Application Number: 231470

Applicant: Polly Hormel **Agenda Date:** August 2, 2024

Owner: Polly and John Hormel Agenda Item #: 2 APN: 025-032-03 Time: After 9:00 a.m.

Site Address: 3851 Mission Drive

Project Description: Proposal to build a 338 square foot covered enclosure and retaining walls

for the keeping of three goats.

Location: Property is near the end of Mission Drive right-of-way with the right-of-way running through the southern portion of the property, approximately 900 feet from the intersection of Mission Drive and Mount Vista Court (3851 Mission Drive).

Permits Required: Requires a Conditional Use Permit, a Site Development Permit, and a determination that the project is exempt from CEQA.

Supervisorial District: First District (District Supervisor: Manu Koenig)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 231470, based on the attached findings and conditions.

Project Description & Setting

The project property is the second to last of seven properties located at the end of Mission Drive, on the steep hills above Soquel Drive that back up to a 30-acre property (APN 102-121-64) that is rural and agricultural in nature, and currently not developed. The neighborhood is characterized by larger lots developed with single-family dwellings that vary widely in architectural style, size and scale and include smaller one-story structures, together with larger two-story dwellings. The subject property is developed with an existing one-story 2,083 square foot single-family dwelling built in 1958, that is located on a roughly level portion of the parcel lying close to Mission Drive. The remainder of the property slopes steeply downward behind the dwelling with slopes ranging from 30% and greater.

A building permit application (APP-221102) was recently submitted to construct an addition and remodel the existing single-family dwelling, construct a garage and Accessory Dwelling Unit, as well as construct several terraced retaining walls, landscape steps, water storage tanks, and an animal enclosure for the proposed three (3) goats. During the zoning review of the building permit application, staff determined that in accordance with SCCC 13.10.322 a discretionary permit

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would be required for the animal enclosure and proposed animals. As a result, the current application has been submitted to allow for the construction of a 338 square foot covered animal enclosure for the keeping of three goats.

A Conditional Use Permit and Site Development Permit are required because the project includes both animal keeping in the R-1-10 zone district and the construction of an animal enclosure.

Zoning & General Plan Consistency

This project was processed under the previous zoning code, prior to the 2024 Sustainability Update. Therefore, the processing and zoning compliance is based on the previous code, and as conditioned is consistent with the 2024 Sustainability Update.

The subject property is a 34,500 square foot lot, located in the R-1-10 (Single-Family Residential, minimum 10,000 square foot lot size) zone district, a designation which allows for residential uses. The proposed animal enclosure and animal keeping is a permitted use with a conditional use permit within the zone district and the zoning is consistent with the site's R-UL (Urban Residential, Low Density) General Plan designation. The applicable site and development standards for properties in the R-1-10 zone district are set out in SCCC 13.10.323 with additional standards for animal keeping set out in SCCC 13.10.645 and accessory structures set out in SCCC 13.10.611. A summary of the required, existing, and proposed site and development standards relevant to the project are summarized in the table below.

Development	District	Proposed
Standards		•
Minimum	6,000 square	34,500 square feet
parcel size, R-1	feet	
Enclosures:	20 feet, in	Western side: 20 feet; eastern
Side Yard	rear ½ of	side: 49 feet 8.1 inches
Setback	parcel	
Enclosures:	20 feet, in	20 feet, in rear ½ of parcel
Rear Yard	rear ½ of	
Setback	parcel	
Distance from	25 feet	82 feet 11.6 inches
Dwellings		
Maximum	13 feet	8 feet 10 inches
Height, USL		
Maximum	640 square	
square footage,	feet	319 square feet
USL	TCCt	
Maximum		
Floor Area	50%	12.5%*
Ratio		
Maximum Lot	40%	10.5%*
Coverage		10.570

^{*} The calculations of FAR and lot coverage include the proposed addition and structures included with building permit applicationAPP-221102.

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Additional code sections and standards apply to the proposed project, including the following:

SCCC 13.10.643 Animal Keeping and SCCC 13.10.322 Residential Use Chart

Per SCCC 13.10.643, goats require a minimum parcel size of a ½ acre with a maximum density of 4 per acre. Since the subject property has 0.79 acres, up to three goats are allowed on the property. While this is for the RA zone district, it is also applied to the R-1 zone district when the proposed animal raising meets the use chart in SCCC 13.10.322. Per SCCC 13.10.322, animal raising is permitted by right in the R-1 zone district, as long as the minimum property size is greater than 6,000 square feet. This requirement is met by the subject property as are the setback and size requirements for the associated animal enclosure.

For the enclosure setbacks, the standards are outlined in the table above.

SCCC 13.10.611 Accessory structures in residential zone districts

Per SCCC 13.10.611, non-habitable accessory structures up to 640 square feet and not exceeding 13 feet in height are allowed in residential zone districts. The proposed structure is compliant with all accessory structure standards.

Sustainability Update Zoning Code 2024

Per the updated zoning regulations, animal keeping requires a Conditional Use Permit for the keeping of animals and a Site Development Permit to construct an animal enclosure.

The site is steeply sloped and does not have any habitable structures nearby, making it a suitable area for raising animals, especially goats that are able to traverse different terrains. The project is located in an area designated for residential uses, which include the keeping of animals and the required enclosures to house them. The proposed animal keeping was reviewed by Environmental Health and no additional manure management plans or conditions were required. The proposed use is required to comply with all Environmental Health and Zoning Animal Raising requirements, including SCCC 13.10.644. This includes preventing the accumulation of excrement or spread of disease, flies, dust and erosion or offensive odors. In addition, the proposed Erosion Control Plan in the final plan set shows how erosion will be managed on the steep sloped property. The animal enclosure will not adversely impact surrounding land uses because existing trees will visually screen the proposed structure in views from the closest neighboring properties and because the structure will be located downslope from adjacent homes and partially screened by retaining walls.

Conclusion

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

Staff Recommendation

Determine that the proposal is exempt from further Environmental Review under the

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conditions.

California Environmental Quality Act.

APPROVAL of Application Number 231470, based on the attached findings and

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

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.sccoplanning.com

Report Prepared By: Alexandra Corvello

Santa Cruz County Planning 701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3209

E-mail: Alexandra.corvello@santacruzcountyca.gov

Exhibits

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Division 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: 231470 Assessor Parcel Number: 02503203

Project Location: 3851 Mission Drive
Project Description: Proposal to build a 338 square foot covered enclosure and retaining walls for the keeping of three goats.
Person or Agency Proposing Project: Polly Hormel
Contact Phone Number: 831-465-9074
 A The proposed activity is not a project under CEQA Guidelines Section 15378. B The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c). C Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D. Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
E. X Categorical Exemption
Specify type: Class 1 – Existing Facilities (Section 15301) and Class 3 – New Construction or Conversion of Small Structures (Section 15303)
F. Reasons why the project is exempt:
The construction of an allowed accessory (appurtenant) structure on site with an existing single family dwelling located in a residential zone district and the keeping of goats for vegetation maintenance on an existing lot.
In addition, none of the conditions described in Section 15300.2 apply to this project.
Date: Alexandra Corvello, Project Planner

Owner: Polly and John Hormel

Discretionary Permit Findings

(a) Health and Safety. The proposed location of the project and the conditions under which it would be developed, 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 be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses, which include the keeping of animals and the required enclosures to house them. The proposed animal keeping will align with manure management standards laid out in the County Code. In addition, the proposed Erosion Control Plan in the final plan set shows how erosion will be managed on the steep sloped property. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project 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 be materially injurious to properties or improvements in the vicinity.

(b) Zoning Conformance. The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of 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 animal enclosure and the conditions under which it would be operated or maintained will in substantial conformance with all pertinent County ordinances and the purpose of the R-1-10 (Single-Family Residential Zone District, minimum 10,000 square feet lot) zone district as the primary use of the property will be residential in nature, with an accessory use of animal keeping that meets all previous and current site standards for the zone district.

This project was processed under the previous zoning code, prior to the 2024 Sustainability Update. Therefore, the processing and zoning compliance is based on the previous code, which as conditioned is consistent with the 2024 Sustainability Update. Per SCCC 13.10.643, goats require a minimum parcel size of a ½ acre with a maximum density of 4 per acre. Since the subject property has 0.79 acres, up to three goats are allowed on the property. While this is for the RA zone district, it is also applied to the R-1 zone district when the proposed animal raising meets the use chart in SCCC 13.10.322. Per SCCC 13.10.322, animal raising is permitted by right in the R-1 zone district, as long as the minimum property size is greater than 6,000 square feet. This requirement is met by the subject property as well as the requirements for the appropriate animal enclosure.

In addition, the proposed structure complies with all zone district regulations for a residential accessory structure.

(c) General Plan Conformance. The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.

This finding can be made, in that the proposed animal keeping use is in substantial conformance

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with the use and density requirements specified for the R-UL (Urban Residential – Low Density) land use designation in the County General Plan. The proposed project will not increase the residential density beyond that allowed by the zone district standards and includes an accessory use allowed principally under the previous zone district standards and the proposed animal keeping use is allowed with the approval of a Conditional Use Permit in accordance with the zone district standards.

A specific plan has not been adopted for this portion of the County.

(d) CEQA Conformance. The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

This finding can be made, in that the project has been determined to be exempt from further review under the California Environmental Quality Act, as indicated in the Notice of Exemption for this project.

(e) Utilities and Traffic Impacts. The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed keeping of goats and the associated animal enclosure will not add additional residential units to the property. The expected level of traffic generated by the proposed project is therefore not anticipated to increase as a result of this project and therefore, will not adversely impact existing roads or intersections in the surrounding area. Further, the project will not overload utilities or otherwise result in an inefficient or wasteful use of energy.

(f) Neighborhood Compatibility. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the proposed animal enclosure is consistent with the land use intensity and density of the neighborhood as designated by the General Plan and implementing ordinances. The surrounding neighborhood is has larger than average R-1-10 zone district sized lots and abuts a larger property that has farming activities.

(g) Local Coastal Program Consistency. For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

This finding is not required, in that the project site is not located within the coastal zone.

Site Development Permit Findings

(a) Siting and Neighborhood Context. The proposed development is designed and located on

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the site so that it will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the proposed animal enclosure is designed and located on the site in a manner that will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood. Goats are smaller than other hoofed animals, such as horses. The proposed animal keeping was reviewed by Environmental Health and no additional manure management plans or conditions were required. The proposed use is required to comply with all Environmental Health and Zoning Animal Raising requirements, including SCCC 13.10.644. This includes preventing the accumulation of excrement or spread of disease, flies, dust and erosion or offensive odors. In addition, the proposed Erosion Control Plan in the final plan set shows how erosion will be managed on the steep sloped property. The animal enclosure will not adversely impact surrounding land uses because existing trees will visually screen the proposed structure in views from the closest neighboring properties and because the structure will be located downslope from adjacent homes and partially screened by retaining walls.

The proposed development complies with all animal enclosure requirements under the previous zoning code and with the 2024 Sustainability Update code.

(b) Design. The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC 13.11 (Site Development and Design Review). If located in the Coastal Zone, the site plan and building design are also in substantial conformance with the policies of the Local Coastal Program and coastal regulations of SCCC 13.20.

This finding can be made, in that the proposed animal enclosure is not subject to design review. However, the structure will be in substantial conformance with the requirements of the County Design Review Ordinance in that it will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the subject property. The animal enclosure will not adversely impact surrounding land uses because existing trees will visually screen the proposed structure in views from the closest neighboring properties and because the structure will be located downslope from adjacent homes and partially screened by retaining walls. The proposed retaining walls are required to make the steeply sloped lot more useable and accessible.

Owner: Polly and John Hormel

Conditions of Approval

Exhibit D: Project plans, prepared by Hogan Land Services, dated 4/10/24.

- I. This permit authorizes the construction of a 338 square foot animal enclosure 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 Santa Cruz County Planning 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 Santa Cruz County Planning 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, if required.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way, if required.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by Santa Cruz County Planning. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with Santa Cruz County Planning. 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 full-size sheets of the architectural plan set.
 - 2. 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 sheet in 8 1/2" x 11" format for Santa Cruz County Planning review and approval.
 - a. The colors and materials shall be darker earth toned shades that mimic the surrounding natural landscape to help blend the proposed

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animal enclosure with the surrounding vegetation.

- 3. Grading, drainage, and erosion control plans.
- 4. Maximum height for the animal enclosure is 13 feet (current height as shown on the plans is 8 feet 10 inches).
- 5. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B. Meet all requirements of the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - 1. The discretionary application has not been reviewed for compliance with Part 3 of the County Design Criteria. Prior to issuance of a building, grading, or other permit, final Stormwater Management documents shall be submitted for review and approval by Stormwater Management Section that adhere to the County Design Criteria and County Code 7.79.
 - 2. Pre-development runoff patterns and rates shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
 - 3. New and/or replaced impervious and/or semi-impervious surface area shall not exceed 5,000 square feet.
- C. Meet all requirements of the Environmental Planning section of Santa Cruz County Planning.
- D. Meet all requirements of the County Environmental Health standards, including meeting the manure management requirements, etc.
- E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- F. Submit a copy of plan review letters prepared and stamped by the project Geotechnical Engineer.
- G. Complete and record a Declaration of Restriction to construct a 338 square foot covered animal enclosure. **You may not alter the wording of this declaration**. Follow the instructions to record and return the form to Santa Cruz County Planning.
- 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:

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A. All site improvements shown on the final approved Building Permit plans shall be

installed.

B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.

- C. The project must comply with all recommendations of the approved soils reports.
- D. If the project is not exempt, a Landscape Installation Certificate prepared in accordance with the Water Efficient Landscape Ordinance (County Code Chapter 13.13) shall be provided.
- E. 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. The proposed use shall comply with Nosie Regulations per SCCC 13.15.
- C. The proposed use shall comply with animal keeping regulations per SCC Title 6 Animals.
- D. The proposed use shall comply with Manure Management and Erosion Control standards pursuant to Environmental Health Department and Environmental Planning.

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

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

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. <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.

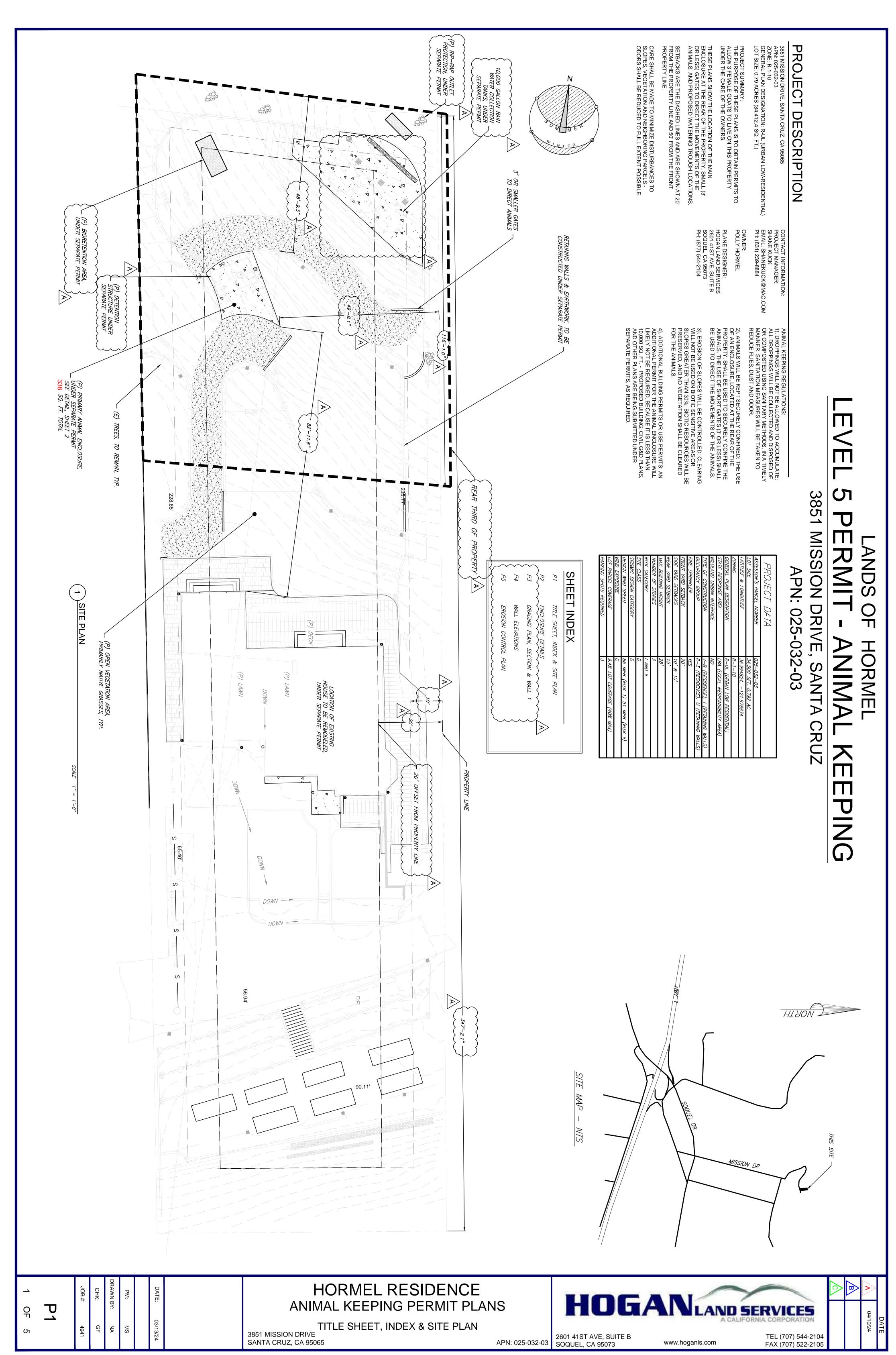
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures 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.

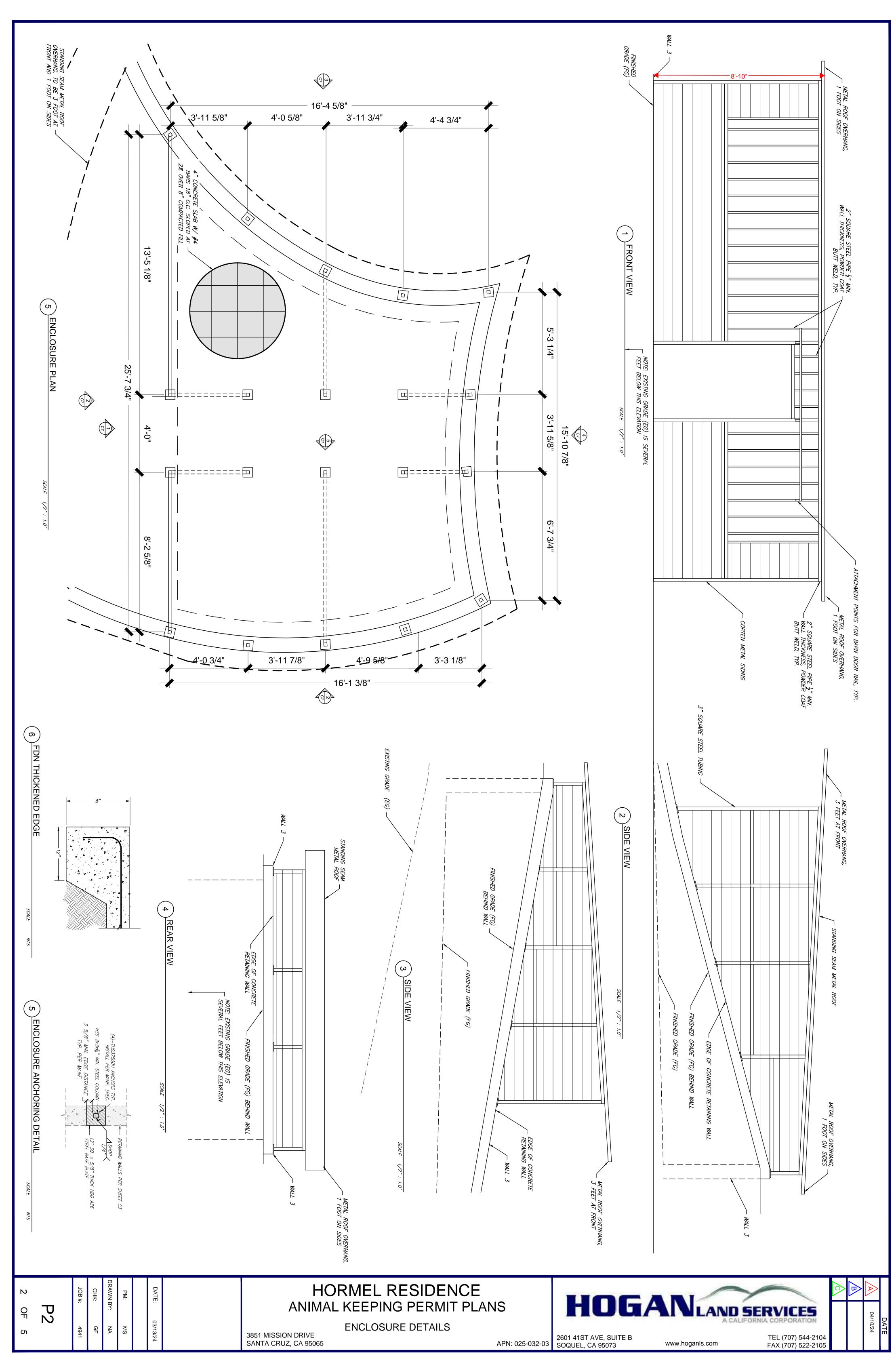
APN: 025-032-03 Owner: Polly and John Hormel	
Approval Date:	
Effective Date:	
Expiration Date:	
	Deputy Zoning Administrator
	Deputy Zoning Administrator Printed Name

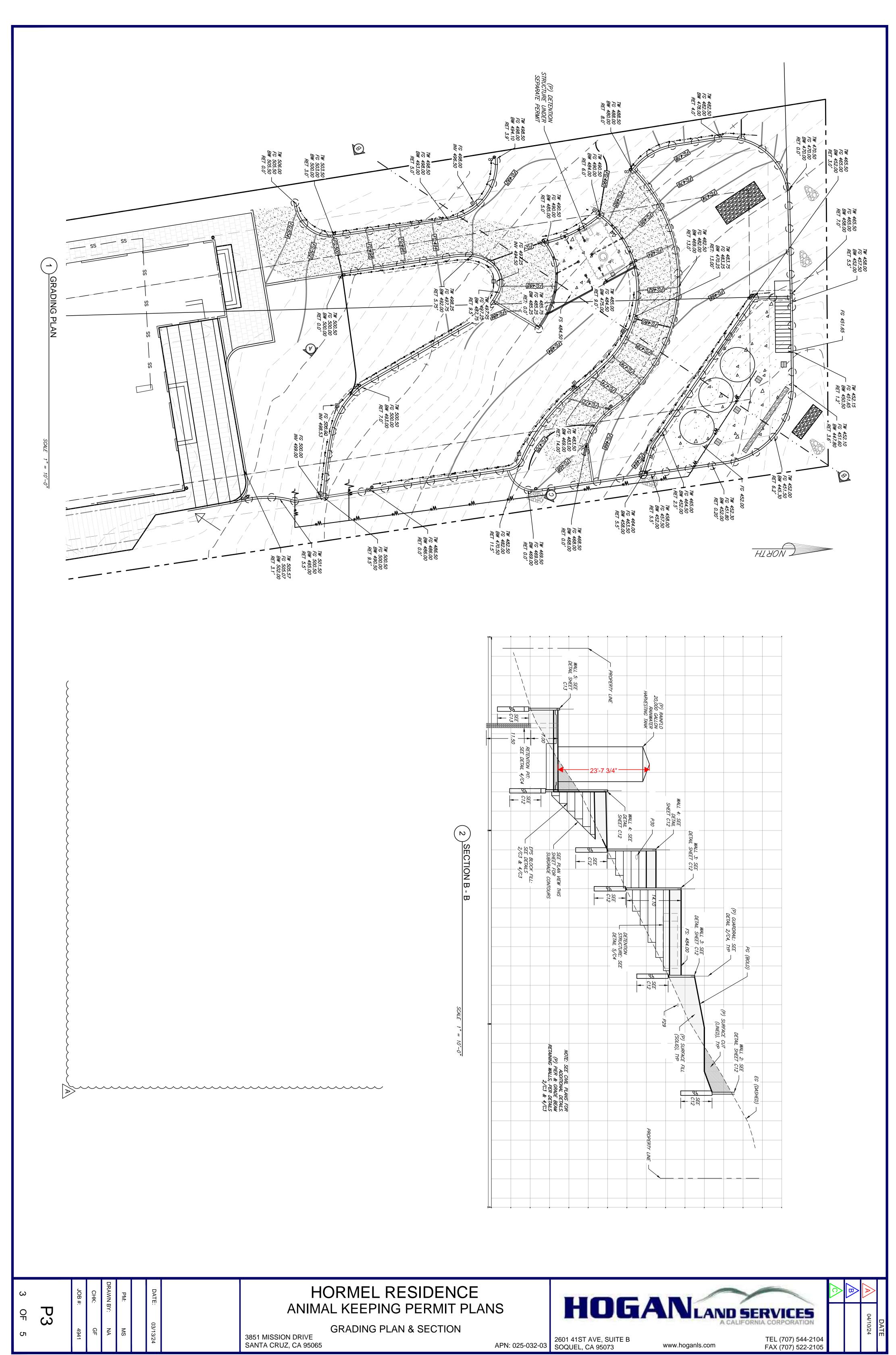
Application #: 231470

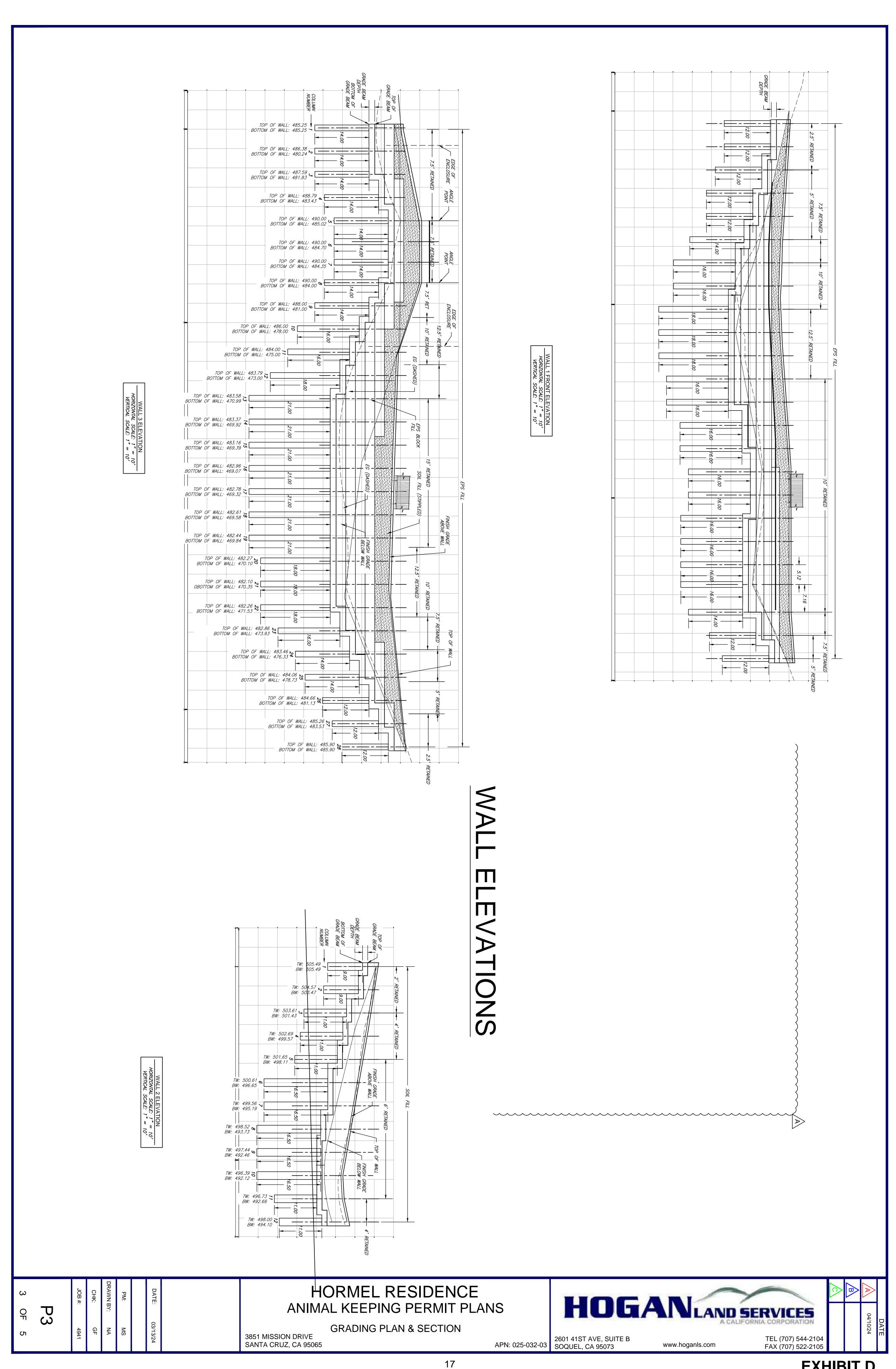
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

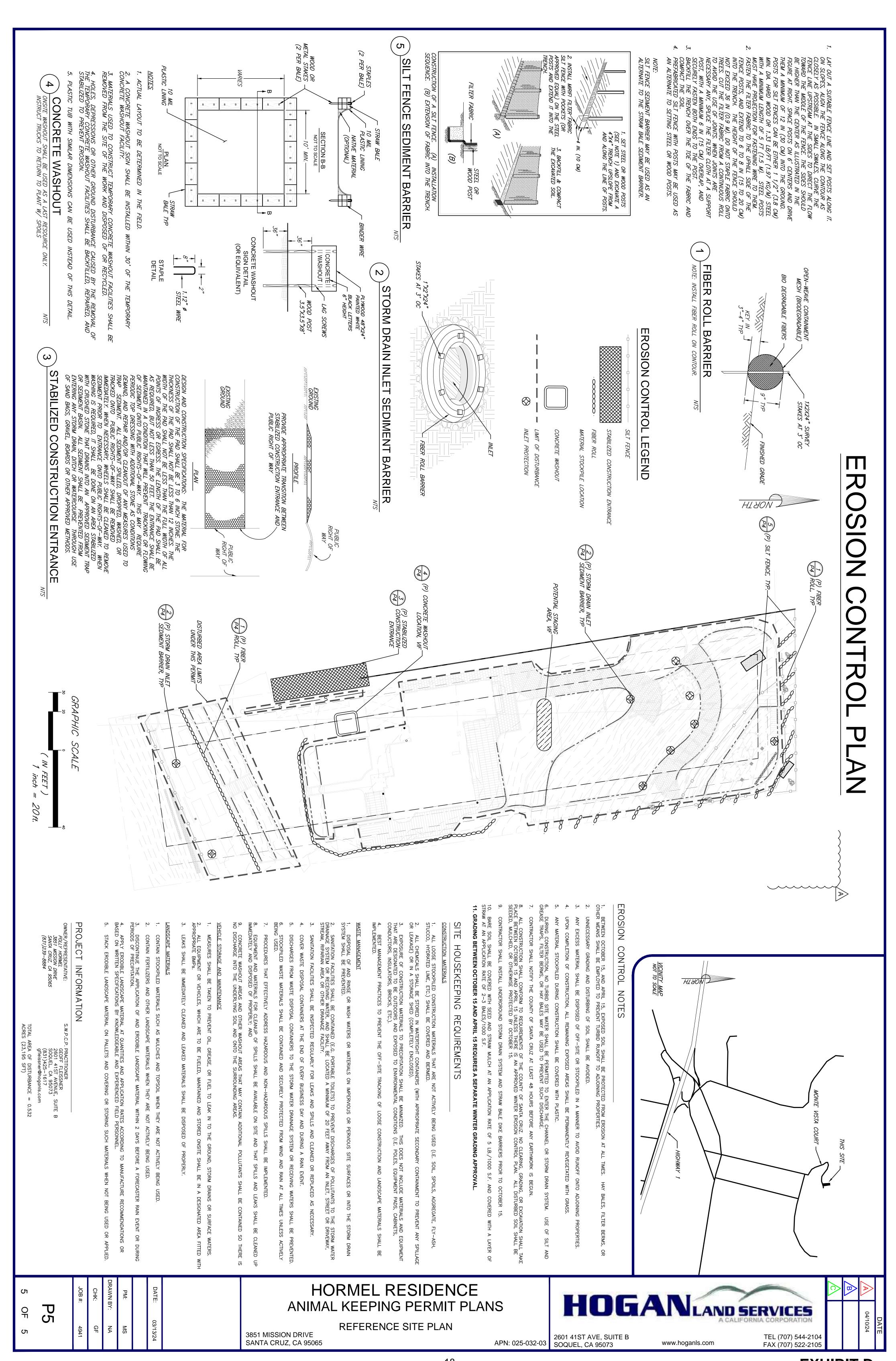
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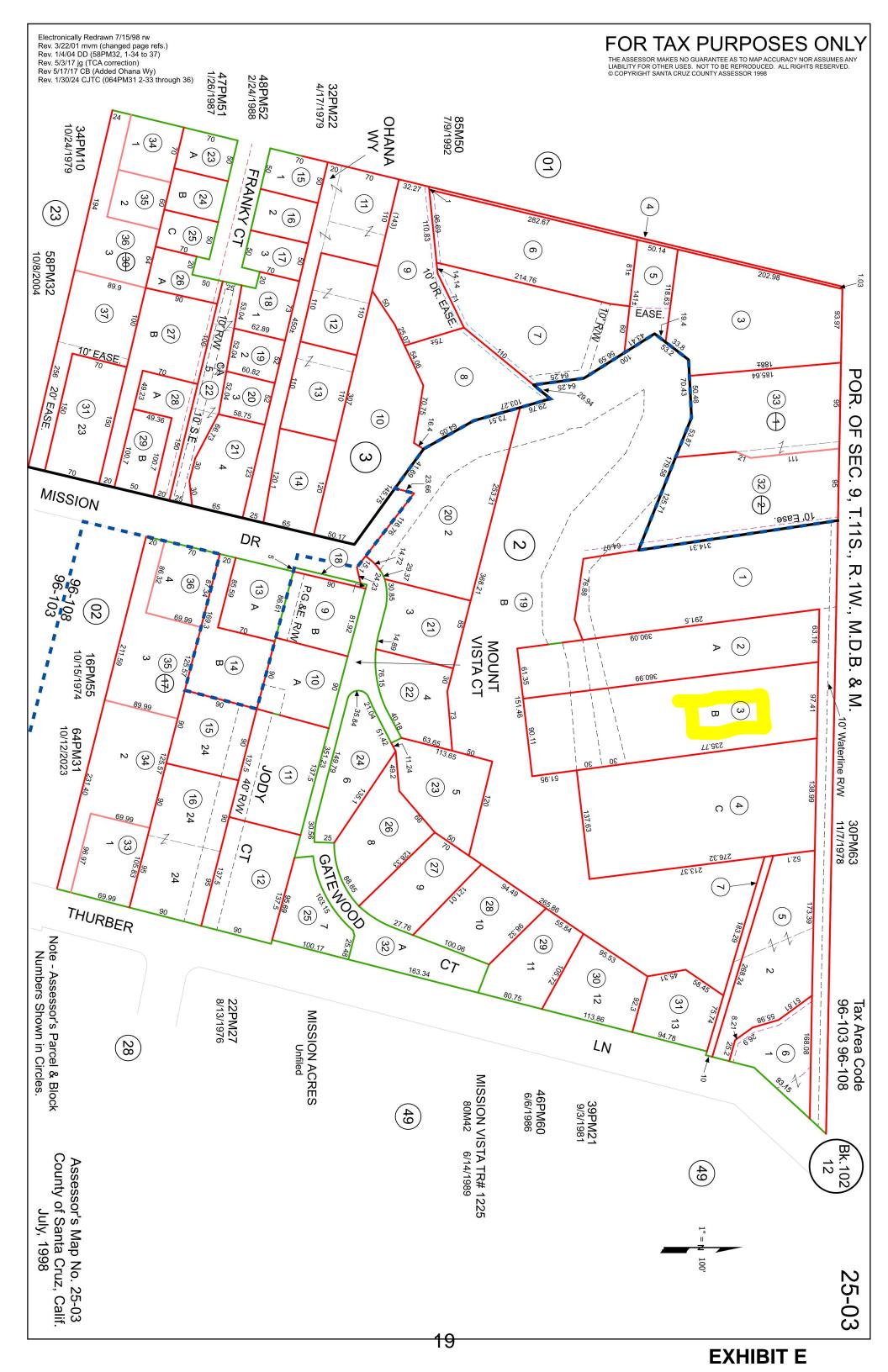










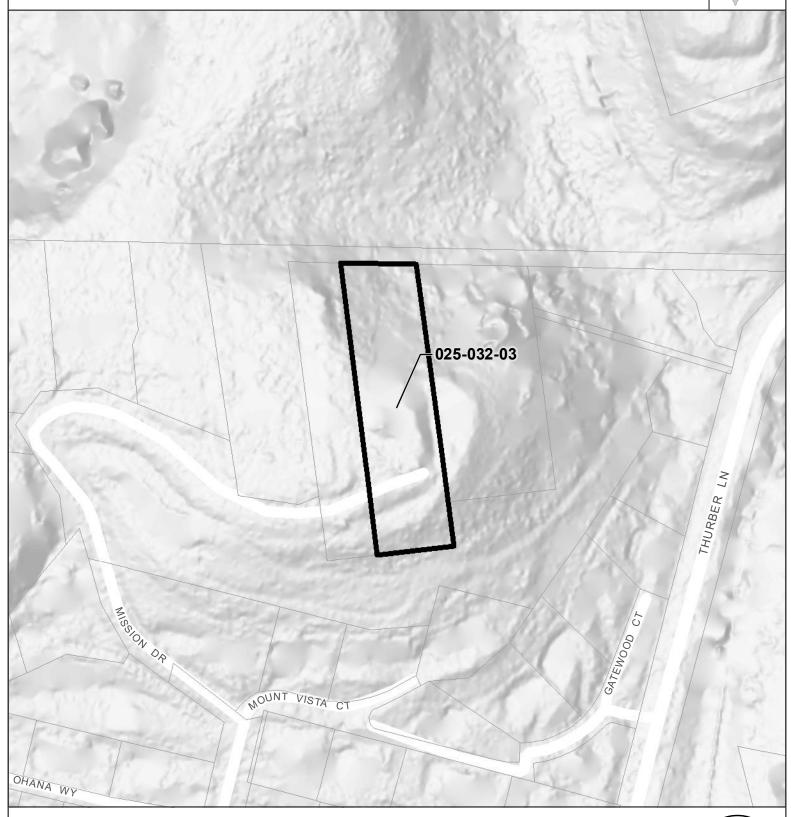




SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Location Map





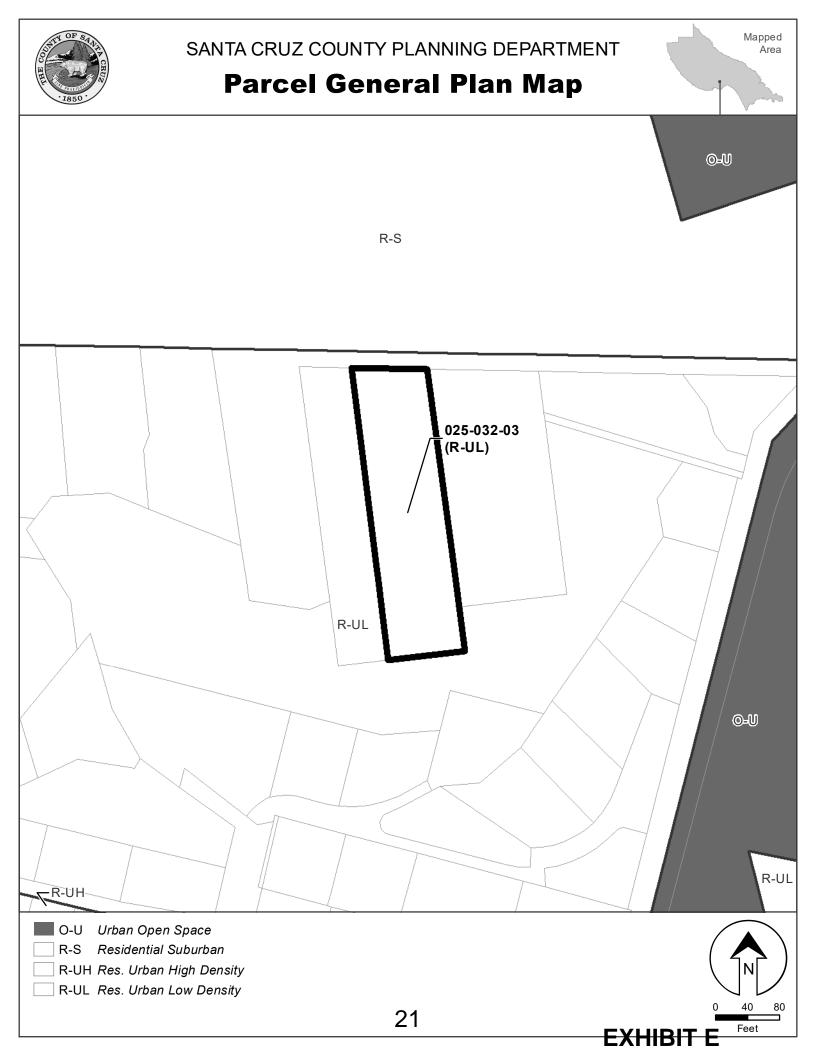
Parcel: 02503203

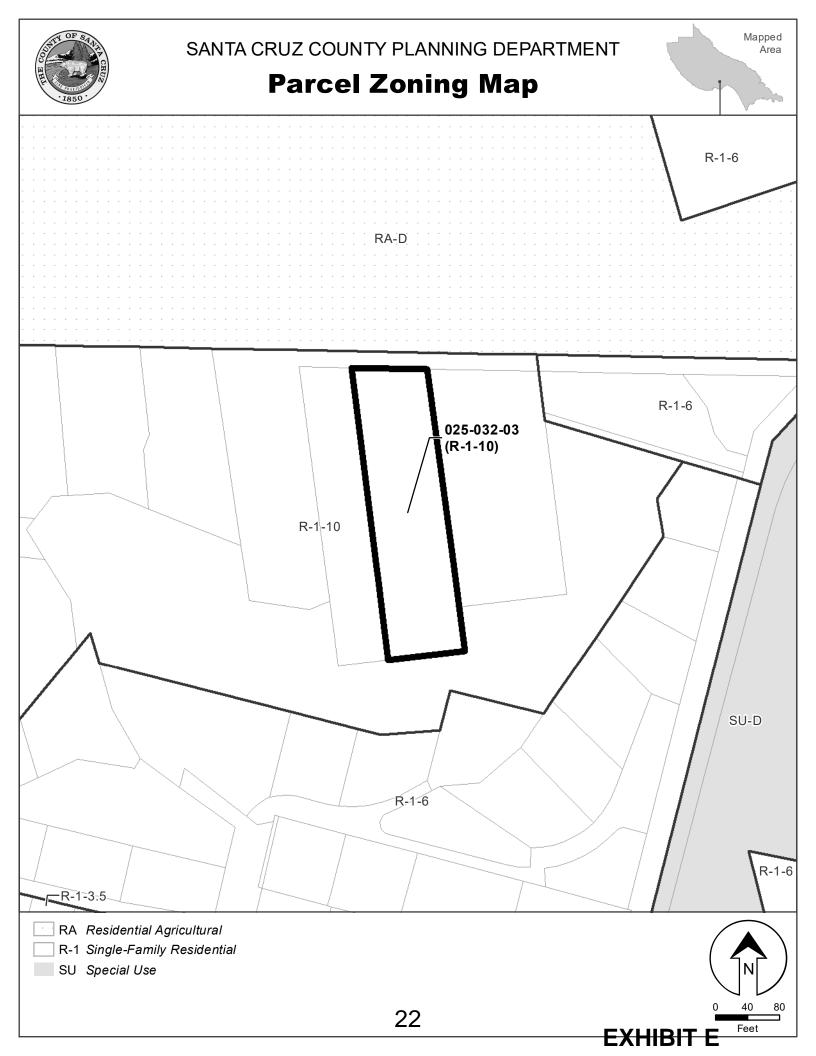
Study Parcel

Assessor Parcel Boundary

Map printed: 18 Jul. 2024







Owner: Polly and John Hormel

Parcel Information

Services Information

Urban/Rural Services Line: X Inside Outside

Water Supply: Santa Cruz

Sewage Disposal: Santa Cruz Sanitation District Fire District: Central Fire Protection District

Drainage District: Flood Control Zone 5

Parcel Information

Parcel Size: 34,500 square feet

Existing Land Use - Parcel: residential
Existing Land Use - Surrounding: residential
Project Access: Mission Drive
Planning Area: Live Oak

Land Use Designation: R-UL (Urban Residential – Low Density)

Zone District: R-1-10 (Single-Family Residential – minimum 10,000

square foot lot)

Comm.

Technical Reviews: na

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site

Fire Hazard: Not a mapped constraint Slopes: Steep slopes on the site

Env. Sen. Habitat: Not mapped/no physical evidence on site

Grading: Grading proposed, being permitted as part of a concurrent building

permit

Tree Removal: No trees proposed to be removed

Scenic: Not a mapped resource

Archeology: Not mapped/no physical evidence on site

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