

Staff Report to the Agricultural Policy Advisory Commission

Applicant: Ken Hart Owner: Wingfield Family Farm LLC APN: 104-101-42 Address: No situs address Date: August 25, 2022 Agenda Item #: 8 Time: 1:30 p.m.

**Project Description**: Proposal to construct a single-family dwelling within 200 feet of agricultural resource type land and to reduce the required Agricultural Buffer Setback from 200 feet to approximately 50 feet. Requires an Agricultural Setback Reduction Determination and a determination that the proposal is exempt from further review under the California Environmental Quality Act (CEQA).

**Location**: Property is located on the west side of Cherryvale Avenue (adjacent and just north of 4835 Cherryvale Avenue), approximately 1.5 miles northwest of Glen Haven Road.

Permits Required: Agricultural Buffer Setback Reduction

#### **Staff Recommendation:**

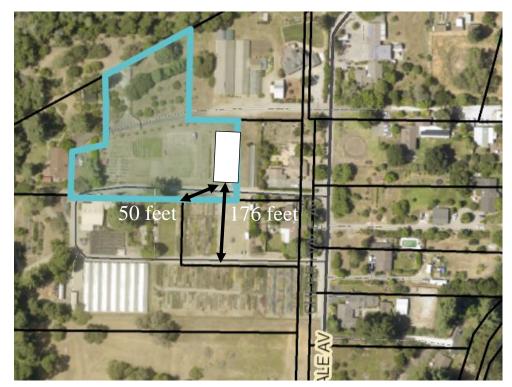
- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 221110, based on the attached findings and conditions.

#### Background

The subject property is zoned agriculture. The property contains an existing 2, 252 square foot greenhouse located on the east side of the property and row crops to the west.

The property is located in a mix of residential, agricultural, and commercial agriculture zone districts developed with both residential dwellings and row crops throughout.





An agricultural buffer reduction was previously approved in 1999 under application 99-0124 for construction of a single-family dwelling within the same distance from agricultural resource land as proposed now (50 feet of agricultural resource land to the southwest). Plans included an

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evergreen hedge extending from the corner of the adjoining property, APN 104-101-35. At that time, the APAC required modification to the project plans to extend fencing and vegetative buffer along the property line where the proposed residence would be located within within 200 feet of the agricultural resource land. The project was not constructed and the permit lapsed. The current proposal proposes the same 50 foot project setback with exception that the project now includes an attached accessory dwelling unit (ADU) in the building envelope.

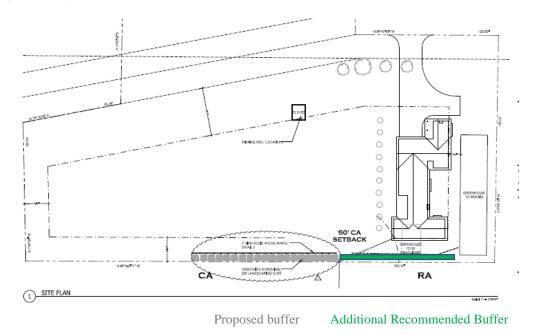
#### **Analysis and Discussion**

The proposed project is to construct a single-family dwelling of approximately 1,577 square feet with an attached 576 square foot accessory dwelling unit and a 543 square foot attached garage and on a 2.2-acre parcel. The project is located at the east end of the subject property adjacent to the existing greenhouse and adjacent residentially zoned and developed property. The building site is within 200 feet of Commercial Agricultural land to the southwest and south. It is approximately 50 feet of CA land to the southwest and approximately 176 feet to the same CA land to the south. The applicant is requesting a reduction in the 200-foot agricultural buffer setback to approximately 50 feet from APN 104-101-35.

The subject property is characterized by flat topography. The parcel is located outside the Urban Services Line and can be characterized as a mixed residential and agricultural neighborhood. The parcel is located within the AG (Agriculture) General Plan designation and the implementing zone district is A (Agriculture). Commercial Agriculture (CA) zoned land is situated within 200 feet at the southwest and south side of the parcel at Assessor's Parcel Number 104-101-35.

The proposed single family dwelling location will not create significant conflicts between the nonagricultural development and the adjacent commercial agricultural land use due to the existing residential development on that "CA" land, which includes a single-family dwelling, yard area and large redwood tree between the proposed residence and viable commercial agricultural land. The viable cultivated agricultural land is approximately 176 feet to 200 feet from the proposed new dwelling though open uncultivated area is also located within 50 feet of the proposed dwelling. This open uncultivated area has remained uncultivated since 1999 when the original agricultural buffer reduction was approved by APAC.

A portion of the subject parcel is located in the Soquel Creek Floodway/floodplain and biotic area. The practical building envelope area is about 190 feet in width; this precludes residential development of the property without a reduced 200-foot setback. The applicant proposes a seven (7) foot solid board fence and evergreen hedge along a portion of the property line adjacent to the proposed 50-foot agricultural buffer setback to the dwelling.



The proposed seven (7) foot solid board fence and evergreen vegetative hedge is recommended to be extended along the property line of the subject property to the east of the residence as CA land is within 176 feet to the south of the proposed dwelling to ensure minimal conflict between the two land uses and to protect the agricultural interests on the Commercial Agriculture zoned parcel(s). Conditions of approval include plan revision language as noted. 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

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 50 feet to the single-family dwelling from the adjacent CA zoned property known as APN 104-101-35, proposed under Application # 221110, 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="http://www.sccoplanning.com">www.sccoplanning.com</a>

Report Prepared By:	Sheila McDaniel
	Santa Cruz County Planning Department
	701 Ocean Street, 4th Floor
	Santa Cruz CA 95060
	Phone Number: (831) 454-2255

#### E-mail: <a href="mailto:sheila.mcdaniel@santacruzcounty.us">sheila.mcdaniel@santacruzcounty.us</a>

Report Reviewed By: Jocelyn Drake Principal Planner Development Review

#### Exhibits

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

# 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: 221110

Assessor Parcel Number: 104-101-42

Project Location: No site address Property is located on the west side of Cherryvale Avenue (adjacent and just north of 4835 Cherryvale Avenue), approximately 1.5 miles northwest of Glen Haven Road.

#### Project Description: Agricultural Buffer Setback Reduction

#### Person or Agency Proposing Project: Ken Hart

#### Contact Phone Number: (831) 459-9992

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines Section 15378.
- **B.** \_\_\_\_\_ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. <u>Ministerial Project</u> involving only the use of fixed standards or objective measurements without personal judgment.
- **D.** <u>Statutory Exemption</u> 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 dwelling unit in an area designated for residential uses.

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

Sheila McDaniel, Project Planner

Date: \_\_\_\_\_

EXHIBIT A

#### 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

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

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

The proposed single family dwelling location will not create significant conflicts between the nonagricultural development and the adjacent commercial agricultural land use due to the existing residential development on that "CA" land, including a single-family dwelling, yard area and large redwood tree between the proposed residence and viable commercial agricultural land. The viable cultivated agricultural land is about 200 feet from the proposed new home. A seven (7) foot solid board fence and evergreen hedge is proposed or conditioned along the boundary of the CA land that is not currently cultivated in row crops and otherwise the proposed home meets the 200-foot setback to the "CA" to the south (with residential property located between) to ensure protection to prevent conflicts between the two land uses.

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.

A portion of the subject parcel is located in the Soquel Creek Floodway/floodplain and biotic area. The practical building envelope area is about 190 feet in width on the east; this precludes residential development of the property without a reduced 200-foot setback. An additional buffer barrier seven (7) foot solid board fence and evergreen vegetative hedge) can be constructed along the boundary line of the "CA" land and the residential property to further ensure minimal conflict between the two land uses.

EXHIBIT B

#### **Conditions of Approval**

- I. This permit authorizes an Agricultural Buffer Setback as indicated on the approved Exhibit "D" for this permit. 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 "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. A copy of the text of these conditions of approval incorporated into the fullsize sheets of the architectural plan set.
    - 2. A development setback of a minimum of 50 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 104-101-35.
    - 3. Final plans shall be revised to extend the evergreen vegetative buffer and seven (7) foot solid board fence along the southern property line eastward to approximately 25 feet east of the dwelling (adjacent to the Greenhouse). For clarity, fencing and vegetative buffer shall be provided along the entire extent of subject property line where the proposed home is located within 200 feet of the Commercial Agricultural property to the south and southeast of the subject property. The shrubs utilized shall attain a minimum height of six feet upon maturity. Plans shall be revised to include the species type, plant sizes and spacing 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. **EXHIBIT C**

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 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 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, up to and including permit revocation.
- V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or **EXHIBIT C** 

proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.

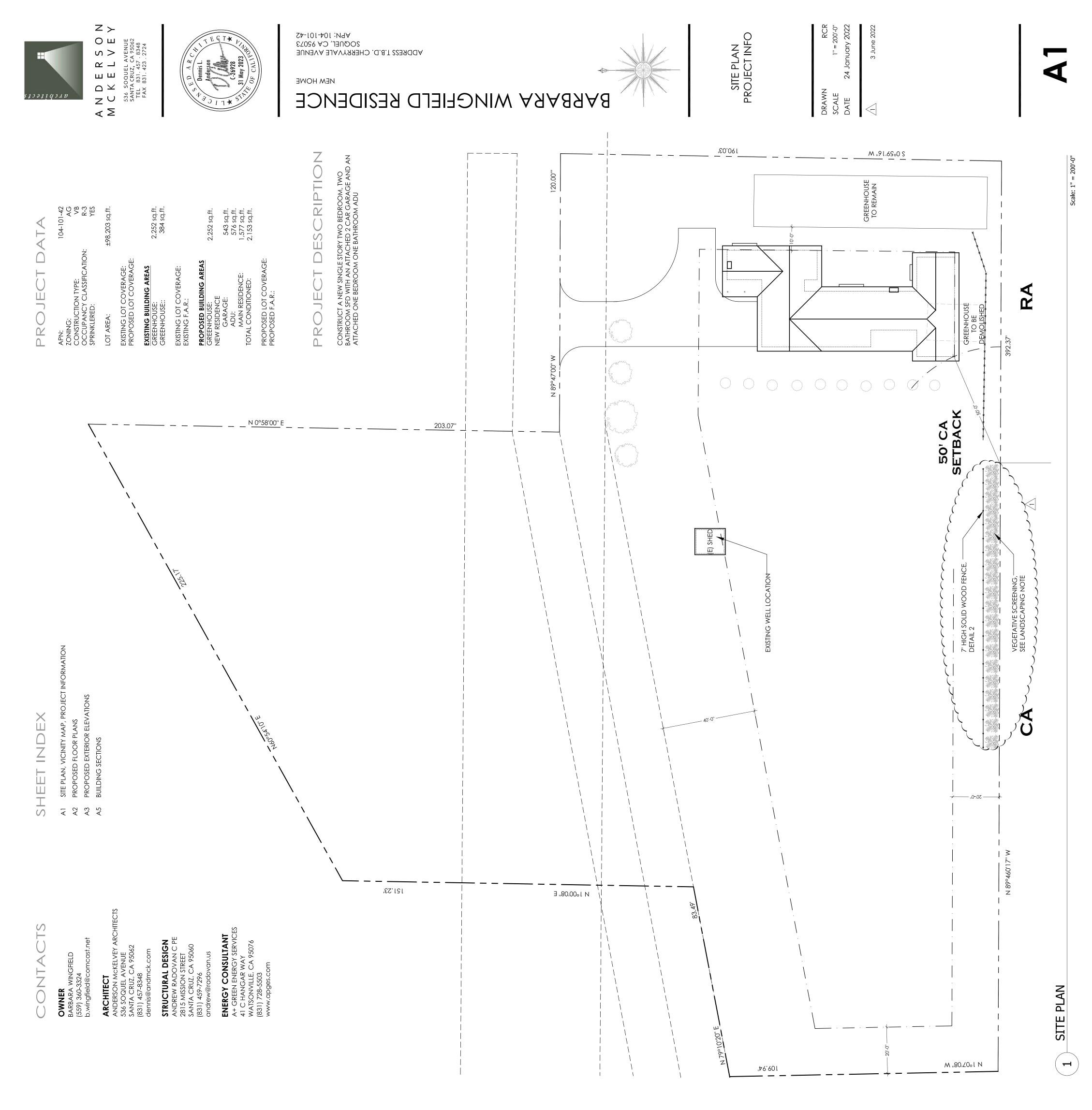
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. <u>Settlement</u>. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.
- D. <u>Successors Bound</u>. The "applicant/owner" shall include the applicant and/or the owner and the successor'(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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.



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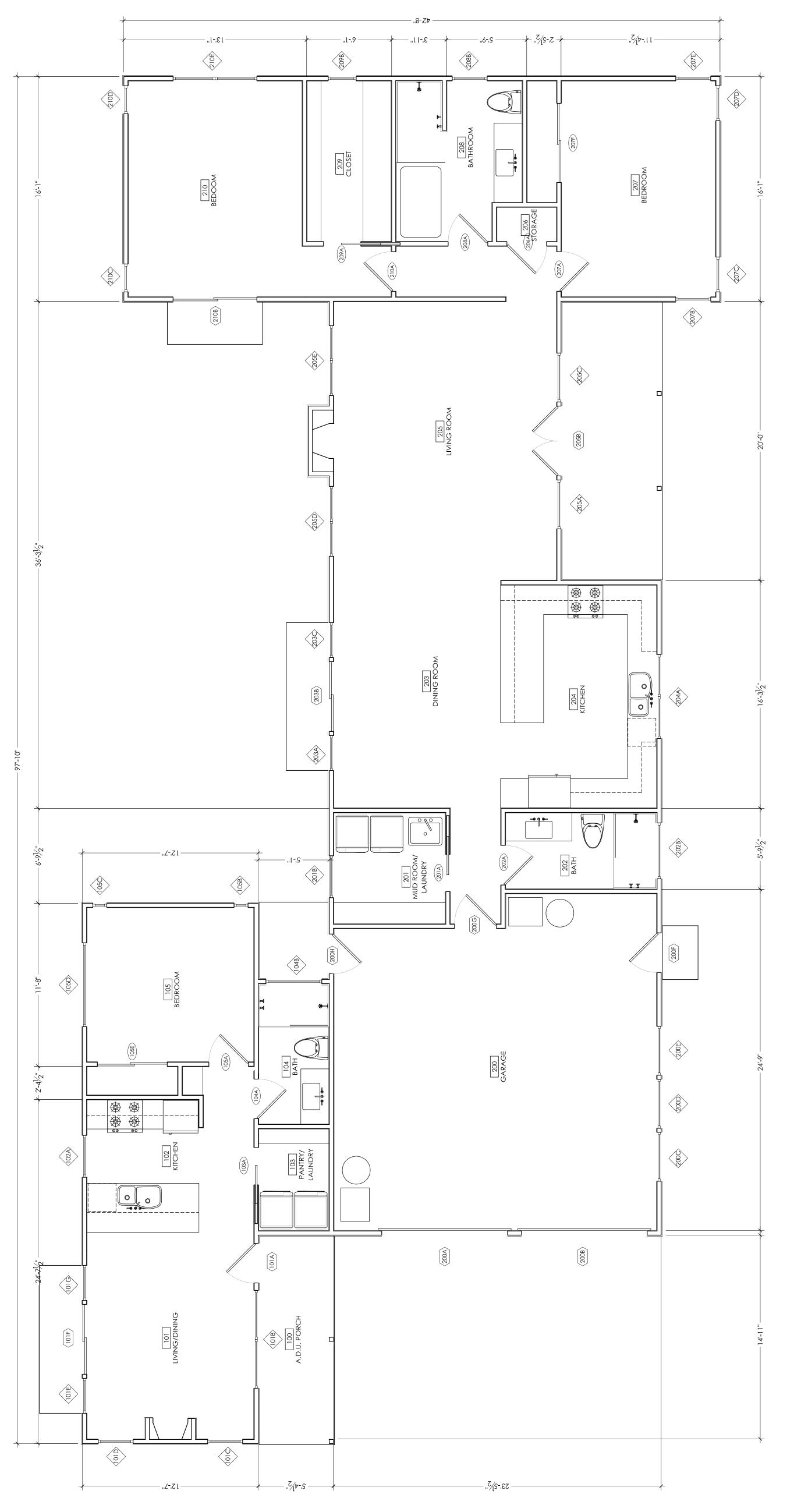




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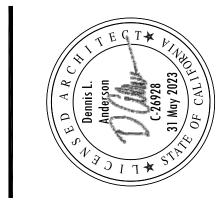
SOLID WOOD FENCE ELEVATION

LOCATION	#	UNIT SIZE	ТҮРЕ	MANUFACTURER/UNIT	HARDWARE/ NOTES
	101B	7'-0'' × 4'-0''	DBL SINGLE HUNG		LOW-E
	101D	2'-6'' × 4'-0''	SINGLE HUNG		
LIVING/DINING 101	101D	2'-6'' × 4'-0''	SINGLE HUNG		
	101E	2'-6'' x 6'-8''	FIXED		
	101G	2'-6'' × 6'-8''	FIXED		
KITCHEN 102	102A	2'-6" × 4'-0"	SINGLE HUNG		
BATHROOM 104	104B	4'-0'' × 1'-6''	AWNING		LOW-E
	105B	1'-0'' × 4'-0''			LOW-E
BEDROOM 105	105C	1'-0'' × 4'-0''			LOW-E
	105D	6'-0'' × 4'-0''	SLIDER		
	200C	3'-6" × 1'-6"	AWNING		LOW-E
GARAGE 200	200D	3'-6" × 1'-6"	AWNING		LOW-E
	200E	3'-6" × 1'-6"	AWNING		LOW-E
MUD/LAUNDRY 201	201B	3'-0'' × 4'-0''	SINGLE HUNG		LOW-E
BATHROOM 202	202B	4'-0'' × 1'-6"	AWNING		
	203A	2'-6'' x 6'-8''	FIXED		TEMPERED
	203C	2'-6'' x 6'-8''	FIXED		TEMPERED
KITCHEN 204	204A	6'-0'' × 4'-0''	DBL SINGLE HUNG		LOW-E, TEMPERED
	205A	3'-6'' × 4'-0''	SINGLE HUNG		LOW-E, TEMPERED
LIVING ROOM 205	205C	3'-6'' × 4'-0''	SINGLE HUNG		LOW-E, TEMPERED
	205D	5'-0'' × 4'-0''	DBL SINGLE HUNG		
	205E	5'-0'' × 4'-0''	DBL SINGLE HUNG		
	207B	2'-6'' × 4'-0''	CASEMENT		LOW-E, TEMPERED, MEETS EGRESS REQUIREMENTS
BEDROOM 207	207C	2'-6'' × 4'-0''	SINGLE HUNG		LOW-E
	207D	2'-6'' × 4'-0''	SINGLE HUNG		LOW-E
	207E	2'-6'' × 4'-0''	SINGLE HUNG		LOW-E
BATHROOM 208	208B	2'-6'' × 4'-0''	SINGLE HUNG		LOW-E, TEMPERED
WALK-IN CLOSET 209	209B	2'-0'' × 4'-0''	SINGLE HUNG		LOW-E, TEMPERED
	210C	2'-0'' × 4'-0''	SINGLE HUNG		LOW-E
BEDROOM 210	210D	2'-0'' x 4'-0''	SINGLE HUNG		LOW-E
	210E	6'-0'' × 4'-0''	DBL SINGLE HUNG		LOW-E





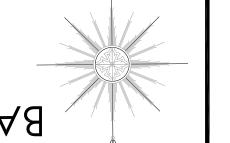




BARBARA WINGFIELD RESIDENCE

NEM HOWE

ADDRESS T.B.D. CHERRYVALE AVENUE SOQUEL, CA 95073 APN: 104-101-42



PROPOSED FLOOR PLAN

RCR )/4" = 1'-0" 24 January 2022 drawn Scale date

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LOCATION					
	#	SIZE	ТҮРЕ	MANUFACTURER	HARDWARE/ NOTES
PANTRY/LAUNDRY 103	103A	2'-8'' x 6'-8''	POCKET		100 sq.in. OF LOUVER REQUIRED FOR INTAKE
BATHROOM 104	104A	2'-8'' x 6'-8''	HINGED SINGLE	1	
	105A	2'-8'' × 6'-8''	HINGED SINGLE		
	105E	5'-0'' x 6'-8''	<b>BI-PASS PAIR</b>		
MUD/LAUNDRY 201	201A	2'-8'' x 6'-8''	POCKET	T	100 sq.in. OF LOUVER REQUIRED FOR INTAKE
BATHROOM 202	202A	2'-8'' x 6'-8''	HINGED SINGLE		
STORAGE 206	206A	2'-8'' x 6'-8''	HINGED SINGLE		
BEDROOM 207	207A	2'-8'' x 6'-8''	HINGED SINGLE		
	207F	5'-0'' × 6'-8''	<b>BI-PASS PAIR</b>		
BATHROOM 208	208A	2'-8'' x 6'-8''	HINGED SINGLE		
CLOSET 209	209A	2'-6'' x 6'-8''	POCKET		
BEDROOM 210	210A	2'-8'' x 6'-8''	HINGED SINGLE		

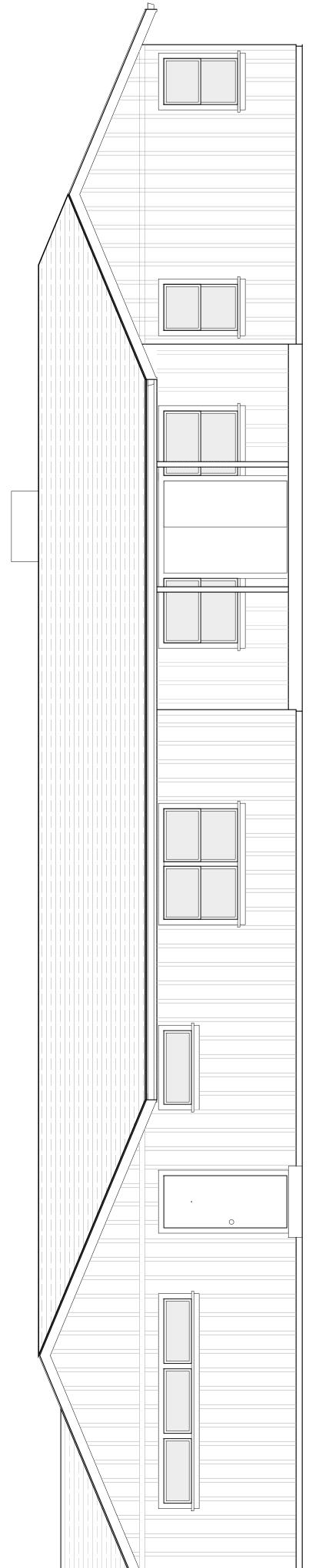
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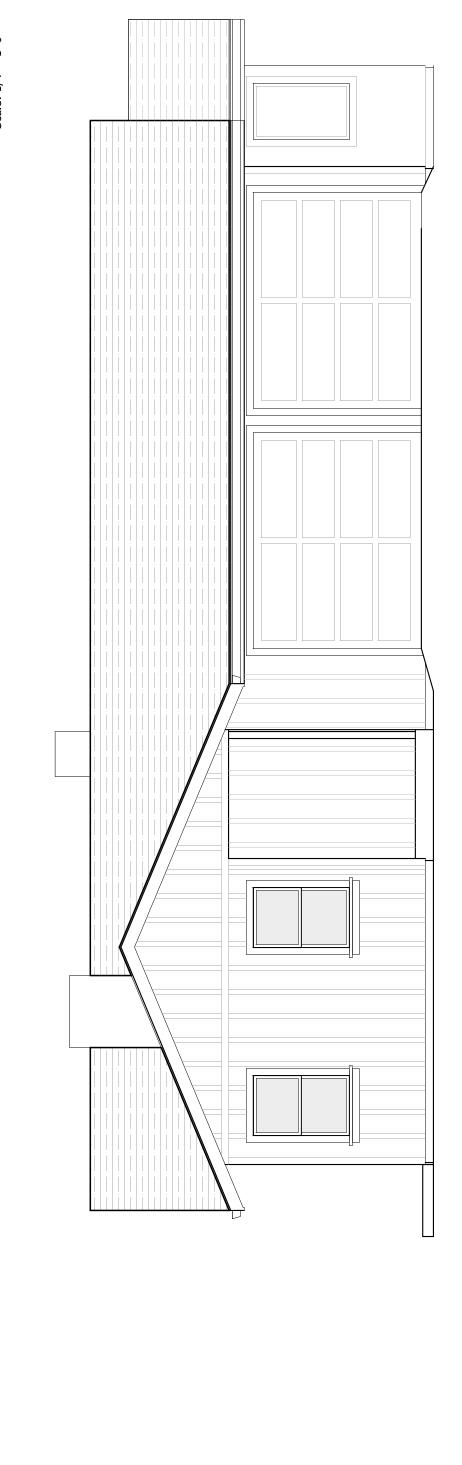
EXTER	0 R	EXTERIOR DOOR SCH		EDULE	
LOCATION	#	UNIT SIZE	ТҮРЕ	MANUFACTURER/UNIT	HARDWARE/ NOTES
	101A	2'-8'' x 6'-8''	HINGED SINGLE		
	101F	5'-0'' x 6'-8''	HINGED PAIR		
	200A	9'-0'' × 7'-0''	SECTIONAL ROLL-UP		
	200B	9'-0'' × 7'-0''	SECTIONAL ROLL-UP	Martin i1 Steel	REMOTE-CONTROLED LIFT, meet CRC 327.8.3
	200F	2'-8'' x 6'-8''	HINGED SINGLE		
	200G	2'-8'' x 6'-8''	HINGED SINGLE		
	200H	2'-8'' x 6'-8''	HINGED SINGLE		
DINING ROOM 203	203B	5'-0'' x 6'-8''	HINGED PAIR		
LIVING ROOM 205	205B	5'-0'' x 6'-8''	HINGED PAIR		
BEDROOM 210	210B	5'-0'' x 6'-8''	HINGED PAIR		
		ALL GLAZING IN DC	all glazing in doors to be tempered per CRC R327.8.2.1	ER CRC R327.8.2.1	











Scale: 1/4" - 1'-0"

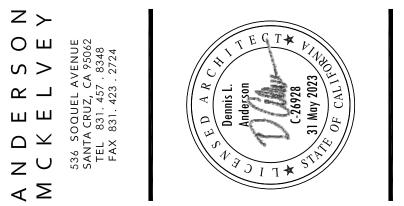




EXTERIOR ELEVATIONS

RCR )/4" = 1'-0" 24 January 2022 DRAWN SCALE DATE

Scale: 1/4" - 1'-0"



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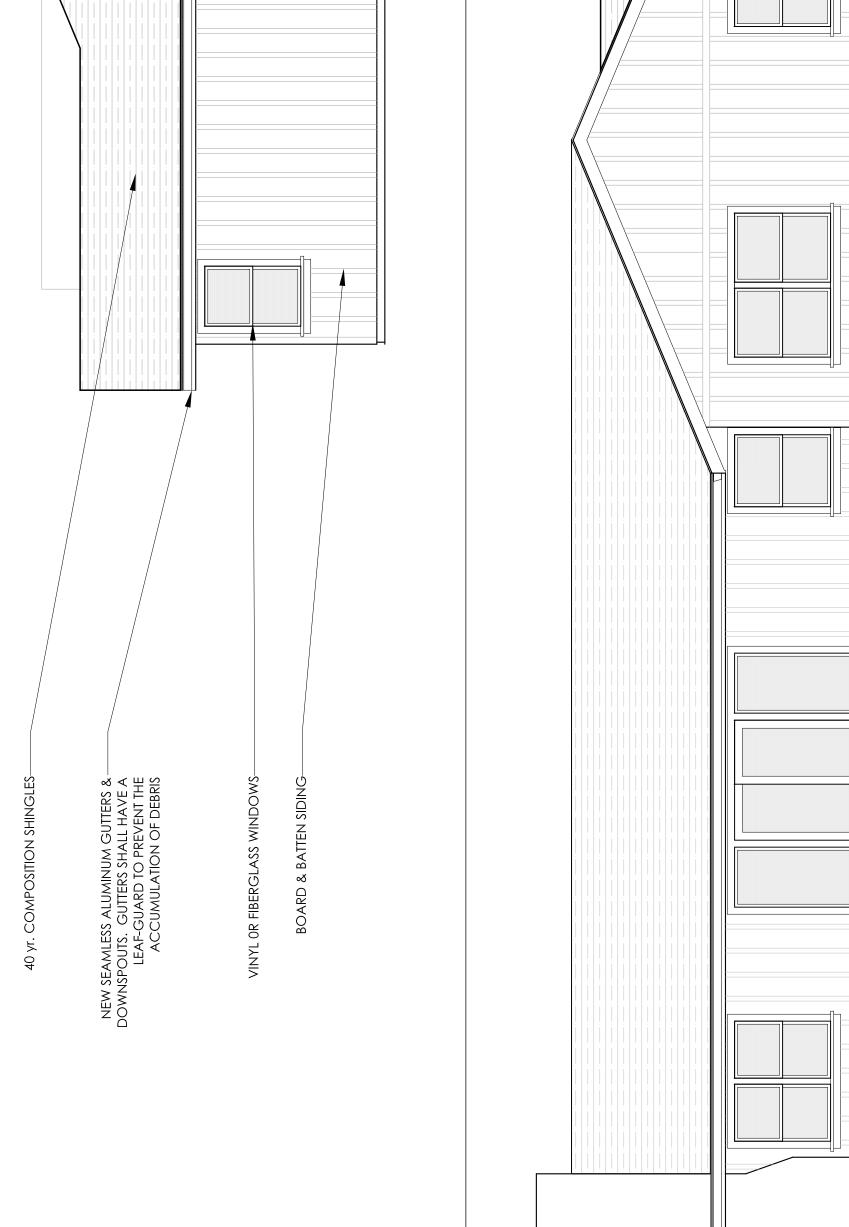
BARBARA WINGFIELD RESIDENCE

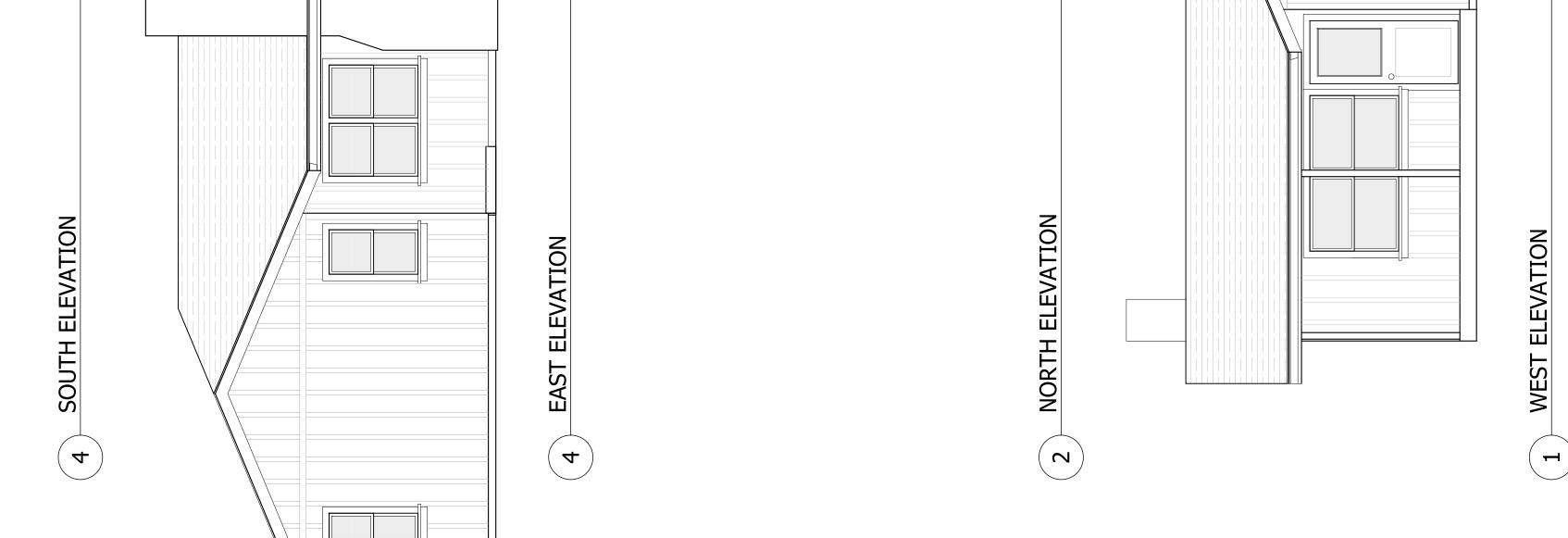
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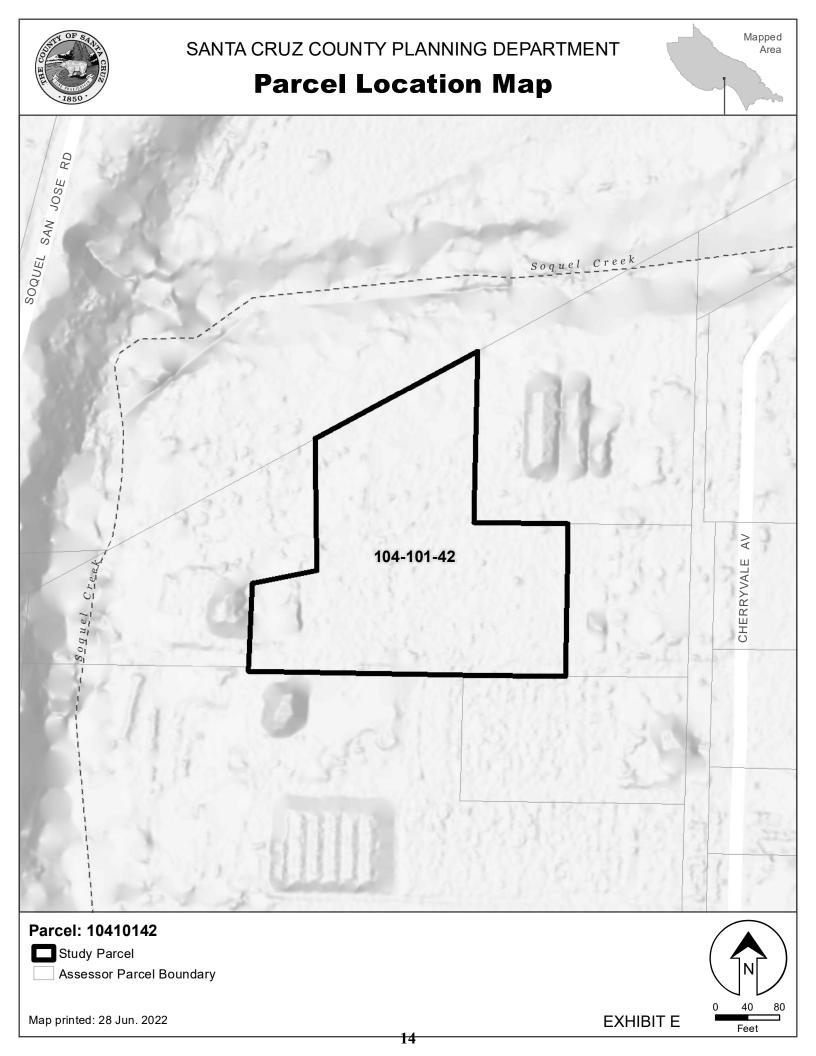
ADDRESS T.B.D. CHERRYVALE AVENUE SOQUEL, CA 95073 APN: 104-101-42

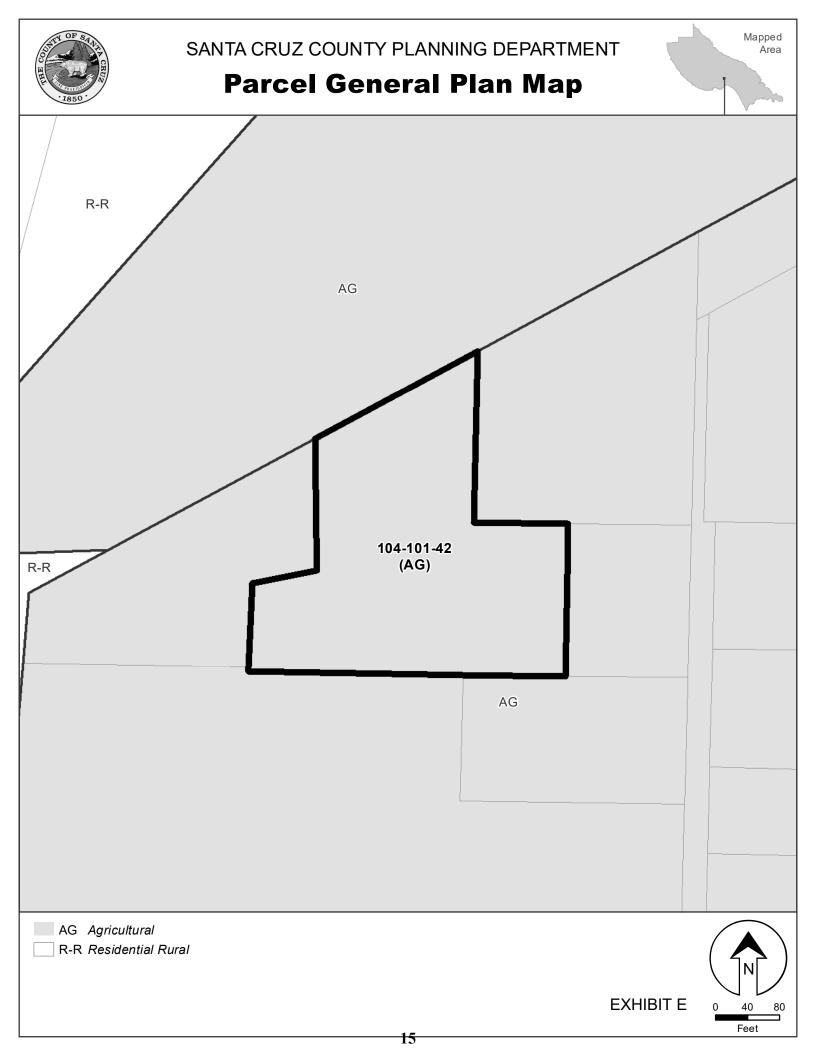
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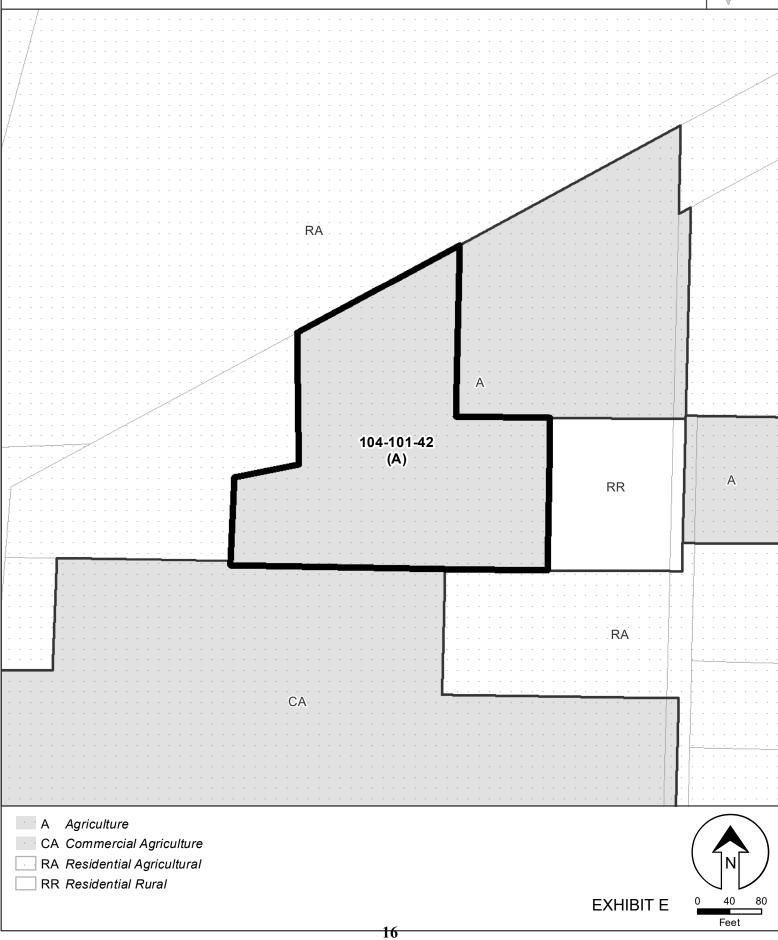


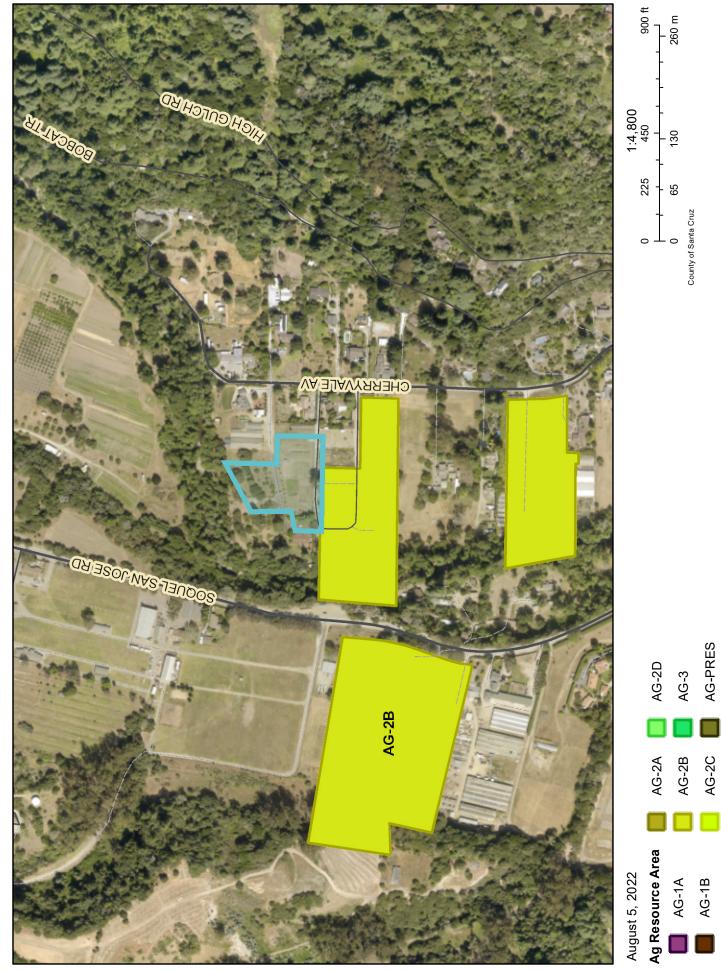




# **Parcel Zoning Map**

Mapped Area





# **Parcel Information**

### **Services Information**

Urban/Rural Services Line:	Inside Outside
Water Supply:	Soquel Creek Water District
Sewage Disposal:	Septic
Fire District:	Central Fire Protection District
Drainage District:	Outside Flood Control District
Parcel Information	

Parcel Size:	2.2 acres
Existing Land Use - Parcel:	Row Crops
Existing Land Use - Surrounding:	Row Crops to south/southeast, Residential to immediate
	south, residential to north and east
Project Access:	Ocean Street Extension
Planning Area:	Soquel
Land Use Designation:	AG (Agriculture)
Zone District:	CA (Commercial Agriculture)
Coastal Zone:	Inside <u>x</u> Outside
Appealable to Calif. Coastal	Yes <u>x</u> No
Comm.	

## **Environmental Information**

Geologic Hazards:	Not mapped/no physical evidence on site
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	Biotic resources mapped to the west of the development area, site developed with existing row crops, project not subject to further review
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Archeology:	Not mapped/no physical evidence on site