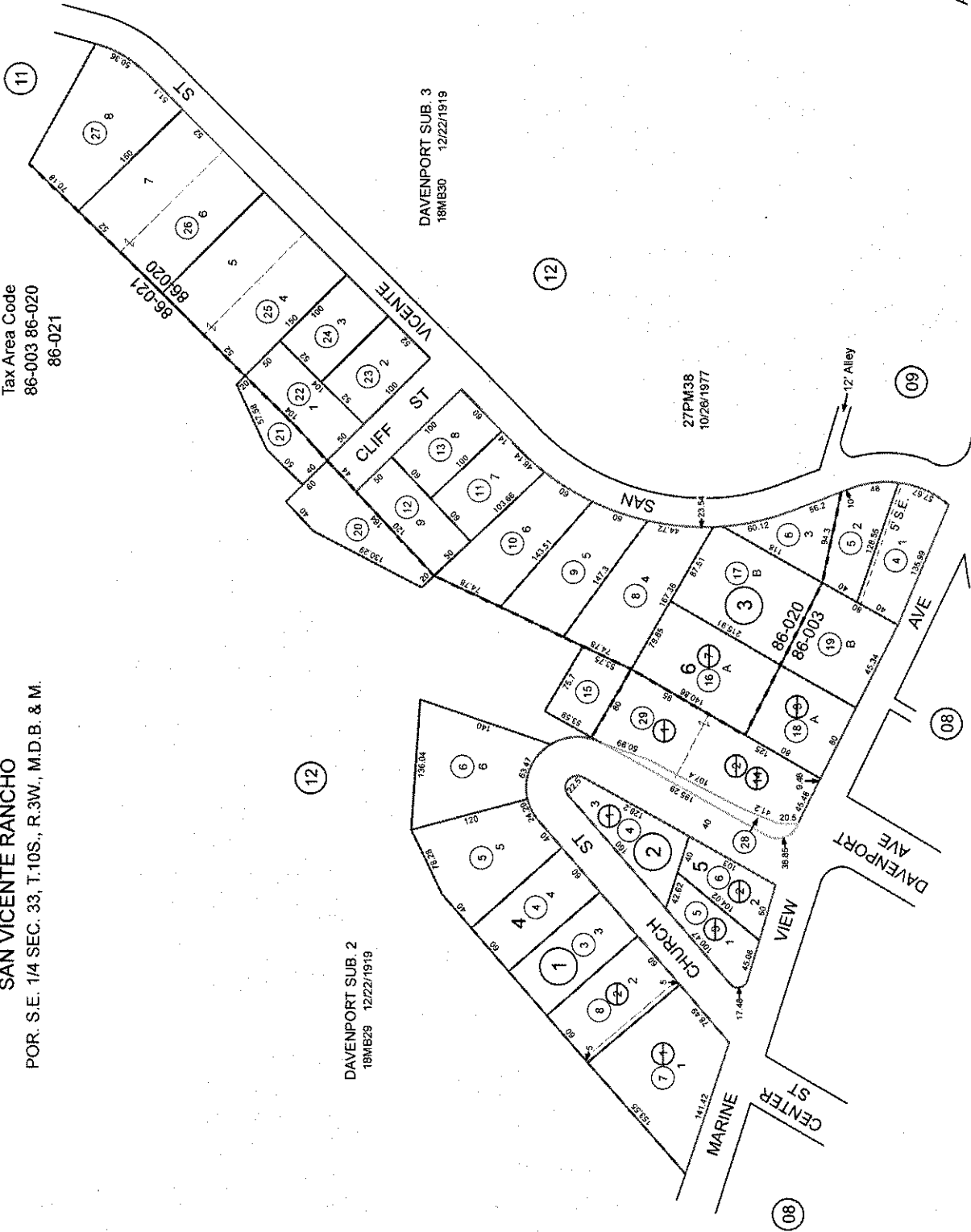
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DAVENPORT SUB. 2
18MB29 12/22/1919

DAVENPORT SUB. 3
18MB30 12/22/1919



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

Assessor's Map No. 58-10
County of Santa Cruz, Calif.
Oct. 1999

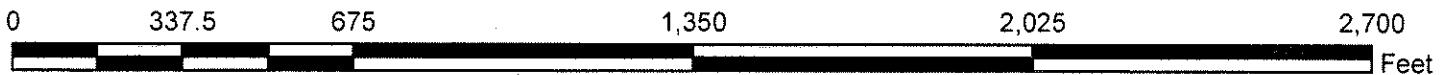
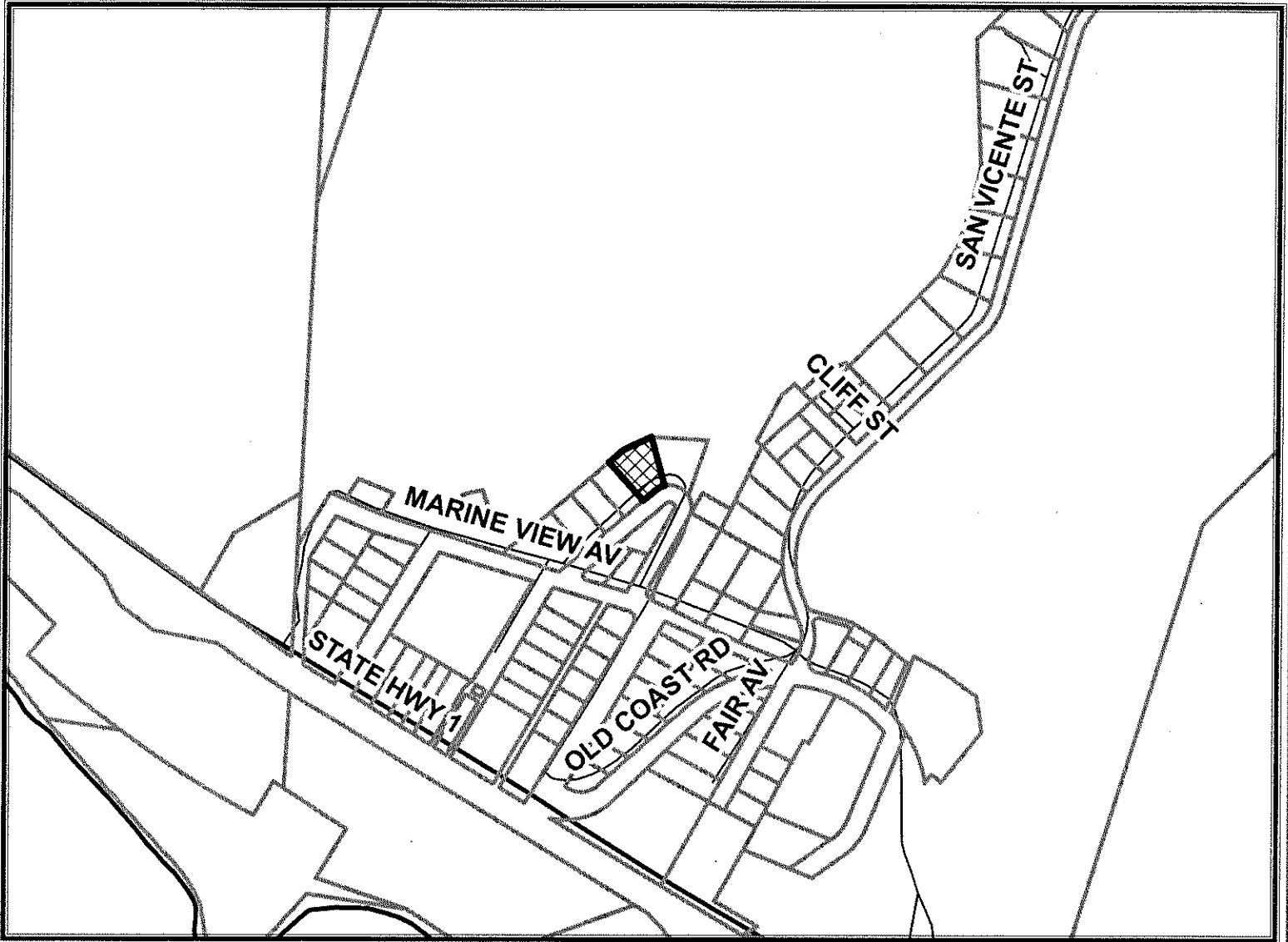
Electronically reviewed 10/25/99 KSA
Rev. 2/22/01 CB (8-0051619 LBA 3-28 & 29)
Rev. 10/21/08 mc (Spatial Adjustment)
Rev. 2/5/14 mc (cor. to APN, 1-05)

EXHIBIT D



Location Map

7



LEGEND



APN: 058-101-05



Assessors Parcels



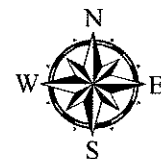
Street



State Highways



County Boundary



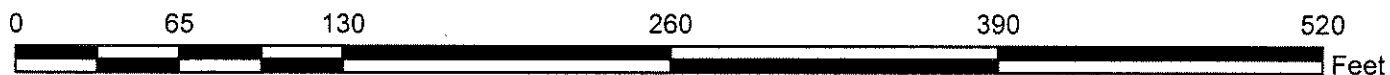
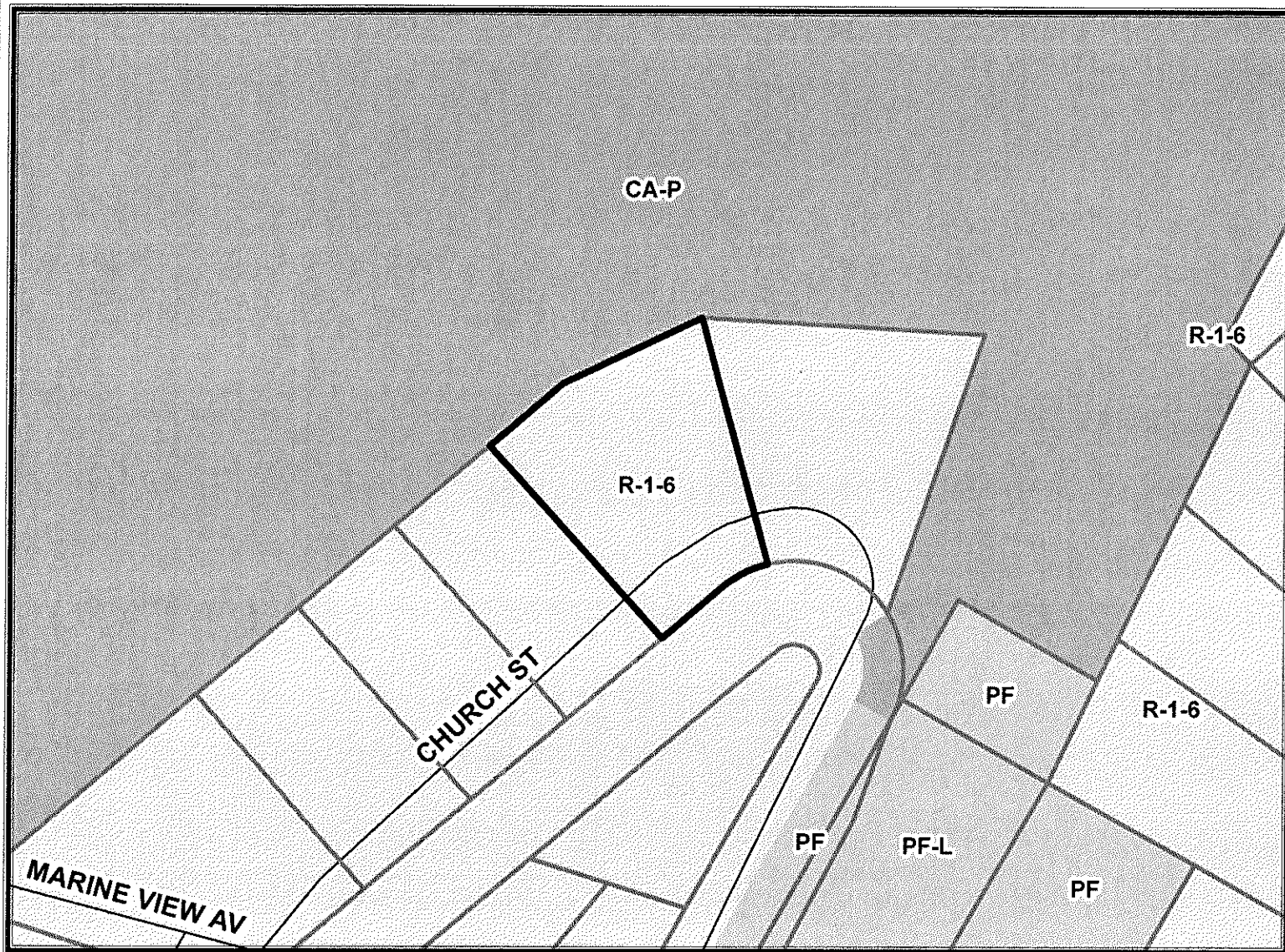
Map Created by
County of Santa Cruz
Planning Department
April 2015

EXHIBIT D









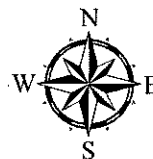
Zoning Map

7



LEGEND

-  APN: 058-101-05
-  Assessors Parcels
-  Street
-  RESIDENTIAL-SINGLE FAMILY
-  PUBLIC FACILITY
-  AGRICULTURE COMMERCIAL



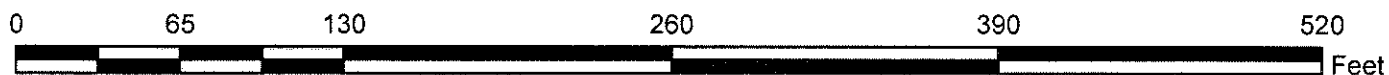
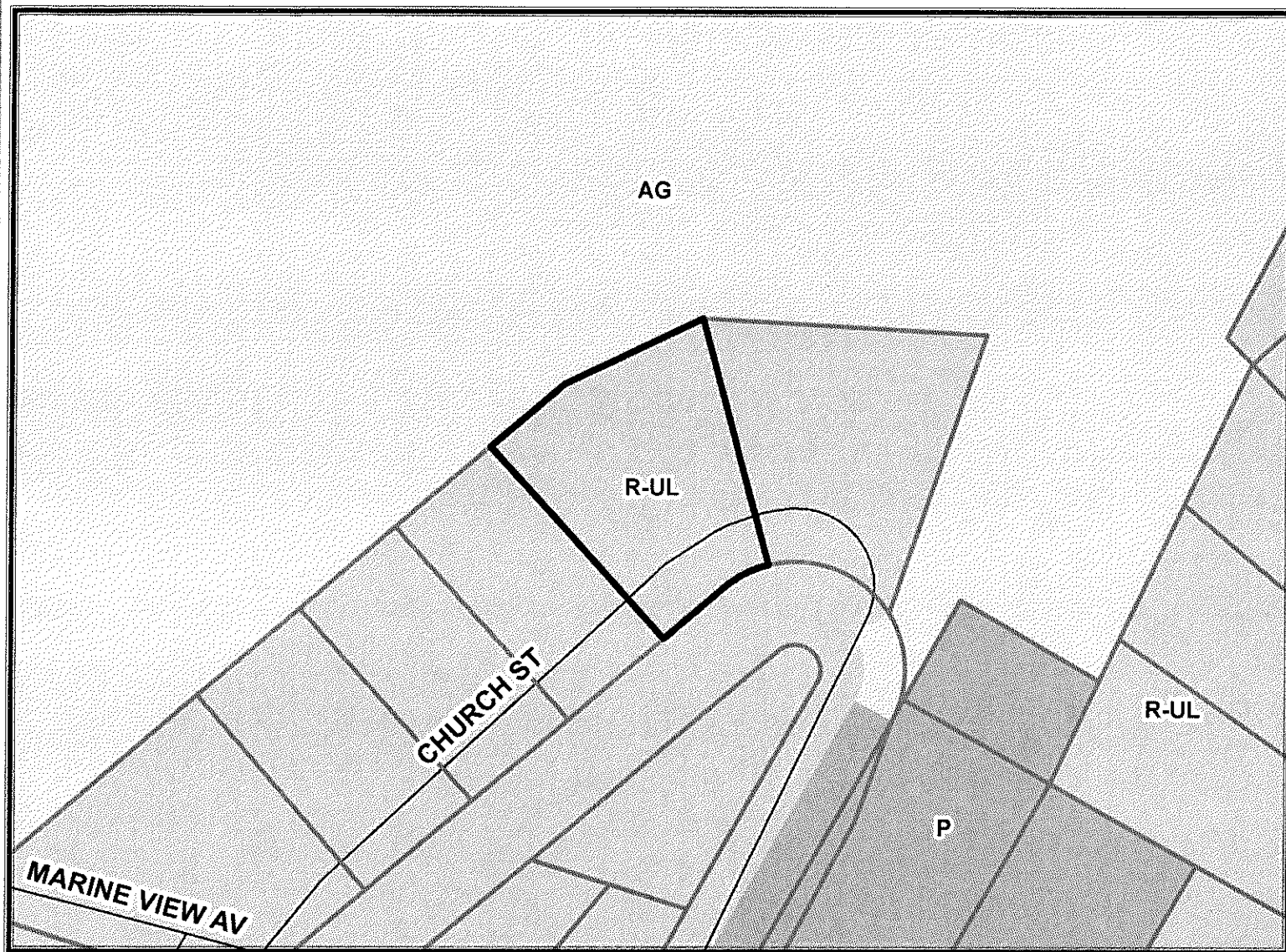
Map Created by
County of Santa Cruz
Planning Department
April 2015

EXHIBIT D






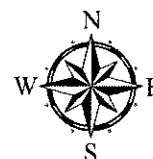
General Plan Designation Map

7



LEGEND

-  APN: 058-101-05
-  Assessors Parcels
-  Street
-  Agriculture
-  Residential - Urban Low Density
-  Public Facilities



Map Created by
County of Santa Cruz
Planning Department
April 2015

EXHIBIT D