

ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE AND
GRANTING A PLANNED UNIT DEVELOPMENT PERMIT AS ALLOWED BY SANTA CRUZ
COUNTY CODE RELATING TO ESTABLISHMENT OF DEVELOPMENT STANDARDS FOR
APN: 051-511-35

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

A Planned Unit Development permit is hereby granted to the property located on the north side of Minto Road about 525 feet east from the intersection of Green Valley Road and Minto Road and shown on Exhibit A attached hereto and subject to the conditions shown in Exhibit B, attached hereto.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Planned Unit Development as described in Section I, and adopts their findings in support thereof without modification as set forth below:

1. That the proposed location of the uses are in accordance with the objectives of the County Code and the purposes of the district in which the site is located.
2. That the proposed location of the Planned Unit Development and the conditions under which it would be operated or maintained will not be detrimental to the public's health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed Planned Unit Development will comply with each of the applicable provisions of Chapter 18.10 of the County Code.
4. That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce a development that is compatible with and integrated into the surrounding built and natural environment consistent with the objectives of the County Code.
5. That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, off-street parking, and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities.
6. That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity.
7. That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located.
8. That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

SECTION III

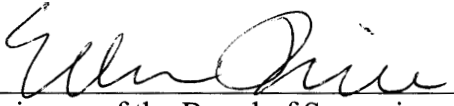
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This ordinance shall become effective 31 days after adoption.

PASSED AND ADOPTED this 10th day of June 2008 by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES :	SUPERVISORS	Beautz, Coonerty, Stone & Pirie
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	Campos

Attest


Clerk of the Board
Chairman of the Board of Supervisors

APPROVED AS TO FORM:

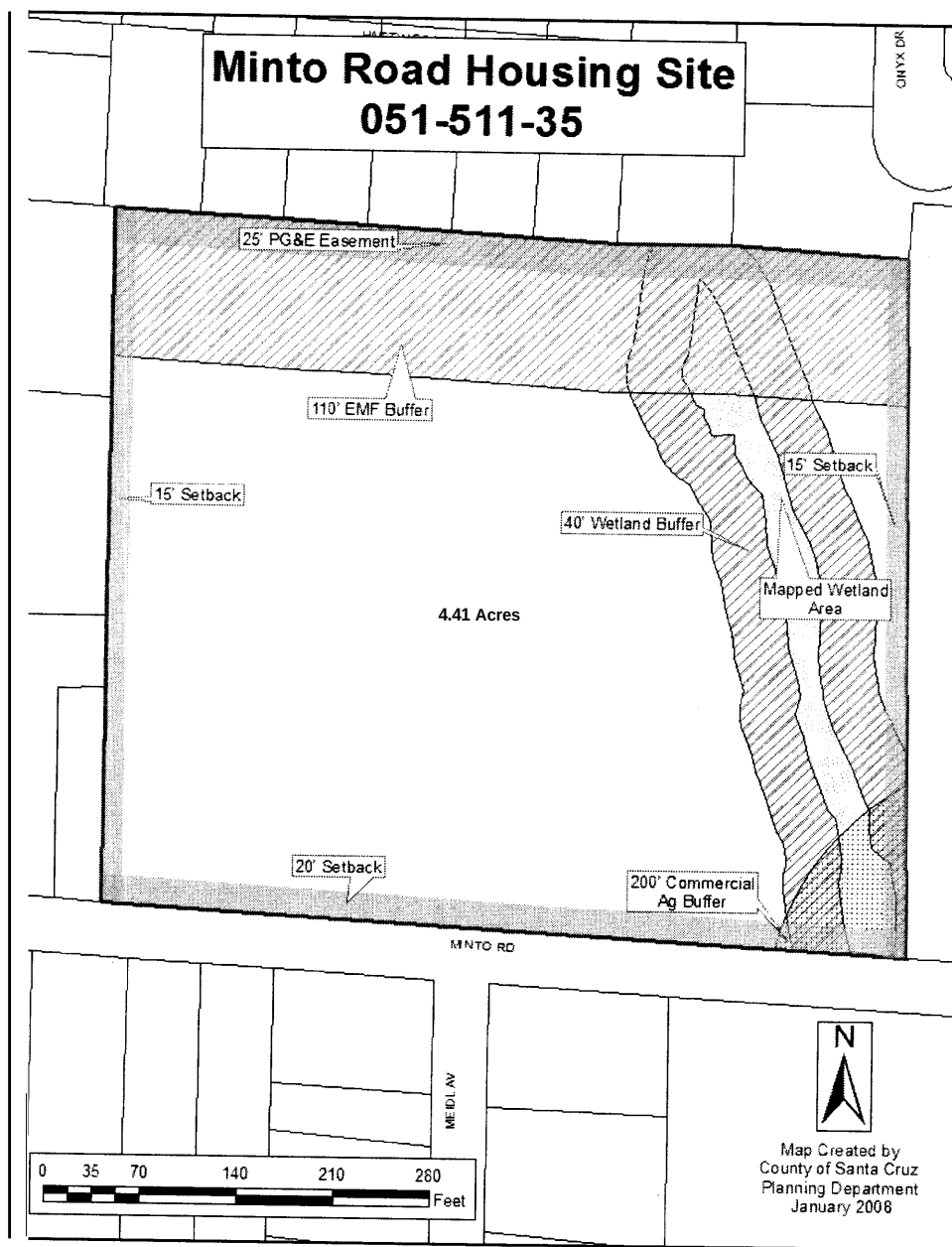

County Counsel

EXHIBIT A

Planned Unit Development
Conditions of Approval

Property located on the north side of Minto Road about 525 feet east of the intersection of Green Valley Road and Minto Road; Pajaro Valley Planning area.

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EXHIBIT B

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**Planned Unit Development
Conditions of Approval**

Property located on the north side of Minto Road about 525 feet east of the intersection of Green Valley Road and Minto Road; Pajaro Valley Planning area.

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This site contains 4.41 usable (developable) acres and requires the development of 88 dwelling units, of these, 13 affordable units and an in lieu fee for 0.2 of a unit are required under County Code Section 17.10.030(b)(1) and 22 affordable units are required as specified in Section III A(2) of this PUD. Development of this site is by-right in that the use and density for the site are not discretionary. A Level VII design review hearing is required.

CONDITIONS

I) General Site Standards

- A) Site Standards. The following development standards supersede the development standards in the County Code. Unless specifically defined below, developments must meet all required development standards in the County Code at the time the design review application is deemed complete. All of the site standards contained within Chapter 13.10 shall be applicable unless modified by this Planned Unit Development.

1) Circulation and Parking Requirements.

- (a) Parking Requirements. 1.5 spaces per studio or one bedroom units; 2.0 spaces for two bedroom units; 2.5 spaces for three bedroom units; 3.0 spaces per 4 bedroom unit. An additional 20% of the total number of parking spaces is required to accommodate guest parking. Up to 175 feet of the Minto Road site frontage may be counted toward the guest parking requirement as on-street parking.

(i) A reduction in the required on-site parking standard may be considered by the County with review and approval by the Board of Supervisors as part of the Design Review Permit. Any request shall include an on site parking management plan prepared by a traffic engineer.

(ii) The maximum number of the required parking spaces which may be compact in size is specified in County Code Section 13.10.553 (e) or its successor ordinance. The standards for the off-street parking facilities as outlined in County Code Section 13.10.554 at the time of application is deemed complete shall apply.

- (b) Circulation Requirements. All interior driveways shall be a minimum of 20 feet in width for two-way circulation and 12 feet in width for one-way circulation. A minimum 50-foot centerline radius on all access routes is required.
- (c) Access to Site. The main access to the site shall be located opposite Meidl Avenue or, alternatively may be offset consistent with the standards contained within the adopted Design Criteria for the County of Santa Cruz. A second point of access to Minto Road acceptable to the County and the Fire Agency shall be provided to serve Emergency vehicles only. All points of access shall be clearly marked, with any restrictions on access posted.
- (d) Bicycle Storage. One lockable storage shed or lockable garage space shall be provided for on site bicycle storage. This lockable storage area may be located within the storage area, as required in Section III D(1)(e). At least one bicycle space shall be provided for each dwelling unit.

2) Accessibility.

- (a) Development must meet accessibility requirements of Title 24 of the Building Code or successor code in effect at the time the building permit application is submitted. The Building Official shall determine the adequacy of the provided accessible units.
- (b) Accessible parking shall be provided consistent with California State Law. This applies to the design of the parking spaces, location of the parking spaces, number of accessible spaces provided, and accessible path of travel through the development and to the Public Right of Way.

3) Requirements for Structures.

- (a) Height. Height of structures may not exceed 37 feet measured from preconstruction natural grade or finished grade, which ever is higher. Two story structures shall be limited to 28 feet from preconstruction natural grade or finished grade, which ever is higher to the highest point of the structure. All exceptions as specified in section 13.10.510 (d) (2) or successor ordinance shall apply.
 - (i) For any structure proposed to be within 2 feet of the maximum height limit allowed by this PUD, the building permit application plans and the Design Review application plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure above preconstruction natural grade and finished grade.
- (b) Number of Stories. A maximum of three (3) stories as defined by the County Code, exclusive of basement parking, is allowed.

Minto Road Housing Site

Proposed PUD

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ATTACHMENT 3

(i) Three stories are not allowed in those areas restricted to two stories due to visual impacts and neighborhood compatibility. Those areas are more specifically described in Section I A(5)(b).

4) Developable Area Requirements

(a) Site standards. Lot Coverage Site Standards and Floor Area Ratio Site Standards are not applicable.

(b) Setbacks. The applicable minimum yard setbacks shall be established from the perimeter of the property to the habitable structures and enclosed non-habitable structures in aggregate, and are as follows:

(i) Habitable Structures

1. Western Property Line: 15 feet. No deck over 18 inches above grade shall be closer than 15 feet from the property line.
2. Southern Property Line: 20 feet
3. Eastern Property Line: 40 feet from the Riparian Corridor (as delineated by the Biotic Report prepared by H. T. Harvey dated 7/13/05) and 200 feet from Commercial Agricultural designated property (Riparian area line and Commercial Agriculture Setback Line; see Exhibit A)
4. Northern Property line: 110 feet (EMF line; see Exhibit A)
5. For projects involving the creation of new lots, the interior setbacks and lot size shall be established through the Design Review process and are not subject to obtaining a Residential Development Permit under County Code Section 13.10.323(d)(1)(A) or its successor ordinance.

(ii) Non-Habitable Structures Non-habitable carports, garages, or other non-habitable structures may be located as follows:

1. Western Property Line: 15 feet
2. Southern Property Line: 20 feet

- (i) A Riparian Exception is granted by this PUD for the following improvements in the riparian area:
- A pedestrian crossing of the riparian area (bridge) in the northern 50 feet of the mapped riparian area (as delineated by the Biotic Report prepared by H. C. Harvey dated 7/15/05) on the property shall be allowed for the purpose of an access to the eastern portion of the lot.
 - A passive “nature trail” and/or small animal keeping area and non-habitable structure may be placed along the eastern portion of the property. This area may not be used for habitable structures and does not count toward developable site acreage. The design of any trail shall meet accessibility standards, shall minimize the impacts upon the mapped riparian area and shall be submitted for review and approval by County Planning.
 - Drainage improvements required in section V) B & C of the PUD, including the weir and culvert replacement at Minto Road, and energy dissipaters located outside of the existing flood level.
 - Permits shall be obtained from the U. S. Army Corp. of Engineers, Regional Water Quality Control Board and the California Department of Fish and Game, if required. Any additional construction activities in the designated riparian area will require an additional separate Riparian Exception.
- (d) Open Space. Useable open space shall be provided on site as specified by County Code Section 13.10.323 (f) or its successor ordinance. No formal shared recreational facility use (i.e. children’s play equipment, picnic tables) shall be sited within the 110’ EMF setback.
- 5) Structure Standards.
- (a) Building Design. It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design.
- (b) Bulk and Mass. To reduce the apparent bulk and mass of the development, efforts shall be made to provide articulation and architectural features and provide a transition in height from the adjacent properties to the south and the west. This transition shall be achieved by limiting the first row of structures along the southern and western property line frontages to two stories and a height of 28 feet.
- (i) No building shall have a dimension greater than 120 feet in length unless it is determined by the Design Review Process that a larger structure would result in a superior design.

6) Animal Keeping.

- (a) Any animal keeping activities shall be limited to the keeping of no more than 20 small animals such as rabbits and fowl. Animal waste shall be managed in such a way as to ensure that no contamination of the riparian area takes place, and shall be disposed of off site.
- (b) The owner of the site may request permission to keep additional small barnyard animals such as goats and sheep. Permission may be granted by the Planning Director after determining that the designated area provides sufficient space for additional animals, that these animals will not impact the adjacent riparian area, and that manure management will be adequate.

11) Project Review.

- A) Entitlements. All entitlements, with the exception of the building permit application review, shall be processed concurrently at Level VII subject to the processing provisions of 18.10.210, 18.10.332, 18.10.211.
- B) Tentative Map. If a tentative map approval is required, it shall be processed concurrently with the Design Review application. A Residential Development Permit, normally required by Section 13.10.323(d)(1)(A), is not required.
 - 1) Development that includes approval of a Tentative Map is subject to the provisions of the Subdivision Map Act and Chapter 14.01. Where a tentative map is proposed, the public hearing shall be expanded to address findings necessary under the Subdivision Map Act.

111) Affordable Housing

- A) Affordability Level. All development proposals on this parcel shall be required to provide a minimum of forty percent (40%) of the total number of units as affordable:
 - 1) A minimum of fifteen percent (15%) of the 88 units (13) shall be affordable under the requirements for all development projects in Section 17.10.030(b)(1). A fractional in lieu fee of twenty percent (20%) of the fee in effect at the time a building permit is submitted shall be required for 0.2 of a unit.
 - 2) An additional minimum of twenty-five percent (25%) of the 88 units (22) shall be affordable under the requirements for Enhanced Affordable units as described in Section III A(3) of this PUD. This minimum number of units was derived by rounding to the nearest whole number. For fractional numbers in the twenty-five percent (25%) Enhanced Affordable category, affordable housing obligation will be derived by rounding to the nearest number, such that 0.5 will be rounded up.
 - 3) For the purpose of this PUD the following terms shall have the following meanings:

**Minto Road Housing Site
Proposed PUD**

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- (a) "Enhanced Affordable" refers to the additional 25% affordable units required. These units may be rented at Enhanced Low Income levels or sold at Enhanced Moderate Income levels.
 - (i) For Enhanced Affordable units, the income and assets of owner-occupant households shall not exceed the limits for an Enhanced Moderate Income household, and for tenant households, shall not exceed the limits for an Enhanced Low Income household, unless more stringent limits are required by funding sources.
- (b) "Enhanced Low Income" means a household earning up to 100% of median income. Rental pricing for units designated as affordable to Enhanced Low Income households is based on 80% of median income, as adjusted for household size.
- (c) "Enhanced Moderate Income" means a household earning up to 150% of median income. Sales pricing for units designated as affordable to Enhanced Moderate Income households is based on 120% of median income, as adjusted for household size.

B) Financial Liability.

- 1) In the event that a developer believes that the affordable housing requirements for a project proposed for this site renders the project financially infeasible, the developer may request relief from a proportional amount of the affordability requirements. That request shall be submitted to the Planning Director with all supporting information, including the development pro forma for the project. The Planning Director shall analyze that request and make suitable recommendations to the Board of Supervisors. In the event that the Board finds that the developer has provided evidence that fulfillment of the affordable housing requirements renders the project financially infeasible, the Board shall grant an increase in the allowed unit resale price, above the price restrictions contained in Section 17.10.030(b)(1) of the County Code and Section III A(3) of this PUD, in an amount equal to that required to render the project financially feasible. In the event that such price modifications are granted, the developer shall grant the County Redevelopment Agency the option to purchase units at the revised sales price for the purpose of writing them down to suitable levels of affordability, consistent with the intent of this PUD.

C) Participation Agreement.

- 1) Prior to Building Permit issuance or prior to filing of the Final Map, if one is required, the developer shall enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code and as noted in Section III A of this PUD.

D) Affordable Unit Standards.

- 1) The following standards supersede the standards of the County Code and Affordable Housing Guidelines regarding affordable units. Where not superseded by the provisions below, affordable units shall be comparable to market rate units and must meet the requirements of

Chapter 17.10 of the County Code and the Affordable Housing Guidelines and shall be subject to all affordable housing standards, with the following exceptions:

- (a) Affordable units must be constructed on site.
- (b) The size of affordable units may be smaller than market rate units. At a minimum, the size of the affordable units on average must be 70% of the average size of the market rate units.
- (c) The affordable units may average fewer bedrooms than market rate units. The affordable units may average 0.5 of a bedroom less than the average number of bedrooms per unit in the market rate units.
- (d) Affordable units may be clustered on-site.
- (e) Where garages are provided for market rate units, garages are not required for affordable units. Where garages are not provided for any individual unit, that unit (market rate or affordable unit) shall have a minimum of 218 cubic feet of private storage space which shall be accessed from the outside of the unit and may not reduce the number of required parking spaces.
- (f) The Affordable Housing Guidelines describe the allowances for interior amenities in affordable units compared to the market rate units.

E) Applicability of Density Bonus

- 1) Density Bonus provisions do not apply to developments meeting the minimum requirements of this PUD.
- 2) For projects eligible for concessions under State density bonus law due to an appropriate incremental increase in the number of affordable units as set forth in State law beyond those required by this PUD, a project developer may request additional concessions as set forth in Chapter 17.12, however, no increase in the number of units on the site is allowed.

IV) Design Review

- A) Public Hearings. Development proposals shall undergo a Design Review process and public hearing limited to design issues only. No discretionary permit is necessary for the density or use of the site. For development proposals under these “by-right” provisions, applicants must apply for a Level VII design review, which requires review at public hearing by the Planning Commission and Board of Supervisors. All requirements of the Site, Architectural and Landscape Design Review (Chapter 13.11) or successor ordinance in effect at the time a Design Review Permit is deemed complete for processing shall be applicable unless modified by this PUD. The Design Review Permit will expire after two (2) years, unless exercised. The Design Review Permit will be considered exercised when a building permit has been issued, construction has commenced and the first foundation inspection has been conducted.

- 1) Requests for an Extension of Time for the Design Review Permit shall be processed as a Level III permit review. The Planning Director may raise the level of review to a higher level at his or her discretion. The permit may be extended for one year up to five (5) times for a total permit life of seven years. A review of the adequacy of all reports and improvements shall be conducted prior to the approval of any time extension to determine whether the existing information on the site is still valid.
- B) Development Standards. All applicable requirements and standards of the Zoning Regulations (Title 13, Chapter 13.10) and Title 16 (Environmental and Resource Protection) in effect at the time a Design Review Permit is deemed complete for processing shall be applicable unless modified by this PUD.
- C) Minor Variations. The Planning Director, at the request of the applicant or staff, may approve minor variations to this permit, which do not affect the overall concept or density, as a Level III Permit.
- D) Level VII Design Review Submittal Requirements
 - 1) Due to the proximity of the site to a fault zone, an updated Geotechnical Report shall be prepared for the foundation design for the site based on the existing report from Haro, Kasunich & Associates, Inc., dated April 2004. Four copies of the report shall be submitted to the County for review at the time of design review application and must be accepted by the County prior to the application being determined complete. All requirements and recommendations of the approved report shall be incorporated into the project design. All development on the site shall comply with the requirements of the updated geotechnical report prepared by a licensed geotechnical engineer as reviewed and approved by the County of Santa Cruz and any county approved geologic report for the site.
 - 2) All off-site improvements shall comply with the requirements of the traffic study prepared by Fehr and Peers Transportation Consultants dated May 25, 2007 or any subsequent Traffic Report for the development of this site that has been reviewed and accepted by the County of Santa Cruz.
 - 3) Preliminary Architectural and Site Plans
 - (a) Preliminary architectural and site plans, prepared by a licensed architect, meeting the standards established by the Planning Department for multi-family residential application submittal, shall be submitted. The plans shall at a minimum incorporate all requirements contained within this PUD.
 - (b) The site plan shall clearly delineate all useable and non-usable areas, including but not limited to:
 - (i) The riparian corridor and buffer area shown on Exhibit "A" must be shown on the Site Plan, with notes indicating that any development within, or use of, the riparian corridor and/or buffer area other than a crossing and trail as noted in Section I.A 4 (b) of this PUD within the buffer area, are subject to the provisions of County Code Chapter

16.30 related to riparian resource protection. The 10-foot additional riparian construction buffer is not applicable. This area carries a General Plan Designation of Urban Open Space and is zoned PR.

- (ii) The EMF (Electromagnetic Field) setback/ buffer area shown on Exhibit “A” must be shown on the site plan.
- (iii) A clearly delineated agricultural buffer of 200 feet from adjacent Commercial Agricultural Land must be shown on the site plan, with notes indicating that no habitable use or place designed for intensive human use as defined by County Code may be located within the area and any use of the agricultural buffer is subject to the provisions of the County Code Chapter 16.50 related to agricultural resource protection.

4) Utilities, Roads and Services

- (a) Submit preliminary engineered improvement plans to the Planning Department for all traffic signals, roads, curbs and gutters, grading, stormwater management systems, sanitary sewers, erosion control, and other improvements proposed or required by this PUD. Form and content of the plans shall meet the standards established by the Planning Department for multi-family residential application submittal.
 - (i) Preliminary improvement plans shall meet the following requirements:
 - All preliminary improvement plans shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria except as modified herein. Plans shall also comply with applicable provisions of Title 24 (Accessibility) of the State Building Code.
 - Provide preliminary drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils. This includes off-site work.
 - Preliminary grading plans must be submitted at time of application. An objective of the project design shall be to minimize the grading on-site and off-site to the maximum extent possible. This includes designing the grading and foundations to follow the existing topography as much as possible. The grading plans shall include existing and proposed contours, plan views and centerline profiles of all driveway improvements, locations and heights of all retaining walls, preliminary drainage design, grading cross sections through proposed building pads, and all volumes of excavated and fill soils. This includes all on-site and off-site work.
 - Preliminary Private Sanitary Sewer Plans must be submitted at time of application, and shall include a maintenance manual meeting the County’s Design Criteria for review and approval.

(b) All road plans shall comply with all requirements of the Department of Public Works Road engineering and shall be consistent with the County's Design Criteria and any Plan Line. The following standards shall apply to Minto Road:

(i) Paved Road Width: Minimum 30 feet of pavement;

(ii) Formal parking limited to the north side of Minto Road from the easterly corner of the commercial agricultural buffer on the southeast corner of the subject parcel to the eastern end of the parking lot located on APN 051-511-29. Only informal parking will be allowed on the south side of Minto Road west of Meidl Ave where the final paved road width will result in a minimum six foot parking shoulder (pavement plus unimproved shoulder). If necessary to eliminate south side parking at a future date, appropriate signage will be installed by the County Department of Public Works;

(iii) Improvements: curbs, gutters and sidewalks on the north side of Minto Road from the southeasterly corner of the site to the edge of the parking lot located on APN 051-511-29 shall be in compliance with ADA requirements.

(iv) Pedestrian and wheelchair access from the project site to the METRO stop at the corner of Minto Road and Green Valley Road is required. The access to the corner will cross APN 051-511-29, and may consist of any combination of sidewalk (with curb and gutter), asphalt paving, striped pedestrian walkway, or other marked, accessible path negotiated by the developer and the property owner of APN 051-511-29.

(v) The County Planning Department and the Public Works Department shall approve the location of the access across APN 051-511-29. It is the responsibility of the developer to install the improvements at the approved location.

(vi) If an easement cannot be negotiated with the owner of APN 051-511-29, the conditions of County Code Section 18.10.240(d) shall apply.

(viii) If support is demonstrated from the Minto Road and Meidl Ave neighborhood through the speed bump petitioning process, the developer is required to install speed bump(s) on Minto Road between Meidl Ave and Green Valley Road and on Meidl Ave between Minto Road and Dick Phelps Road, and a stop intersection at Minto Road and Meidl Road.

5) A current water will-serve letter from the City of Watsonville Public Works and Utilities Department shall be submitted.

6) A current sanitary sewer will serve letter from the Freedom County Sanitation District shall be submitted. The County Sanitation Division has determined that a private pump station equipped with a back-up generator will be required on the site, most likely near the southeast corner, to connect to Manhole 99 at the intersection of Minto Lane and Meidl Ave.

(a) The private pump station shall coordinate architecturally with the project and/or be screened from the public view.

- (b) Payment equivalent to the required flow metering and odor control equipment will be collected at the time sewer connection permits are obtained.
- 7) A plan review letter from PG&E addressing any restrictions/limitations on landscaping, roads and buildings proposed within the PG&E easement along the northern property line.
- 8) A sign plan indicating the location and size of all signs on the site shall be submitted. The signs shall be consistent with the provisions of this PUD.

V) Building Permit Requirements and Timing.

- A) Plans shall be consistent with the approved Design Review Permit and determined by Planning staff to be consistent with all requirements of this PUD.
- B) Prior to the issuance of any building permit, final engineered drainage details shall be submitted to the County Planning and Public Works Departments for both on-site and off-site drainage work. Drainage plans shall show that the outflow of the culvert crossing Minto Road will not exceed pre-development levels. This will be achieved while still upgrading the culvert to current County standards. A weir shall be required to maintain existing detention conditions. Drainage plans shall also illustrate existing flood elevations.
- C) All on-site stormwater shall be detained on site up to the 10-year storm level. Drainage from road improvements shall be filtered and released into the riparian corridor. Prior to the issuance of any building permit a Construction Activities Stormwater General NPDES Permit shall be obtained from the State Water Resources Control Board.
- D) Prior to the issuance of any building permit a discretionary grading permit, if required by Chapter 16.20 of the County Code shall be obtained in accordance with the requirements of Chapter 18.10.
- E) Prior to the issuance of any building permit final engineered road improvement plans shall be submitted to the County Planning and Public Works Departments for both on-site and off-site road improvements. Minto Road from Green Valley Road to the riparian area shall include improvements to ensure pretreatment of roadway runoff before entering the riparian channel.
- F) Prior to the issuance of any building permit, the developer must submit proof that the conditions of all required permits (such as Design Review, Tentative Map, Grading) have been recorded in the official records of the County Recorder.
- G) Prior to the issuance of any building permit, all required Declarations of Restriction and Statements of Acknowledgment shall be recorded.
 - 1) Prior to any Building Permit issuance on the parcel containing or adjacent to the riparian corridor, the owner shall record a Statement of Acknowledgment regarding the presence of the riparian corridor and buffer area on these parcels. These recordable documents shall be prepared by the Planning Department and shall include statements that any development within, or use of, the riparian corridor and/or buffer area is subject to the provisions of the

County Code Chapter 16.30 related to riparian resource protection, with the exception of a pedestrian bridge crossing and a trail, the weir construction and culvert replacement, and the energy dissipaters.

- 2) Prior to any Building Permit issuance on the parcel containing or adjacent to the area of EMF concern, the owner shall record a Statement of Acknowledgement regarding the presence of the EMF and buffer area on these parcels. These recordable documents shall be prepared by the Planning Department. No habitable space or intensive human activity area is allowed within the EMF setback.
 - 3) Prior to any Building Permit issuance on the parcel adjacent to Commercial Agricultural Land, the owner shall record a Statement of Acknowledgement regarding the presence of the Agricultural Use in the area of this parcel. These recordable documents shall be prepared by the Planning Department.
- H) Prior to the issuance of any building permit, the developer shall enter into an Affordable Housing Participation Agreement with the County of Santa Cruz.
- I) Prior to the issuance of any building permit all applicable in-lieu fees shall be paid.
- 1) Unless otherwise satisfied by meeting the requirements of County Code Chapter 15.01 or its successor ordinance, park dedication in-lieu fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid.
 - 2) Unless otherwise satisfied by meeting the requirements of County Code Chapter 15.04 or its successor ordinance, Child Care Development fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid.
 - 3) Transportation improvement fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid. A credit shall be allowed for installation of off-site improvements to Minto Road that are part of the Capital Improvement Program, excluding improvements made to the site frontage.
 - 4) Roadside improvement fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid. A credit shall be allowed for installation of off-site improvements to Minto Road that are part of the Capital Improvement Program, excluding improvements made to the site frontage.
 - 5) Submit a written statement signed by an authorized representative of the Pajaro Valley Unified School District in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by said school district in which the project is located at the time of building permit issuance. The applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities District.

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- J) Prior to the issuance of any building permit, plan review letters shall be submitted from the Geologic Report and Geotechnical report authors indicating that the plans comply with the County approved technical report and all of their recommendations have been incorporated into the project plans.
- K) Prior to the issuance of any building permit, all requirements of the Pajaro Valley Fire Protection District shall be met pursuant to width of interior driveways at no less than 20' and required turning radii of 50'. A secondary emergency access is required.
- L) Prior to the issuance of any building permit, all regulations, conditions and hookup charges of the Sanitation District shall be met. The units shall be connected for sewer service to Freedom County Sanitation District. Off-site improvements may be required. Final engineered plans shall be submitted complying with all requirements and standards of the Freedom County Sanitation District.
 - (a) The private pump station shall be operated and maintained by the Home Owner's Association or property manager.
 - (b) Prior to the issuance of any building permit, the applicant shall obtain a permit from the Regional Air Quality Control Board for the emergency back-up generator on the private pump station.
- M) All units shall be connected for water service to the City of Watsonville Public Works and Utilities Department. All requirements of that water department including the payment of connection charges shall be met prior to the issuance of any building permit. Engineered improvement plans for all water line extensions required by City of Watsonville Public Works and Utilities Department shall be submitted for the review and approval of the water agency.
 - 1) Proof of LAFCo approval of the Extraterritorial Water Service by the Watsonville Water Department will be required prior to issuance of the Building Permit.
- N) Prior to the issuance of any building permit, the plans shall reflect all requirements of PG&E regarding construction/improvements within the PG&E easement.
- O) Prior to the issuance of any building permit, engineered plans shall be submitted to PG&E for review and approval for the under-grounding of the power line along the Minto Road frontage of the subject parcel. These plans shall be approved prior to the issuance of a building permit. The power line shall be placed underground prior to final inspection/occupancy.
- P) One (1) "construction/security trailer" (maximum 12 feet by 60 feet) is allowed on the site during the construction. The size of the unit and the location of the unit conforming to all yard setbacks contained in the PUD shall be shown on the plot plan. Compliance with Section 13.10.683 or any successor ordinance is required. A building permit is required for the installation of the construction trailer.

- Q) Any signs shall comply with Section 13.10.580 or any successor ordinance and the location and design shall be reviewed and approved as part of the Design Review process. The following signs are allowed:
 - 1) A non-illuminated temporary sign pertaining to the sale, lease or rental of a dwelling and limited to six square feet in size or less.
 - 2) A permanent identification sign, in-directly illuminated, of 12 square feet or less.
- R) Prior to the final inspection or clearance of the building permit, all of the site improvements shown on the approved building permit plans and Design Review approval shall be installed/implemented.

VI) Construction Phase Requirements.

- A) Prior to any site disturbance or physical construction on the subject property the following condition shall be met:
 - 1) Pre-Construction Meeting: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, Santa Cruz County Department of Public Works staff and Santa Cruz County Environmental Planning staff. The temporary construction fencing demarcating the edge of the riparian corridor setback and the tree protection fencing for any trees located within the construction area will be inspected at that time. The receiving site for any exported fill will also be identified and County approved grading permits presented.
- B) All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code or its successor, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Work performed in the public right of way shall not proceed without first obtaining an Encroachment Permit from the Department of Public Works. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise specifically excepted by this Planned Unit Development Ordinance.
- C) No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan.
- D) No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by the conditions of an entitlement permit).
- E) Pursuant to Sections 16.40.040 and 16.42.100 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 16.42.100, shall be observed.

- F) To minimize noise, dust and nuisance impacts on surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - 1) Limit all construction to the time between 7:30 am and 4:30 pm weekdays unless a temporary exception to this time restriction is approved in advance by the County Planning Department to address an emergency situation; and
 - 2) Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
- G) The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The phone number of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be visible to ensure compliance with Rule 402 (Nuisance).

VII) Mitigation Monitoring Program

- A) The mitigation measures listed below shall be incorporated in the conditions of this approval for any future development project on this parcel, in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the mitigations shall be adopted as a condition of approval. This program shall be prepared by the project proponent and shall specifically address each mitigation measure listed below. The Mitigation Monitoring Program shall be submitted to Environmental Planning for review and approval prior to the issuance of any subsequent permit or development activity. The purpose of this monitoring program is to ensure compliance with the environmental mitigations during implementation and operation. Failure to comply with the conditions contained within the Planned Unit Development, including the terms of the adopted monitoring program, may result in the revocation of the Planned Unit Development pursuant to section 18.10.462 of the Santa Cruz County Code.

VIII) Mitigation Measures

- A) Prior to the issuance of any subsequent permit or development activity, the applicant must ensure the following conditions are met:
 - 1) In order to mitigate potential impacts from seismic related events, plans for any subsequent development must incorporate conventional spread footings or pier and grade beam foundations, and the recommendations contained within Section IV (D)(1) of the PUD.

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- 2) In order to prevent erosion, off site sedimentation, and pollution of creeks, prior to start of site work the applicant shall submit a detailed erosion control plan for review and approval by County Resource Planning staff. The plan shall include a clearing and grading schedule, clearly marked disturbance envelope, revegetation specifications, temporary road surfacing and construction entry stabilization, and details of temporary drainage control.
- 3) To prevent drainage discharges from carrying silt, grease, and other contaminants from paved surfaces into nearby waterways, the applicant shall ensure that water quality treatment units, and a plan for maintenance, are incorporated in all parking, driveways, and roadway designs.
- 4) In order to mitigate potential impacts to drainage patterns from storm events, the applicant shall incorporate the following measures into all improvement, grading and drainage plans, which shall be adequate to control runoff from a 5-year storm:
 - (a) Due to the presence of onsite soils that have low permeability (i.e., Watsonville loam and Pinto loam), onsite detention will be required. All runoff shall be detained or dispersed over non-erodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. Any policies and regulations for any drainage zones where the project is located will also apply.
 - (b) Any concentrated runoff that cannot be effectively dispersed without causing erosion shall be carried in non-erodible channels or conduits to the nearest drainage course designated for such purpose by the Planning Department or to on-site percolation devices. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.
 - (c) Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment from the disturbed area.
 - (d) No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.
- 5) In order to prevent downstream impacts from storm events, under the proposed project, the existing 30-inch diameter corrugated metal culvert under Minto Road shall be replaced with an upsized culvert that has the capacity to accommodate existing flows during a 5-year storm event. New headwalls and wing walls shall be constructed to protect the crossing from erosion. At the stream crossing, Minto Road shall also be designed to accommodate the Safe 25-Year Overflow. The following mitigations are required to mitigate impacts from the changes in drainage patterns:
 - (a) In order to avoid impacts to onsite wetlands from an increase in downstream flows from upsizing the culvert, a weir shall be installed immediately upstream of the culvert inlet. The weir shall be designed to maintain existing downstream flows (prior to culvert upsizing). This will detain the current level of water upstream of the culvert maintaining the existing area of wetland and riparian habitat. The final design will be subject to the

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review and approval by the County of Santa Cruz Department of Public Works (DPW) prior to the issuance of any permit.

- (b) All runoff for up to a 10-year storm event shall be detained on the site. The allowable release rate from the site shall be limited to the 5-year predevelopment flow rates based on known restrictions in Salsipuedes Creek. All runoff from parking and driveway areas shall go through water quality treatment prior to discharge from the site. Outslipping of driveways to drain to landscaped areas for filtering prior to discharge from the site should be considered. If structural treatment is proposed, a recorded maintenance agreement(s) is required. This agreement shall be signed, notarized, and recorded, and a copy of the recorded agreement shall be submitted to the County DPW. The agreement shall include the following at a minimum:
 - (i) The traps shall be inspected to determine whether they need cleaning or repair prior to October 15 each year at a minimum;
 - (ii) A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage Section of DPW within 5 days of inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
- (c) A comprehensive storm water management plan shall be provided to the Drainage Section of DPW for review and approval that clearly describes existing and proposed conditions for the site in terms of impervious area coverage, grading and drainage patterns, and proposed best management practices. The plan shall show downspouts, drainage collection locations and pathways of runoff. It shall also include energy dissipation on sloping grades, show where and how runoff enters and exits the subject property, and account for runoff from all impervious areas (i.e., roofs, paved areas, patios, walkways, etc.). The final storm water management plan shall be consistent with other project plans including grading, landscaping etc.
- (d) The project shall provide permanent markings at each drainage inlet that read: "NO DUMPING - DRAINS TO BAY", or equivalent. The property owner shall be responsible for maintaining these markings.
- (e) A review letter from a Geotechnical Engineer shall be submitted to the County DPW approving the final drainage plans prior to issuance of a building permit.
- (f) Because the proposed project would result in a land disturbance of one acre or more, a Construction Activities Storm Water General National Pollutant Discharge Elimination System (NPDES) Permit shall be obtained from the Regional Water Quality Control Board prior to any site disturbance. Construction activities include clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement
- 6) In order to mitigate for impacts to the riparian and wetland areas, and to ensure compliance with Chapter 16.30 of the County Code, a Riparian Exception has been issued as a component of this project. An exotic plant species eradication plan and a riparian/wetland

restoration plan are conditions of the Riparian Exception and must be approved by the County Planning Department prior to any development activities.

- 7) In order to prevent impacts from nighttime lighting on sensitive habitat and the neighborhood, the following conditions must be incorporated into any subsequent development and reflected on all development plans:
 - (a) All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties and the riparian wetland area. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structures, fixture design or other physical means. Building and security lighting shall be integrated into the building design.
 - (b) All lighted parking and circulation areas shall utilize low-rise light posts (standards) or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.
 - (c) Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.
- 8) In order to reduce impacts from exposure to electro-magnetic fields associated with power lines, any subsequent development shall include the placement of the underground 21kV transmission line in an appropriate insulator to further reduce the electric and magnetic fields.
- B) In order to mitigate impacts from construction-related activities, the applicant for any subsequent development shall ensure that the following measures are incorporated into the final construction design plans for the proposed project and are in place during construction:
 - 1) All grading activities shall be prohibited during periods of high wind (over 15 mph).
 - 2) Chemical soil stabilizers shall be applied on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
 - 3) Non-toxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut and fill operations and the area shall be hydroseeded.
 - 4) Haul trucks shall maintain at least 2'0" of freeboard.
 - 5) All trucks hauling dirt, sand, or loose materials shall be covered.
 - 6) Vegetative ground cover shall be planted in disturbed areas as soon as possible.
 - 7) Inactive storage piles shall be covered.
 - 8) Wheel washers shall be installed at the entrance to construction sites for all exiting trucks.
 - 9) Streets shall be swept if visible soil material is carried out from the construction site.

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- C) In order to ensure adequate access for fire protection, the driveway and access road shall be designed and constructed to the following standards prior to any framing construction, or construction will be stopped:
- 1) The driveway shall have a minimum width of 20 feet with a maximum of 20 percent slope.
 - 2) The driveway surface shall be "all weather", a minimum 6 inches of compacted aggregate base rock, Class 2 or equivalent, certified by a licensed engineer to 95 percent compaction and 2 inches of asphalt concrete, and shall be maintained.
 - 3) All weather surface shall be a minimum of 6 inches of compacted Class 2 base rock for grades up to and including 5 percent, oil and screened for grades up to and including 15 percent and asphalt concrete for grades exceeding 15 percent, but in no case exceeding 20 percent.
 - 4) The maximum grade of the driveway shall not exceed 20 percent, with grades of 15 percent not permitted for distances of more than 200 feet at a time.
 - 5) The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width.
 - 6) A turn-around area that meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length.
 - 7) Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.
 - 8) All private access roads, driveways, and turn-arounds are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.
 - 9) The driveway shall be thereafter maintained to these standards at all times.
 - 10) All culverts and crossings, excluding the pedestrian footbridge, shall be certified by a registered engineer, have a minimum capacity of 25 tons with a Caltrans H-20 loading standard.

IN THE SUPERIOR COURT of the STATE OF CALIFORNIA
in and for the County of Santa Cruz

CERTIFICATE OF PUBLICATION

I, Tess E. Fitzgerald, Supervising Clerk
of the Board of Supervisors of the
County of Santa Cruz, do hereby certify
that Ordinance No. 4989, adopted on
June 10, 2008, has been duly published in
accordance with Section 25124 of the
Government Code.

Tess E. Fitzgerald,
Supervising Board Clerk

By: [Signature]

Ad No.: 03509580

STATE OF CALIFORNIA }
COUNTY OF SANTA CRUZ } ss

I, Patricia Turley,
hereby certify that the **Watsonville Register
Pajaronian**, a newspaper of general circulation,
within the provisions of the government code of the
State of California, printed and published in the
City of Watsonville, County of Santa Cruz, State of
California; that I am the principal clerk of the
printer of said newspaper; that the

Legal Notice; PUBLIC NOTICE

of which the annexed clipping is a true printed
copy was published in said newspaper on the fol-
lowing dates, to wit:

June 14, 2008

I certify under penalty of perjury that the foregoing
is true and correct, at Watsonville, California, on
the

June 14, 2008

Patricia Turley
Patricia Turley, Legal Clerk

PUBLIC NOTICE

**ADOPTED ORDINANCE NO. 4989
(SUMMARY)**

(Paste C) **NOTICE IS HERESY GIVEN** that at its regularly
scheduled meeting of the Santa Cruz County Board of
Supervisors on June 10, 2008 adopted Ordinance No.
4989 Amending Chapter 13.10 of the Santa Cruz
County Code and Granting a Planned Unit Develop-
ment Permit as Allowed by Santa Cruz County Code
Relating to Establishment of Development Standards
for Assessor's Parcel Number 051-511-35. This Ordi-
nance was adapted by the following vote:

AYES: Coonerty, Beautz, Stone & Pirie
NOES: None
ABSENT: None
ABSTAIN: Campos

Copies of the full text of this Ordinance is available at
the Office of the Clerk of the Board, Room 500, Gov-
ernmental Center Building, 701 Ocean Street, Santa
Cruz, California, 95060

Dated: June 10, 2008

Tess Fitzgerald
Chief Deputy Clerk

June 14, 2008
03509580

"Proof of Publication must be filed with the County
Clerk's Office within 30 days of the last publication
date, pursuant to Civil Code Section 2466."