



COUNTY OF SANTA CRUZ
 Planning Department

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SUBDIVISION

PERMIT

Owner S. H. Cowell Foundation Permit Number 90-1745
 Address 120 Montgomery St., Ste. 2570 Parcel Number(s) 061-371-44
San Francisco CA 94104

PROJECT DESCRIPTION AND LOCATION

Proposal to create a 60-lot single-family residential subdivision and a 118 acre Common Area, a 20 acre future park site, a 0.5 acre site for a package treatment plant for sewer, an equestrian trail system, and authorize the on-site relocation of an existing equestrian facility. Requires a General Plan Amendment, a Rezoning, a Subdivision, and a Roadway/Roadside Exception. Located on the west side of Graham Hill Road, west of its intersection with Sims Road, Carbonera planning area.

Approval Date: November 26, 1996 **Effective Date:** December Dec 1996
Exp. Date (if not exercised) December 27, 1998 **Coastal Appeal Exp. Date:** N/A
Denied by: _____ **Denial Date:** _____

This project requires a coastal zone permit which is not appealable to the California Coastal Commission. **It may be appealed to the Planning Commission. The appeal must be filed within 10 working days of action by the decision body.**

This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the 'County Code Section 1320.110.) The appeal must be filed with the Coastal Commission within 10 working days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. **The appeal must be filed within 10 working days of action by the decision body.**

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. Permittee is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By **signing** this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

Signature of Owner/Agent

Date

Staff Planner

Date

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CONDITIONS OF APPROVAL

**Land Division No. 90-1245
Tract No. 1339 - Graham Hill Estates
Applicant and Property Owner: Nathaniel Taylor for the
S. H. Cowell Foundation
Assessor's Parcel No. 061-321-44
Property location: West side of Graham Hill Road,
west of its intersection with Sims Road
Carbonera planning area**

Exhibits:

- A. Tentative Map prepared by Ifland Engineers, Inc., dated February 1994 (Revised October 26, 1995)**
 - B. Preliminary Engineered Improvement plans prepared by Ifland Engineers, Inc., dated February 1994**
 - c. Landscape Plan prepared by David Boone dated November 1, 1990 (Revised February 10, 1994)**
 - D. Comprehensive Habitat Mitigation Plan and the Draft Design Guidelines**
 - E. Mitigation Mbnitoring Program dated April 1996**
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Note: Parenthetical notations following the various conditions such as (GEO-1), (LU-2), or (BIO-5), indicate mitigation measures derived from the Final Environmental Impact Report and are the basis for the corresponding permit conditions.

All correspondence and maps relating to this land division shall carry the land division number and tract number noted above.

- I. Prior to exercising any rights granted by this Approval, the development approval holder shall sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.**
- II. A Final Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Final Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading**

and vegetation removal, shall be done prior to recording the Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final Map shall meet the following requirements:

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- A. The Final Map shall be in general conformance with the approved tentative map and shall conform with the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
- B. This land division shall result in no more than 60 total single-family residential lots, a Common Area shown as Parcel "A", an equestrian trail shown as Parcel "E", a park site shown as Parcels "B" and "C", and a package treatment plant site shown as Parcel "D".
- C. The minimum lot size shall be 15,000 square feet, net developable land.
- D. The following items shall be shown on the Final Map:
 1. Development envelopes located according to the approved Tentative Map.
 2. On lots containing less than 0.50 acre, show net area to nearest square foot. On lots containing 0.50 acre or more, show net area to nearest hundredth acre.
 3. The owner's certificate shall include:
 - a. A preservation easement on the 65.5 acres of forest habitat located within the common area as proposed by the development approval holder as part of the Comprehensive Habitat Mitigation Plan. This preservation easement shall recognize the protected land is designated as "Timber Resource" and therefore will permit timber harvesting that is done in a sustainable and ecologically sound manner. The preservation easement document shall be reviewed and approved by County Planning Staff and County Counsel prior to recordation of the subdivision map. The operations and maintenance of the forest common area shall be the responsibility of the homeowners association (BIO-2 and BIO-6).
 - b. A preservation easement on approximately 20 acres of coastal terrace prairie (special status plant species habitat) to be retained and restored on-site as proposed by the development approval holder as part of the Comprehensive Habitat Mitigation Plan. The protected land includes that portion of Parcel "A" now in prairie habitat and the additional 0.9 acres north of the ver-

nal marsh to be restored to prairie habitat. The preservation easement document shall be reviewed and approved by County Planning staff and County Counsel prior to recordation of the subdivision map. (BIO-12).

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- c. An easement for public use of the access roads shown on the attached tentative map for the purpose of accessing and maintaining drainage improvements and the package treatment plant and related improvements.
 - d. An irrevocable offer of dedication to the County of Santa Cruz for the land designated Parcel "B" on the attached Tentative Map for purposes of a park.
 - e. An irrevocable offer of dedication to the County of Santa Cruz for the land designated Parcel "E" on the attached Tentative Map for the purpose of constructing an equestrian trail.
4. The following statement shall be placed on the Final Map and shall be included in any deed conveying subject lots: "The property described herein is adjacent to land included in the Timber Production Zone as designated on the County Assessor Parcel Maps. Santa Cruz County has established the Timber Production Zone to protect and maintain timberland for growing and harvesting timber, and for compatible uses. Residents of adjacent property may occasionally experience increased traffic, noise, dust, change in the viewshed and/or other activities related to growing and harvesting of timber or other uses permitted within the Timber Production Zone."
- E. The following requirements shall be noted on the Final Map as items to be completed prior to obtaining a building permit on lots created by this land division:
1. Lots shall be connected for water service to the Santa Cruz Municipal Utilities.
 2. Lots shall be connected for sewer service to an on-site package treatment plant.
 3. All future construction on the lots shall conform to the development standards for the "R-1-15" zone district contained in Section 13.10.323 of the County Code (including, but not limited to, floor-area-ratio, maximum height, and maximum parcel coverage) and the Design Guidelines contained in the Environmental Impact Report. If a conflict between the Code and the Guidelines occurs, the most restrictive measure shall apply. Final Design Guidelines shall be revised prior to map recordation to reflect the following:

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- a. **The Homeowners' Design Committee review will involve design professionals to assist the Committee in review all building permit applications (LU-1).**
 - b. **All surface improvements-except driveways must be contained within development envelopes, including buildings, accessory structures, garden walls, pools, etc. Subsurface improvements such as water and sewage lines may extend beyond the development envelope (LU-1).**
 - c. **Trees outside of development envelopes may be removed in accordance with a County approved Habitat Management Plan approved pursuant to applicable County ordinances (LU-1).**
 - d. **Minor adjustments to the approved development envelopes shall be permitted if approved by the Design Committee and the County according to the procedures for amending subdivision maps specified in the Minor Variation procedures set forth in Section 18.10.134 of the County Code (LU-1).**
 - e. **All landscaping outside of development envelopes shall be approved by the Design Committee prior to installation and shall consist of plant materials that are compatible with existing native vegetation. Tree plantings shall be limited to native species already present at the project site and shall use container stock grown from propagation materials collected on-site, to the maximum extent possible (LU-1).**

III. Prior to recordation of the Final Map, the following requirements shall be met:

- A. **Pay an EIR filing fee of \$850.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program**
- B. **Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.**
- C. **Obtain a National Pollution Discharge Elimination System permit from the Regional Water Quality Control Board. All conditions of that permit are, by reference, hereby incorporated into the requirements of this permit (HYDRO-5).**
- D. **Submit and secure approval of engineered improvement plans from the Department of Public Works for all roads, curbs and gutters, sidewalks, storm drains, erosion control, street lighting, street trees and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in**

these conditions of approval. Plans shall be in substantial conformance with Exhibits "A" and "B" of this permit. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:

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1. All improvements shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval.
2. The final engineered grading plans shall comply with the following:
 - a. Minimize grading to preserve the clay-rich surface, which acts as an aquitard to percolating surface waters (GEO-1).
 - b. Limit removal of the natural vegetative cover on slopes to the minimum area needed for construction of subdivision improvements. Revegetate stripped or graded areas as soon as possible following construction, and in no case later than October 15 (GEO-2).
 - c. Design cuts and fills to balance as nearly as possible to avoid the impacts (such as increased truck traffic and soils spilled on local roadways) created by off-site hauling (GEO-11).
3. A drainage and erosion control plan prepared by a civil engineer to minimize the impacts from erosion and sedimentation during grading shall be reviewed and approved by the Department of Public Works and the County Planning Department (HYDRO-3). The drainage and erosion control plan shall be in conformance with the preliminary drainage plan (Exhibits "A" and "B") and shall meet the following requirements:
 - a. Direct drainage away from unstable slopes (GEO-3).
 - b. Construct sediment traps as shown on the preliminary drainage plans (GEO-4).
 - c. Analyze existing channel conditions and the expected velocity of the project storm water runoff to assure stable channel conditions for the project design runoff flows. Suitable channel protection and/or modification shall be completed to the satisfaction of the County Public Works and Planning Departments (HYDRO-1).
 - d. Submit the final detailed hydraulic analysis and comprehensive engineered drainage plan for the review and

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approval by the County Planning Geologist and the Santa Cruz County Department of Public Works prior to recordation of the Final Subdivision Map. The analysis and plan shall address the issues of hillside disturbance, storm drain protection and maintenance, outfall protection (energy dissipater) and shall be completed prior to recordation of the Final Subdivision Map and issuance of any Building Permits and may include:

- i. Adequate design and construction features to securely anchor, protect and maintain hillside storm drain line from any damage, including that from a fallen tree.
- ii. Improvement and stabilization of existing channels to accommodate increased runoff.
- iii. On-site detention measures within the developed area of the project to lessen the peak discharges and reduce the need for downstream channel and hillside stabilization measures.
- iv. Rip-rap apron or gabion mattress at the outfall to reduce discharge velocity and prevent stream erosion (HYDRO-2).
- e. Restrict grading to the dry season of April 15 to October 15 (HYDRO-3).
- f. Protect all finished graded slopes from erosion using such techniques as hillslope benching, erosion control matting, and hydroseeding (HYDRO-3).
- g. Protect downstream storm drainage inlets from sedimentation (HYDRO-3).
- h. Use silt fencing to retain sediment on the project site (HYDRO-3).
- i. Divert irrigation or potential runoff associated with the proposed project away from retained oaks to guard against fungal root infections (BIO-5).
- j. Maintain existing natural vegetated channels, swales, and incorporate detention areas in their natural vegetated condition wherever practicable. Detention ponds shall be sized according to County standards and shall be designed to support vegetation during the winter. Where removal of vegetation is necessary, replant all exposed soil surfaces with ground cover native to the immediate area (HYDRO-6).

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- k. Incorporate measures to control street litter. This shall be achieved by the installation of grease and silt traps as well as trash racks at storm drain inlets. All silt and grease traps shall be permanently maintained on a regular basis according to a monitoring and maintenance program (Exhibit "E") (HYDRO-7).
 1. The development approval holder shall make an application for the establishment of a County Service Area (CSA) for the permanent maintenance of these facilities by the County or another public agency under contract to the County for this purpose. The CSA shall become established prior to final map recordation and shall include the following:
 - i. Provide for the operation of the package treatment plant required under Conditions III.C.12-14.
 - ii. Keep all major drainage channels clear of debris.
 - iii. Clean sediment traps prior to the rainy season at each of the major drainage channels.
 - iv. Maintain existing natural vegetated channels, swales, and incorporate detention areas in their natural vegetated condition wherever practicable. Detention ponds, sized according to County standards, shall be designed to support vegetation during the winter.
 - v. Where removal of vegetation is necessary, replant all exposed soil surfaces with ground cover native to the immediate area.
 - vi. After construction is completed, all storm drains shall be inspected for accumulated sediment and storm drain damage prior to October 15 and between April 15 and May 15 and during each month there is rain during November through March each year.
 - vii. Where sediment has accumulated, these structures shall be cleared of debris and sediment and repaired as needed (GEO-4, HYDRO-4, HYDRO-6, and HYDRO-9).
 4. Plans shall provide for the following improvements to Graham Hill Road:
 - a. Construct a combined asphalt pedestrian/bicycle pathway along the project frontage between the project entry road and Sims Road. The design of the pathway shall constitute a dual function pedestrian and bicycle use

- with a meandering route to minimize tree removal (TRANS-3).
- b. Improve each of the existing bus stops at the Graham Hill Road/Sims Road intersection to meet the Santa Cruz Metropolitan District's standards for bus turnouts (TRANS-4).
- c. Construct a left turn pocket at the northbound approach to the project entry (TRANS-5).
- d. Construct a combined asphalt pedestrian/bicycle pathway along the project frontage from Sims Road to a point opposite where Nepenthe Drive intersects Graham Hill Road. Paint strip a pedestrian crosswalk to connect to the retail center opposite the project site.
5. Plans shall provide for construction of a secondary access road as shown on the tentative map.
6. Plans shall comply with all requirements of the geologic and geotechnical reports. A plan review letter from the geologist and soils engineer shall be submitted with the plans stating that the plans have been reviewed and found to be in compliance with the recommendations of the geologic and geotechnical reports.
7. All new utilities shall be constructed underground. All facility relocations, upgrades or installations required for utilities service to the project shall be noted on the improvement plans. All preliminary engineering for such utility improvements is the responsibility of the development approval holder.
8. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
9. Subdivision improvements shall include the construction three-foot high barriers (of earthen or masonry construction) at the eastern edges of the development envelopes of Lots 6 and 7 or other measure(s) which will have the equivalent noise attenuation effect, as demonstrated through an acoustical analysis performed by a qualified engineer and accepted by the Planning Department. At Lot 6, the barrier would be approximately 100 feet along the eastern edge connecting to 20-foot-long segments along the northern and southern edges of the development envelopes (to address edge effects). At Lot 7, the barrier would be approximately 75 feet in length connecting to 20-foot-long segments in a similar configuration as described for Lot 6. (NOISE-4).

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10. Require vegetative screening in portions of the common area between the proposed development and Graham Hill Road to blend the development into the existing viewscape as shown on Exhibit "C". The rear lot lines of lots 8 through 13 are in and/or adjacent to sensitive coastal terrace prairie habitat and should not receive vegetative screening. The following lots identified should undergo vegetative screening and/or retention of existing vegetation:

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- a. Retain existing strand of oak forest across from Deer Path/Graham Hill Road intersection to screen lots 5-8.
- b. Retain existing oak trees and/or plant oak trees along lot lines exposed to Graham Hill Road including lots 21 through 25.
- c. Plant oak trees along eastern-oriented lot lines exposed to Graham Hill Road including lots 14, and 48 through 52 (VIS-1).

11. Improvement plans shall include a package treatment plant that provides the level of treatment required by the City of Scotts Valley and the Regional Water Quality Control Board with effluent discharge to the Scotts Valley - Santa Cruz wastewater treatment plant transmission line to eliminate all wastewater disposal on the project site. If required by the City of Scotts Valley and/or the Regional Water Quality Control Board, the package treatment plant shall be designed to produce effluent quality that meets requirements of Title 22, California Administrative Code, for unrestricted reclamation uses. Final plans shall be reviewed and approved by the Regional Water Quality Control Board in addition to the County Department of Public Works.

Given that the subject property is within the Urban Services Line, the development approval holder shall obtain approval from the City of Scotts Valley to hookup to the Scotts Valley - Santa Cruz wastewater treatment line. Such approval shall be viewed by the Board of Supervisors as being limited to the subject property and shall have no precedential value with respect to future hookups for properties within the County. An exemption to this condition may be granted in the future upon a finding by the Board of Supervisors following a noticed public hearing that a public health hazard exists the solution to which would be the sewerage of existing developed properties within the greater Pasatiempo area wastewater management plan area.

12. The pump station shall incorporate appropriate redundancy features and alarm(s) including, at a minimum (a) a duplex or triplex pump arrangement; (b) emergency back-up generator; and (c) auto-dialer alarm system. The pump system

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design shall be subject to review and approval by the Santa Cruz County Department of Public Works. In addition, all sewage collection pipes shall be designed to protect against infiltration and inflow which is typically 10% of designed wastewater flow (SEW 4).

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13. The relocated habitable equestrian facilities (clubhouse and caretaker's dwelling) shall also be served by the package treatment plant. To fulfill the County's long-range plans for the equestrian park, the collection system that would serve equestrian facilities shall be designed to accommodate twice their expected sewage flow. The County of Santa Cruz shall bear any additional costs associated with collection system upgrades that will serve future public restrooms at the equestrian park (SEW 13).
14. Upon annexation to the Scotts Valley Fire Protection District, the development approval holder shall pay a mitigation fee to the District for improvements to the Sins Road fire station (SERV-9).
15. The development approval holder shall provide water mains within the project site sized to provide a minimum fire flow of 1,000 gallons per-minute for a two-hour duration. Domestic water improvements shall be shown on the engineering improvement plans for the project and installed according to the plans as approved by the County Public Works Department and Scotts Valley Fire Protection District (SERV-11).
16. The development approval holder shall provide standard steamer type fire hydrants within the proposed subdivision, in the number and locations identified by the Scotts Valley Fire Protection District. Hydrant locations shall be shown on the engineering improvement plans for the project and installed according to the plans as approved by County Public Works and the Scotts Valley Fire Protection District (SERV-12).
17. All improvement plans shall be consistent with the Comprehensive Habitat Mitigation Plan (Exhibit D). A plan review letter from the project biologist shall be submitted indicating that the improvement plans comply with the Mitigation Plan. In addition to the financial security required under Condition III.D., the development approval holder shall provide the following additional securities:
 - a. To ensure that construction activities do not impact any individuals or habitat of special status plant species. The amount of this security shall be based on an estimate prepared by the project biologist. This security shall be released to the development approval holder upon completion of the subdivision improvements

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and written conformation from the project biologist that no individuals or habitat of special status species have been impacted or, if such impacts did occur, that they have been fully rectified (BIO-16).

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- b. To ensure the success of any riparian habitat restoration necessitated by construction of project drainage facilities. The amount of this security shall be based on an estimate provided by the project biologist. This security shall be released if restoration after five years is successful as determined by the project biologist and the Department of Fish and Game (BIO-24).
18. The development approval holder shall consent to and not protest the establishment of the CSA described in Condition III.D.3.1., above.
- E. Engineered improvement plans for all water line extensions required by the Santa Cruz Municipal Utilities shall be submitted for the review and approval of the water agency (SERV-1), including the following:
1. The development approval holder shall provide design plans to the Water District for review and approval. Water improvements must be approved by both the District and the County of Santa Cruz Public Works Department prior to the filing of the Final Subdivision Map. Installation of improvements shall be inspected by SCWD and the County Public Works Department prior to permitting occupancy of any dwelling unit (SERV-2).
 2. The development approval holder shall obtain, prior to receiving final approval to construct subdivision improvements, all required City-approved, non-revocable water main right-of-ways and easements on all private roads where City water mains are extended. Such right-of-ways and easements shall be delineated on the Final Subdivision Map (SERV-3).
 3. The development approval holder shall obtain, prior to the issuance of the construction permit, the required Water Main Extension Agreement and Performance, Labor, and Materials Bonds (SERV-4).
- F. A Homeowners Association shall be formed to administer the Covenants, Conditions, and Restrictions (CC&Rs) for this subdivision and assume responsibility for maintenance of all areas under common ownership including streets and emergency access roads. A final copy of the CC&Rs containing all revisions required by the California Department of Real Estate shall be provided to the Planning Department for review and approval prior to recordation. At a minimum, the CC&Rs shall contain the following:

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1. Provide educational material to all residents regarding the need for proper use of landscaping chemicals and the adverse environmental consequences of improper use. This information shall be distributed annually and the requirement to do so shall be made part of the subdivision CC&Rs (HYDRO-11). 600
2. Prohibit the use of non-biodegradable herbicides and pesticides for landscape maintenance (BIO-20).
3. Houses designed to accommodate wood-burning stoves or fireplaces shall be limited to EPA-certified devices (AIR-4).
4. Require that prospective homeowners agree to muffle and shield all intake and exhaust ports on power construction equipment, and shroud all impact tools, and stipulate this as a requirement of all property owners in the Homeowners' Association Agreement.
5. To avoid excessive water use, require the installation and use of water conserving plumbing fixtures. The devices shall include ultra-low-flush toilets (that use a maximum of 1.6 gallons of water per flush) and low-flow shower heads (shower heads that use a maximum of 2.5 gallons of water per minute) (SERV-5).
6. Require project landscaping to use mulch to a minimum depth of three inches as a water conservation measure and as a use for composed yard waste. Special care shall be taken not to increase soil moisture from irrigation, inappropriate landscaping, such as lawns, and run-off from improvements, as these would increase root-rotting fungi. Water-dependent landscaping, such as lawns, and grading within the drip-line of large oaks shall be avoided and made a requirement of all property owners. Periodic inspections of the oak population by a certified arborist on common lots shall be carried out, and recommendations of the arborist implemented by the property owners (SERV-15 and BIO-4).
7. Landscaped areas shall be designed and maintained to minimize concealed areas (SERV-6).
8. Separate dead-bolt locks shall be installed in all residences (SERV-7).
9. To minimize erosion problems on the equestrian trail, implement erosion control measures adjacent to Parcel "E" as a regular part of trail maintenance prior to October 15 of each year. These measures shall include repair of washouts, installation of earthen water bars, ground cover planting at unstable areas directly upslope and down slope of the trail where needed to achieve appropriate drainage flow (GEO-8).

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10. Divert irrigation or potential runoff associated with the proposed project away from retained oaks to guard against fungal root infections (BIO-5).
 11. The Design Guidelines contained in Exhibit "D" shall be incorporated into the CC&Rs.
 12. All requirements of Conditions V. and VII. of this permit shall be included in the CC&Rs.
 13. Monitoring and management as specified by the Comprehensive Habitat Management Plan shall be provided in accordance with Condition IV.A., including, but not limited to the following:
 - a. The oak woodland/redwood forest mosaic.
 - b. The area of the coastal terrace prairie biotic easement.
 - c. The area of the Timber Resource biotic easement.
 14. Participate in the CSA described in Condition III.D.3.1., above. In the event that the CSA lacks adequate funding to sufficiently carry out the requirements included in Condition III.D.3.1., the homeowners' association shall be responsible for implementing all the provisions included in Condition III.D.3.1. in a manner that guarantees sewage treatment and disposal and control of surface drainage at a level typically provided by public agencies dedicated to such purposes.
- G. Enter into and execute a Certification and Participation Agreement with the County Planning Department which provides for affordable housing pursuant to Chapter 17.10 of the County Code. If the affordable units are constructed on site, lots 7, 3, 13, 20, 25, 34, 48, 50, and 60 shown on the tentative map shall be the designated lots meeting this obligation. These specific lots are also used if the payment of in-lieu fees are accepted to meet the affordable housing obligation (LU-2a).
- H. Roadway improvement fees shall be paid for 60 single-family dwelling units. On March 12, 1996, these fees were \$26,105.00, but are subject to change.
- I. Roadside improvement fees shall be paid for 60 single-family dwelling units. On March 12, 1996, these fees were \$70,370.00, but are subject to change.
- J. The development approval holder shall install a traffic signal at the Graham Hill Road/Sims Road intersection. The Subdivision Agreement shall include a repayment agreement between the devel-

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opment approval holder and the County for reimbursement purposes, the details of which shall include a the provision that the repayment shall be interest-free if repayment is within 5 years of the installation and acceptance of the signal by the County and that the County would pay the interest rate earned by the County Treasurer if repayment is after 5 years (TRANS-2).

- K. Child Care Development fees shall be paid for 60 single-family dwelling units. On March 12, 1996, these fees were \$327.00 per three bedroom dwelling unit, but are subject to change.
- L. Submit one reproducible copy of the Final Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.
- M. Enter into an agreement with the County of Santa Cruz, binding to all responsible parties, for the lease of Parcel "C" shown on the tentative map.

IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition III.E. The construction of subdivision improvements shall also meet the following conditions:

- A. Prior to completion of subdivision improvements, implement the approved Comprehensive Habitat Mitigation Plan contained in Exhibit "D" of this subdivision permit. This plan has the following elements:
 - 1. Enhancement of existing prairie habitat through removal of non-native invasive plants (e.g. French Broom);
 - 2. Restoration of 0.9 acres of land to coastal terrace prairie habitat to compensate for the 0.9 acres of prairie habitat removed by the project;
 - 3. Salvage collection of soil, seeds, tubers of special status plant species and other plants native to the prairie habitat in those portion of prairie to be removed for use in prairie restoration efforts;
 - 4. Security bonding to ensure the success of enhancement and restoration efforts during the first five years of implementing the Plan; and
 - 5. Long-term management of preserved biotic resources by the Homeowners Association.

The development approval holder shall be responsible for implementation, management, and monitoring activities for the first 5 years following implementation of the Comprehensive Habitat Miti-

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gation Plan or until the performance standards of the plan are achieved if they are not met at the end of year five. Thereafter, the homeowners' association will assume management and monitoring responsibilities as specified in the Comprehensive Habitat Mitigation Plan.

- B. Prior to project construction, survey the proposed project site to determine the presence or absence of Cooper's hawk. Surveys for this species shall be accomplished by a professional biologist familiar with this species and its requirements, and shall be accomplished during the appropriate season (May-June). Submit documentation containing the methodology, findings, and conclusions of this survey to the CDFG and the County of Santa Cruz Planning Department. If nesting pairs of this species are located within the development area, the report shall contain the precise location and description of the immediate environment. Avoid specific areas found to contain nesting Cooper's hawks by establishing a 300 foot buffer zone around the nest site where no grading or construction would occur until the young have fledged. If accepted survey methodologies are adhered to and no nesting pairs are located within the immediate development area, no mitigation is required (BIO-1).
- C. Within 100 feet of areas to be developed, fence off trees to be retained around their drip-line (approximately equal to the area covered by the tree's canopy) prior to any construction related activities in order to prevent accidental damage due to construction activities. These fences shall remain in place until all construction-related activities have ceased. When digging utility trenches near trees to be retained, all trenching shall be done by hand, and shall stay at least ten feet away from tree trunks. Tunneling below roots to avoid major roots shall be done when feasible. Utility lines and pipes shall be concentrated in as few conduits as possible. Foundations shall be bridged over roots that are unavoidable. Leaf mulch, straw or grass seeds shall be placed on exposed soils as soon as possible to prevent erosion and soil loss (BIO-4).
- D. Prior to beginning construction, designate a construction disturbance coordinator to respond to public complaints regarding noise, dust, and air quality disturbances during site grading and construction of improvements. The telephone number of the disturbance coordinator and the purpose of the telephone number shall be posted on a sign on the site in a manner which makes the sign's information readily visible from off-site. This sign shall be posted and the disturbance coordinator shall be available to resolve noise and dust related problems during the entire grading and site improvement phase of this project (NOISE-3 and AIR-1).
- E. Restrict noisy construction activities for site improvements and individual home sites to the hours of 8:00 a.m. to 7:00 p.m.,

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Monday through Friday, and 9:00 a.m. to 5:00 p.m. on weekends, and stipulate this restriction in all construction contracts for the project (NOISE-1).

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- F. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, 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.
- G. Development of the individual home sites shall proceed with the following elements of a dust abatement program
 1. Paving of the main access road serving the home sites being developed shall occur prior to the start of construction at any of those individual lots (AIR-2).
 2. Sprinkle all unpaved construction areas with water as frequently as needed to ensure that no dust emissions leave the site. (AIR-2).
 3. Cover all trucks hauling soil or debris to or from the site (AIR-2).
 4. Sweep up dirt or debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over these surfaces (AIR-2).
- H. Enter into a Streambed Alteration Agreement with the California Department of Fish and Game for all work proposed in or adjacent to the San Lorenzo River, and comply with all conditions thereof (BIO-21).
- I. 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 other work specifically required by another of these conditions).
- J. 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 (ARCH-1).

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- K. A geologist or soils engineer shall periodically inspect the site during site preparation and construction to evaluate the quality of work, verify compliance with the recommendations and suggest changes in procedures, if necessary. The soils engineer shall be notified at least four working days prior to any site clearing or grading operations on the property in order to observe the excavation and disposal of contaminated materials. The soils engineer/project geologist shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted geotechnical and geologic reports. (GEO-7).
- L. Maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and equipment shall be running only when necessary. Engines shall be shut off when trucks are loading, unloading, or waiting. Equipment shall also be kept in good condition and well-tuned to minimize exhaust emissions (AIR-3).
- M. Prior to project construction, construction fencing of a minimum of 5 feet in height shall be installed around the perimeter of the coastal terrace prairie and the vernal marsh to prevent encroachment by construction vehicles and sidestepping of grading material. The fenced area shall include a 10 foot buffer zone beyond the prairie habitat. Fencing shall be installed to allow an entry corridor (with no buffer zone) where the project access road will be constructed. The final installation of the fencing shall be inspected and approved by a qualified botanist prior to any grading or construction activities on a weekly basis during the construction of all subdivision improvements and make recommendations as appropriate to protect the prairie habitat. This fencing shall remain in place until all site improvements are completed to the satisfaction of the County Public Works and Planning Departments (BIO-13 and BIO-17).
- N. Construction activities for the residences and roadway shall not discharge any construction- or project-related materials and/or fluids into portions of the coastal terrace prairie community to be retained to prevent damage to special status plant species; native vegetation and associated wildlife. Prohibit discharge of any construction or project related materials and fluids into portions of wetland communities to be retained to prevent damage to native vegetation and associated wildlife (BIO-18 and BIO-14).
- O. The development approval holder shall prepare and distribute educational materials to construction workers concerning the sensitive habitat and special status plant species. The development approval holder shall be responsible for obtaining signed documentation from each of the construction workers (currently working on the project) stating that they have been given the educational materials (referenced above) and that they understand that they can be held personally responsible for impacts to spe-

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cial status plant species or coastal terrace prairie habitat due to worker negligence (BIO-15).

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- P. Use construction practices that minimize impact to retained wetlands on-site (e.g., locate construction staging areas away from retained wetlands and install silt fences around retained wetlands prior to construction to avoid sedimentation during the construction phase of the proposed project) (BIO-19).
- Q. Following construction, revegetate all areas along the San Lorenzo River that are disturbed during construction of the storm drain outfall with appropriate California native species. Restoration of the affected area shall be done pursuant to riparian restoration plan reviewed and approved prior to the commencement of restoration by County Planning and the California Department of Fish and Game. This plan shall contain the following provisions: Replacement of removed or damaged riparian vegetation shall be of the same species (if California native) whenever feasible, or with appropriate California native species (when same species is not available as replacement stock or when removed vegetation is non-native). Replacement schedule (ratio of number of plants removed to number planted) for riparian vegetation is set at five-to-one for trees (e.g., if one white alder is removed, killed or substantially damaged during project development, five white alters shall be planted for mitigation), and three-to-one for understory species (BIO-22).
- R. Prevent discharge of any construction or project related materials and fluids into the San Lorenzo River to prevent damage to riparian vegetation, water quality, and associated wildlife. A sediment erosion plan shall be prepared by a qualified consultant for the development approval holder and reviewed and approved by both CDFG and the County Planning Department prior to any project related activities, focusing on measures to eliminate mitigation of sediment-laden runoff into the San Lorenzo River during all phases of project development and use. Construction shall take place during the dry season (April 15 to October 15) (BIO-23).
- S. Notwithstanding the requirements of the subdivision agreement, all required subdivision improvements shall be installed and inspected prior to final inspection clearance for any new structure on the subdivision lots.
- V. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E, above, including the following:
- A. Set back all structures 75 feet from all mapped landslides or the major break-in-slope, whichever is closer to the proposed development site. Structures may be located closer than 75 feet if approved by a registered engineering geologist (GEO-6).

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- B. Prior to issuance of grading or building permits for individual dwellings, the dwelling construction plans and any associated grading plans shall be reviewed and approved by a registered geotechnical engineer to determine that site conditions have not changed from that evaluated in the geotechnical report for the project. Any identified geologic changes will require an addendum to the project geologic report prepared by a registered engineering geologist that addresses the new conditions and shall also identify specific mitigation measures and remediation techniques in areas where slope actability is a concern. The measures may include setbacks, use of stabilization grading, buttress fills, subdrains and the removal of unsuitable soils. The evaluation addendum shall be submitted to the County Geologist for review and approval (GEO-9).
 - C. To minimize the risk of damage from strong ground shaking during an earthquake, all pre-development reports shall be reviewed by a registered engineering geologist and a structural engineer. Structures shall be constructed under the provisions of the most recent edition of the Uniform Building Code (GEO-12).
 - D. Maximize the use of native plants in landscaping inside development envelopes. Any planting outside the development envelopes shall use native plants appropriate to the habitat they are planted in. The following general principles for revegetation and landscaping which shall be adhered to by future homeowners in this project:
 - 1. Trees, shrubs, and other herbaceous plants shall be used which are indigenous to the general development area.
 - 2. The use of aggressive exotic plant species shall be avoided. (BIO-3).
 - E. All highly flammable vegetation shall be removed and maintained 30 feet from all structures. All buildings backing up to the Common Area (Parcel A) shall be provided with a 100-foot clearance (SERV-13).
- VI. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the development approval holder 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 Approval revocation.
- VII. In the event a future timber harvest of the project site is proposed, the following regulations shall apply:
- A. Provide a no-cut or lighter-cut buffer zone of 150 feet along the entire western edge of the subdivision boundary, with a graduated buffer where the lightest cutting is immediately adjacent to the

subdivision boundary and the intensity of marking gradually increases to the edge of the 150-foot zone where the silvicultural prescription for the stand is achieved (TIMB-1).

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- B. Requirements for slash and debris disposal shall exceed those of the local forest practice rules. This is primarily for aesthetic purposes and, to a lesser degree, for fire prevention. The entire area shall be lopped and scattered to a height of 24 inches rather than the 30 inches allowed by law. Within 50 feet of the hiking trail and 150 feet of the subdivision boundary, lop or crunch slash with the metal tracks of a tractor down to a height of 12 inches. Burying, or chipping of slash are other options in appropriate areas (TIMB-2).
 - C. Require extensive grass seeding, strawing, and mulching of the bare areas. This is especially important for bare areas visible from the hiking trail, subdivision, and Ocean Street Extension (TIMB-3).
 - D. Tree removal shall be for habitat management purposes only. No harvesting specifically for commercial purposes is allowed (TIMB-4).
 - E. Interplant coniferous seedlings after harvest is recommended in the areas where the canopy has been opened (TIMB-5).
 - F. Close the hiking trail during the period of active harvesting (TIMB-6).
 - G. Limit the hours of timber harvesting operation from 7:30 a.m. - 4:00 p.m., and prohibit weekend work (TIMB-7).
 - H. Initiate an education and publicity program directed toward users of the trail and residents of the adjacent subdivisions. This shall be carried out at least one or two years prior to harvest through mailings and public meetings. Input and recommendations from concerned neighbors shall be sought, and, where feasible, incorporated into the Timber Harvesting Plan (TIMB-8).
 - I. Implement Condition II.D.3.a. to place forested lands (including the "TP" zone) in the common area under a special conservation easement (TIMB-9).
- VIII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY which action is brought within the time period provided for in Government Code Section 66499.37.

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- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to promptly notify the Development Approval Holder of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY.
- 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:
- a. COUNTY bears its own attorney's fees and costs; and
 - b. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

IX. Mitigation Monitoring Program

The mitigation measures contained in Exhibit "E" of this permit have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, the monitoring and reporting program contained in Exhibit "E", is hereby adopted as a condition of approval for this project. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE.

Nathaniel Taylor for S.H. Cowell Foundation
Application No. 90-1245
APN: 061-321-44

Conditions of Approval

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This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 10-day appeal period. The Final Map for this division, including improvement plans, should be submitted to the County Surveyor for checking at least 90 days prior to the expiration date and in no event later than 3 weeks prior to the expiration date.

cc: County Surveyor

Approval Date: November 26, 1996

Effective Date: December 27, 1996

Expiration Date: December 27, 1998

bill

REZONING FINDINGS:

1. **THE PROPOSED ZONE DISTRICT WILL ALLOW A DENSITY OF DEVELOPMENT AND TYPES OF USES WHICH ARE CONSISTENT WITH THE OBJECTIVES AND LAND-USE DESIGNATIONS OF THE ADOPTED GENERAL PLAN.**

Subject to the concurrent approval of the proposed General Plan amendment, the proposed "R-1-15" and "PR" zone districts will allow a density of development and types of uses which are consistent with the objectives and land-use designations of the adopted General Plan in that the proposed zones would implement the current and proposed land use designations.

2. **THE PROPOSED ZONE DISTRICT IS APPROPRIATE OF THE LEVEL OF UTILITIES AND COMMUNITY SERVICE AVAILABLE TO THE LAND.**

Subject to the concurrent approval of the proposed General Plan amendment, the proposed "R-1-15" and "PR" zone districts are appropriate of the level of utilities and community service available to the land in that the property is located with the County Urban Services Line and the conditions of project approval stipulate the development of a package treatment plant to handle sewage disposal and that future residences connect to municipal water. A municipal transit service route operates on Graham Hill Road to serve the project and streets and roads are adequate to provide access to the property.

3. a) **THE CHARACTER OF DEVELOPMENT IN THE AREA WHERE THE LAND IS LOCATED HAS CHANGED OR IS CHANGING TO SUCH A DEGREE THAT THE PUBLIC INTEREST WILL BE BETTER SERVED BY A DIFFERENT ZONE DISTRICT; OR,**
b) **THE PROPOSED REZONING IS NECESSARY TO PROVIDE FOR A COMMUNITY RELATED USE WHICH WAS NOT ANTICIPATED WHEN THE ZONING PLAN WAS ADOPTED; OR,**
c) **THE PRESENT ZONING IS THE RESULT OF AN ERROR; OR,**
d) **THE PRESENT ZONING IS INCONSISTENT WITH THE DESIGNATION SHOWN ON THE GENERAL PLAN,**

Subject to the concurrent approval of the proposed General Plan amendment, the proposed "R-1-15" and "PR" zone districts will implement the General Plan land use designations of the property and allow development to occur which will accommodate the forecasted increase in County population and the change in the land uses of the site.

SUBDIVISION FINDINGS:

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1. **THAT THE PROPOSED SUBDIVISION MEETS ALL REQUIREMENTS OR CONDITIONS OF THE SUBDIVISION ORDINANCE AND THE STATE SUBDIVISION MAP ACT.**

Subject to the concurrent approval of the proposed General Plan amendment, the rezoning, and the roadway/roadside exception, the proposed division of land meets all requirements and conditions of the County Subdivision ordinance and the State Map Act in that the project meets the technical requirements of the Subdivision ordinance and is consistent with the County General Plan and the zoning ordinance as set forth in the findings below.

2. **THAT THE PROPOSED SUBDIVISION, ITS DESIGN, AND ITS IMPROVEMENTS, ARE CONSISTENT WITH THE GENERAL PLAN, AND THE AREA GENERAL PLAN OR SPECIFIC PLAN, IF ANY.**

Subject to the concurrent approval of the proposed General Plan amendment, the rezoning, and the roadway/roadside exception, the proposed division of land, its design, and its improvements, are consistent with the General Plan in that this project, which creates 60 parcels averaging 23,337 square feet, is located in the Residential, Urban Very Low density land use designation. The Mountain Residential portion of the property would remain undeveloped with the exception of an equestrian trail. The density of the residential subdivision equals one dwelling unit per 1.01 acres of net developable area. The subdivision also creates a 20 acre future park site which would be located in the Parks and Recreation land use designation, a 0.5 acre parcel to accommodate a package treatment plant, and 1.0 acre equestrian to be dedicated for public use.

The project is consistent with the General Plan in that the project is within the Urban Services Line and the density of the residential subdivision was determined by considering the terrain of the property. The land division is located on a designated arterial street that provides satisfactory access. The residential portion of the proposed subdivision is similar to the pattern and density of residential development in the nearby neighborhoods. The design of the subdivision employs clustering to protect natural amenities, resources, and open space and offers a sufficient transition from the more intense development nearer the center of the Urban Services area to rural areas adjacent to the subdivision.

The recreational segment of the project is consistent with the General Plan in that the equestrian use of the property will implement the parcel specific program of the General Plan which specifies the establishment of "a regional Equestrian facility at the Graham Hill Showgrounds in conjunction with the facilities utilized by the Santa Cruz County Horsemen's Association."

Further, future development resulting from the subdivision will not be located in a hazardous or environmentally sensitive area and protects natural resources by expanding in an area designated for this type of land use and development as described in the Environmental Impact Report.

3. THAT THE PROPOSED SUBDIVISION COMPLIES WITH ZONING ORDINANCE PROVISIONS AS TO USES OF LAND, LOT SIZES AND DIMENSIONS AND ANY OTHER APPLICABLE REGULATIONS. 663

Subject to the concurrent approval of the proposed General Plan amendment, the rezoning, and the roadway/roadside exception, the proposed subdivision complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be either residential or recreational in nature, lot sizes meet the minimum dimensional standard for the "R-1-15" and "PR" zone districts where the individual land uses would be located and all yard setbacks will be consistent with zoning standards.

4. THAT THE SITE OF THE PROPOSED SUBDIVISION IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF DEVELOPMENT.

The site of the proposed division of land is physically suitable for the type and density of development in that topography challenging to development is avoided, a geologic and geotechnical reports prepared for the property concludes that the site is suitable for the land division, the existing property is shaped to provide for efficient development of the property, and the proposed parcels offer a traditional arrangement and shape to insure development without the need for site standard exceptions or variances. No environmental constraints exist to the extent which necessitate that the area remain fully undeveloped.

The recommended conditions for project approval include a requirement that the developer contribute a fair share amount to cover the cost of installing a traffic signal which is necessary to insure an acceptable level of service at this intersection, payment of Transportation Area Improvement in-lieu fees, construction of improvements to Graham Hill Road to provide for pedestrian and bicycle movements which will increase as a result of this development, improving one bus stop along Graham Hill Road to accommodate the anticipated increased use of public transit, and construction of a left turn pocket at the northbound approach at the project entry to reduce vehicular conflicts and insure safe access to the site.

5. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE NOR SUBSTANTIAL AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The design of the proposed division of land and its improvements will not cause environmental damage nor substantially and avoidably injure fish or wildlife or their habitat in that an Environmental Impact Report was prepared for this project in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines. This document discloses that all environmental impacts associated with the project can be reduced to an insignificant level provided all recommended mitigation measures are implemented.

Implementation of the Comprehensive Habitat Mitigation Plan and construction of a package treatment plant to handle domestic sewage will reduce potential impacts to sensitive biotic habitats and water quality in the San Lorenzo River to a less than significant.

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6. THAT THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed division of land or its improvements will not cause serious public health problems in that municipal water is available to serve the project and safe disposal of sewage can be attained by the construction of a package treatment plant. Proposed drainage improvements will avoid impacts such as increase siltation in San Lorenzo River and hillside erosion.

7. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH, OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no encumbrances are known to burden the title of the property. A private easement crossing the property and providing legal access to a parcel owned by Paradise Park is the subject of an agreement between the Cowell Foundation and Paradise Park and has been incorporated into the subdivision plan.

8. THE DESIGN OF THE PROPOSED SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES.

The design of the proposed subdivision provides to the fullest extent possible, the ability to utilize passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities.

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ROADWAY/ROADSIDE EXCEPTION FINDINGS:

1. THE IMPROVEMENTS ARE NOT APPROPRIATE DUE TO THE CHARACTER OF DEVELOPMENT IN THE AREA AND THE LACK OF SUCH IMPROVEMENTS ON SURROUNDING DEVELOPED PROPERTY.

The improvements are not appropriate due to the character of development in the area and the lack of such improvements on surrounding developed property in that most of the street improvements in the area are characterized by incomplete roadside improvements (curb, gutter, or sidewalks). An example of this attribute is the entire Pasatiempo neighborhood located across Graham Hill Road, a residential subdivision south of the project, and Rolling Woods Subdivision located northeast of the project. The project site is located in a transitional area between more conventional higher density development within the Urban Services Line and rural patterns of development. The proposed streets will be maintained by a homeowners' association and remain privately owned. Thus, requiring the standard street design is not appropriate based on the character of surrounding improvements and that these improvements are neither standard nor appropriate to the area.

2. THE IMPROVEMENTS WOULD BE LOCATED IN AN ENVIRONMENTALLY SENSITIVE AREA AS SHOWN BY INFORMATION ON FILE IN THE PLANNING DEPARTMENT; AND THE IMPACTS CANNOT BE SATISFACTORILY MITIGATED.

The Environmental Impact Report for this project notes that of the approximately 170 acre project site, 138 acres are forest communities, 8.7 acres are coastal terrace prairie,, 1.6 acres are vernal marsh, and 22.5 acres are non-native grassland. Coast live oak woodland constitutes a large segment of forest community. Oak woodlands are considered critical habitat for many bird and mammal species and falls among the top three habitat types in California in terms of concentration and diversity of wildlife.

Additionally, four special status plant species have been identified on the property: Santa Cruz tarplant, Gairdner's yampah, San Francisco popcorn flower, and Santa Cruz clover.

Construction of road widths that conform to the Santa Cruz County Design Criteria Manual would result in the elimination of approximately 1,800 square feet of additional coastal terrace prairie (a sensitive biotic community), and the removal of an additional 11,880 square feet of forest community. For this reason, a minimum amount of site disturbance is proposed to limit the impact on these resources. The reduced road widths are one element to achieve satisfactory mitigation of project impacts.

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CEQA FINDINGS:

The California Environmental Quality Act and County Environmental Review Guidelines require that when an EIR has been completed for a project which identifies one or more significant environmental effects for the project, the public agency shall not approve said project unless one or more of the following findings can be made:

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1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final Environmental Impact Report.
2. Such changes or alterations are with the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency.
3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final Environmental Impact Report.

The final Environmental Impact Report (EIR) and Addendum for the Cowell/Graham Hill Show Grounds project was considered by the Board of Supervisors. The EIR has identified as significant the impacts described below. Changes have been incorporated into project or mitigations have been required as permit conditions which reduce all identified impacts to levels of insignificance. Project revisions and/or mitigations are described below each statement of impact.

LAND USE

Impacts: Some of the provisions of the proposed Design Guidelines are inconsistent with County policies and regulations. Affordable housing has not been provided by the project according to the various methods permitted by County Code Chapter 17.10 (County's Affordable Housing Ordinance).

Mitigation Measure LU-1: The proposed Design Guidelines should be revised according to that specified in the FEIR.

Mitigation Measure LU-2: The tentative map should be revised to designate 9 lots for affordable housing distributed throughout the project and the applicant should construct affordable housing on each of these lots consistent with the requirements of County Code Chapter 17.10.

Finding: The permit has been conditioned to require the necessary revisions of the Design Guidelines prior to recordation of the tentative map. The applicant has revised the tentative map to designate 9 lots throughout the subdivision for affordable housing. The permit has been conditioned to require that the applicant construct affordable housing on each of these

lots according to the the schedule and requirements specified in County Code Chapter 17.10. These changes effectively mitigate land use impacts to insignificant levels.

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GEOLOGY, SOILS AND SEISMICITY

Impacts: Development on the project site creates a potential for slope failure. Geologic reports identify active, potentially active and dormant landslides on the site. Residents could be exposed to risk and injury during an earthquake. Project construction would cause short-term increases in erosion from grading. Construction and use of the equestrian trail on the steep slope would also increase erosion at this location.

Mitigation Measure GEO-1: Minimize grading during construction.

Mitigation Measure GEO-2: Minimize the removal of natural vegetative cover on slopes and revegetate graded or stripped areas as soon as possible following construction and in no case later than October 15.

Mitigation Measure GEO-3: Direct drainage away from unstable slopes.

Mitigation Measure GEO-4: Keep all major drainages free of debris. Construct sediment traps and clean them out prior to the rainy season at each major drainage.

Mitigation Measure GEO-5: No longer applicable to the current project because it address septic tank systems

Mitigation Measure GEO-6: Setback structures 75 feet from all mapped landslides and major breaks in slope. Structures may be moved closer than 75 feet if approved by an engineering geologist.

Mitigation Measure GEO-7: A geologist or soils engineer shall be present during the site preparation and construction to evaluate the quality of work, verify compliance with report recommendations and recommend changes in procedures, if necessary. The geotechnical engineer (or geologist) shall be notified at least 4 working days prior to any site clearing or grading operations in order to observe the excavation and disposal of contaminated materials.

Mitigation Measure GEO-8: Implement erosion control measures on the equestrian trail each year prior to October 15 as routine trail maintenance. These measures shall include repair of washouts from the previous winter, installation of water bars, ground cover planting at unstable areas and corrections of drainage and hillside stability problems.

Mitigation Measure GEO-9: Prior to issuance of Grading or Building Permits for individual dwellings, the dwelling construction plans shall be reviewed and approved by a registered engineering geologist to determine that site conditions have not changed from that evaluated in the project geologic report. Any identified changes will require an addendum to the project geologic report that addresses the new conditions and shall also identify

specific mitigation measures and remediation techniques to areas where slope stability is a concern. The measures may include setbacks, use of stabilization grading, buttress fills, subdrains and the removal of unsuitable soils. The addendum shall be submitted to the County Planning Geologist for review and approval.

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Mitigation Measure GEO-10: Deleted in the Final EIR

Mitigation Measure GEO-11: Design cuts and fills to balance as nearly as possible to avoid hauling excavated material off-site.

Mitigation Measure GEO-12: To minimize the risk of damage from strong earthquakes, all pre-development reports shall be reviewed by a registered engineering geologist and structural engineer. Structures shall be constructed according to their recommendations and the provisions of the most recent edition of the Uniform Building Code.

Finding: The permit has been conditioned to require all applicable mitigation measures discussed above. GEO-5 has not been incorporated because individual septic tank systems will not be used in this project. GEO-10 was deleted from the EIR in the FEIR volume to recognize that all grading should be kept to a minimum. The revised project drainage plan, discussed in the FEIR volume of the EIR, incorporates GEO-3 and GEO-4. The mitigation monitoring and reporting program, which has been incorporated into this permit as Exhibit "E", explains in greater detail how each applicable mitigation measure will be implemented. The incorporation of these mitigation measures in the permit reduce geology and soils impact to levels of insignificance.

SURFACE AND GROUNDWATER HYDROLOGY

Impacts: Increased runoff could increase channel and hillside erosion on the site which would lead to sedimentation problems downstream including adding a sediment load to the San Lorenzo River. The construction of storm drainage improvements on and near hillsides may cause increased erosion and soil instability problems on steep slopes. Grading and excavation for roads could increase soil erosion on the project site. Post-construction use of the site would increase the type and amount of non-point source pollutants entering local drainages and the San Lorenzo River. The conversion of the site from largely wooded open space to residential development would change the character of runoff to that which contains a higher concentration of grease, oil, heavy metals, street litter and bacteria.

Mitigation Measure HYDRO-1: Analyze existing channel conditions and the expected velocity of the project storm water runoff to assure stable channel conditions for the project design runoff flows. Suitable channel protection and/or modification shall be completed to the satisfaction of the County Public Works and Planning Departments.

Mitigation Measure HYDRO-2: Complete a detailed hydraulic analysis and comprehensive engineered drainage plan for the review and approval by the County Planning Geologist and the the Santa Cruz County Department of Pub-

lic Works prior to recordation of the Final Subdivision Map. The analysis and plan shall address the issues of hillside disturbance, storm drain protection and maintenance, outfall protection (energy dissipater) and shall be completed prior to recordation of the Final Subdivision Map and issuance of any Building Permits.

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Mitigation Measure HYDRO-3: An erosion control plan shall be completed by a civil engineer or certified erosion control specialist to minimize impacts from erosion and sedimentation during grading. This plan shall be reviewed and approved by County Planning Department prior to recordation of the Final Subdivision Map and shall conform to all standards adopted by the County of Santa Cruz.

Mitigation Measure HYDRO-4: After construction is completed, all storm drains shall be inspected for accumulated sediment and storm drain damage prior to October 15 and between April 15 and May 15 and during each month there is rain during during November through March each year. Where sediment has accumulated, these structures shall be cleared of debris and sediment and repaired as needed.

Mitigation Measure HYDRO-5: Obtain NPDES stormwater discharge permit which applies to grading of 5 or more acres of land and comply with all requirements of that permit.

Mitigation Measure HYDRO-6: Maintain existing natural vegetated channels and swales and incorporate detention areas in their natural vegetated channels wherever practical. Detention ponds shall be sized according to County standards and shall support vegetation in the winter. Where removal of vegetation is necessary, replant all exposed soil surfaces with ground cover native to the immediate area.

Mitigation Measure HYDRO-7: Incorporate measures for the control of street litter to minimize potential aesthetic impacts to downstream receiving waters. This may be achieved by the installation of silt and grease traps as well as trash racks at storm drain inlets. All silt and grease traps shall be permanently maintained on a regular basis according to a monitoring and maintenance program that inspects and conducts maintenance on a frequency identical to that specified by mitigation measure HYDRO-4.

Mitigation Measure HYDRO-8: Drainage system design shall be modified to specifically incorporate natural detention areas or other suitable measures to assure that animal wastes from the show grounds area are contained on-site so as to prevent water quality degradation to the San Lorenzo River. This modification shall be incorporated into the plan described in mitigation measure HYDRO-2.

Mitigation Measure HYDRO-9: Following construction and County approval of the project drainage facilities, the applicant shall establish a County Service Area (CSA) for the permanent maintenance of these facilities by the County or another public agency under contract to the County for this purpose. The CSA established for the operation of the package treatment plant shall be extended to include drainage facilities maintenance.

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Mitigation Measure HYDRO-10: The development plan for the future equestrian park shall include a detailed design of all new horse trail/intermittent stream crossings and a 3 foot earthen berm around the perimeter of the show grounds at Parcel C. The development plan design shall incorporate appropriate measures to prevent the direct runoff or deposition of animal wastes and eroded soil into stream channels. Additionally, at a minimum, annual inspections shall be made of horse trails for clean-up of manure and repair of erosion damage prior to the rainy season. This shall be the responsibility of the operators of the show grounds equestrian facilities and shall be identified as part of the Development Permit for future park development.

Mitigation Measure HYDRO-11: The homeowners' association for the subdivision shall provide education material to all residents regarding the need for proper use of landscaping chemicals and adverse environmental consequences of improper use. This information shall be distributed annually and the requirement to do so shall be made part of the CC&Rs for the subdivision.

Finding: The permit has been conditioned to require all the mitigation measures specified above. The project's preliminary drainage plan, which is discussed in the Final EIR volume, incorporates the requirements of HYDRO-1, HYDRO-2, HYDRO-6 and HYDRO-8. The detailed final engineered drainage plan will be consistent with the preliminary plan. HYDRO-1 through HYDRO-6 and HYDRO-8 and HYDRO-9 have been made requirements for the applicant to fulfill prior to recordation of the Final Subdivision Map. The permit has been conditioned to ensure that HYDRO-4, HYDRO-7 and HYDRO-11 become an on-going permanent responsibilities of the homeowners' association for the subdivision. HYDRO-10 has been made a responsibility of the entity that will manage the future equestrian park. The mitigation monitoring and reporting program which is incorporated into the permit as Exhibit "E", provides a detailed description of how each of these conditions will be implemented. The incorporation of these mitigation measures into project plans or the permit ensure that all impacts related to hydrology will be reduced to insignificant levels

DOMESTIC SEWAGE TREATMENT AND DISPOSAL

Impacts: The installation of individual sewage disposal systems on parcels with shallow or "perched" groundwater could result in functioning problems with the system and deterioration of the groundwater quality because the leachfield may intercept groundwater. This could result in significant nitrate loading in the San Lorenzo River. For this reason, a package treatment plant with a project serving sewer collections system has been analyzed as part of the proposed project.

Mitigation Measure SEW1: Install a package treatment plant that provides the level of treatment required by the City of Scotts Valley and the RWQCB with effluent discharge to the Scotts Valley - Santa Cruz wastewater treatment plant transmission line to eliminate all wastewater disposal on the project site. The package treatment plant shall be designed to produce

effluent quality that meets requirements of Title 22, California Administrative Code, for unrestricted reclamation uses. If the City of Scotts Valley does not grant permission for the use of the transmission line, then implement mitigation measure SEW2 below. 624

Mitigation Measure SEW7: Install a package treatment plant that provides enhanced nitrogen removal with a community leachfield. Additional percolation testing shall be completed in the area of the proposed community leachfield and the system design shall be prepared to the satisfaction of the Santa Cruz County Environmental Health Service and the Department of Public Works. The package treatment plant shall be designed and operated to provide enhanced nitrogen removal, such that final effluent quality demonstrates at least a 50 percent reduction in total nitrogen as compared with conventional septic tank effluent, or;

Mitigation Measure SEW3: Deleted because the form of treatment and disposal recommended by this mitigation measure is no longer being considered by the applicant for this project.

Mitigation Measure SEW4: The pump station shall incorporate appropriate redundancy features and alarm(s) including, at a minimum (a) a duplex or triplex pump arrangement; (b) emergency back-up generator; and (c) auto-dialer alarm system. The pump system design shall be subject to review and approval by the Santa Cruz County Department of Public Works. In addition, all sewage collection pipes shall be sized to allow for infiltration and inflow which is typically 10% of designed wastewater flow.

Mitigation Measure SEW5: Deleted for the same reason as deleting mitigation measure SEW3.

Mitigation Measure SEW6: Deleted for the same reason as deleting mitigation measure SEW3.

Mitigation Measure SEW7: Deleted because the form of treatment and disposal recommended by this mitigation measure is no longer being considered by the applicant for this project.

Mitigation Measure SEW8: Deleted for the same reason as deleting mitigation measure SEW3.

Mitigation Measure SEW9: Deleted because a package treatment has now been proposed by the applicant for this project.

Mitigation Measure SEW-10: Deleted pursuant to Final EIR revisions because individual sewage disposal systems have been deleted from this project.

Mitigation Measure SEW11: Deleted because the form of treatment and disposal recommended by this mitigation measure is no longer being considered by the applicant for this project.

Mitigation Measure SEW12: Deleted pursuant to Final EIR revisions because individual sewage disposal systems have been deleted from this project.

Mitigation Measure SEW13: The relocated habitable equestrian facilities (clubhouse and caretaker's dwelling) shall also be served by the package treatment plant. To fulfill the County's long-range plans for the equestrian park, the collection system that would serve equestrian facilities shall be designed to accommodate twice their expected sewage flow. Collection system upgrades would facilitate sewage collection from future park facilities such as a public restroom. The County of Santa Cruz could share in any additional costs associated with collection system upgrades that will serve future public restrooms at the equestrian park. 622

Finding: The project has been revised to replace individual sewage disposal systems with a single package treatment plant that will collect domestic sewage from the project homes and the future equestrian park by a sewer collection system as recommended by mitigation measures SEW1 and SEW2. The design of the plant's disposal system will ensure that no significant nitrate loading will occur in the groundwater or the San Lorenzo River. Mitigation measures SEW4 has been made a condition of the permit to ensure the package treatment and its disposal system function adequately without generating significant impacts. Incorporation of all the measures into project plans and the permit conditions will ensure that impacts related to sewage treatment and disposal will be reduced to levels of insignificance. The mitigation monitoring and reporting program which has been incorporated into the permit as Exhibit "E", describes in greater detail how these measures will be implemented.

Mitigation measures SEW3, SEW5, SEW6, SEW7, SEW8 and SEW11 are no longer applicable to the project because the project will not use a storage reservoir and spray irrigation method of sewage disposal which is the subject of these 4 measures. Mitigation measures SEW10 and SEW12, which address the use of individual sewage disposal systems, are also no longer applicable to the project due to the redesign of the project's method of sewage disposal as discussed in the preceding paragraph of this finding.

BIOTIC RESOURCES

Impacts: Project development would adversely affect special status plant species which occur in the coastal terrace prairie habitat on-site, including Santa Cruz tarplant, Gairdener's yanpah, San Francisco popcorn flower and Santa Cruz clover by accidental destruction during construction, change in hydrologic regime, increased shade, habitat fragmentation, alteration of native plant patterns, introduction of domestic animals and increased human use and disturbance in the area. The development of lots 9 and 10 and the construction of Henry Cowell Drive would directly remove 400 yanpah plants and one popcorn flower plant. The development of lots 5-11 and the entrance of Henry Cowell Drive will remove 0.9 acres of rare coastal terrace prairie habitat. In addition, the indirect impacts to the special status plant species previously listed in this paragraph, will result in the functional loss of 7.8 additional acres of coastal terrace prairie. Project development may also adversely affect Cooper's hawks if they are nesting on the site during construction. Of a total of 138 acres of mixed evergreen forest community, the project will remove 46 acres of forest community and

the equestrian park will remove an additional 3.7 acres of coast live oak forest.

(e23)

Mitigation Measure B-1: Prior to project construction, survey the proposed project site to determine the presence or absence of Cooper's hawk. Surveys for this species shall be accomplished by a professional biologist familiar with this species and its requirements, and shall be accomplished during the appropriate season (May-June). Submit documentation containing the methodology, findings, and conclusions of this survey to the CDFG and the County of Santa Cruz. If nesting pairs of this species are located within the development area, the report shall contain the precise location and description of the immediate environment. Avoid specific areas found to contain nesting Cooper's hawks by establishing a 300 foot buffer zone around the nest site where no grading or construction would occur until the young have fledged. If accepted survey methodologies are adhered to and no nesting pairs are located within the immediate development area, no mitigation is required.

Mitigation Measure BIO-2: As part of the Comprehensive Habitat Mitigation Plan, the project sponsor has proposed to place a special conservation easement on the 65.5 acres of forest habitat located within the common area. Preservation of this habitat, in addition to implementation of measures BIO-5 and BIO-7 will reduce potential impacts to Cooper's hawks to less than significant levels.

Mitigation Measure BIO-3: Whenever possible, use native plants in landscaping inside development envelopes. Any planting outside the development envelopes shall use native plants appropriate to the habitat they are planted in. These plants provide food for regional wildlife, and nesting and resting areas for common bird species. Additionally, these species have relatively low water and maintenance requirements. The California Native Plant Society has set forth the following general principles for revegetation and landscaping which shall be adhered to by future homeowners in this project:

Trees, shrubs, and other herbaceous plants shall be used which are indigenous to the general development area.

The use of aggressive exotic plant species shall be avoided. Where aggressive exotics could threaten native flora (e.g., the use of French broom in landscaping), this fact shall be made of record.

Mitigation Measure BIO-4: Fence off trees to be retained around their drip-line (approximately equal to the area covered by the tree's canopy) prior to any construction related activities in order to prevent accidental damage due to construction activities. These fences shall remain in place until all construction-related activities have ceased. When digging utility trenches near trees to be retained, all trenching shall be done by hand, and shall stay at least ten feet away from tree trunks. Tunneling below roots to avoid major roots shall be done when feasible. Utility lines and pipes shall be concentrated in as few conduits as possible. Foundations shall be bridged over roots that are unavoidable. Leaf mulch, straw or

grass seeds shall be placed on exposed soils as soon as possible to prevent erosion and soil loss. Generally, avoid filling or paving in close proximity to tree trunks. 624

Special care shall be taken not to increase soil moisture from irrigation, inappropriate landscaping and run-off from improvements, as these would increase root-rotting fungi. Water-dependent landscaping, such as lawns, and grading within the drip-line of large oaks shall be avoided and made a requirement of all property owners stipulated in the Homeowner's Association Agreement for the project. Periodic inspections of the population by a certified arborist on common lots shall be carried out, and recommendations of the arborist implemented by the property owners.

Mitigation Measure BIO-5: Divert irrigation or potential runoff associated with the proposed project away from retained oaks to guard against fungal root infections.

Mitigation Measure BIO-6: The project applicant has proposed to place a special conservation easement over the 65.5 acres of forest within the common area (outside the development area). This land would then be permanently dedicated as forest habitat in perpetuity. This conservation easement shall recognize the protected land is designated as "Timber Resource" and therefore will permit timber harvesting that is done in a sustainable and ecologically sound manner. The conservation easement document shall be reviewed and approved by County Planning Staff and County Counsel prior to recordation on the subdivision map. The operations and maintenance of the forest common area shall be the responsibility of the Homeowners' Association.

Mitigation Measure BIO-7: The County of Santa Cruz Department of Parks and Recreation shall identify 3.7 acres off-site of either (1) degraded woodland or forest habitat to be enhanced or (2) degraded non-native grassland or ruderal habitat to be planted in oak woodland or mixed forest habitat. This land, if not already protected, would have a conservation easement placed upon it in perpetuity. The conservation easement document shall be reviewed and approved by County Planning staff and County Counsel prior to approval of a new park plan. The operations and maintenance of the forest mitigation site shall be the responsibility of the County of Santa Cruz Department of Parks and Recreation and may be implemented on publicly owned lands. In either case, the County of Santa Cruz Department of Parks and Recreation shall be responsible for development of a tree revegetation plan.

The Tree Revegetation Plan shall consist of an implementation and a monitoring component and shall include the following provisions:

Trees shall be planted using locally grown or harvested stock. Acorns or seedlings would be preferable because they have been shown to have greater survivability and growth than larger, container-grown stock. Spacing shall range from 5 feet to 15 feet, depending on species, location and size of initial planting. The final replacement plan shall be subject to review by CDFG and the County Planning staff.

Replacement trees shall be planted as contiguous habitat, and not as isolated, scattered trees, to provide similar community structure and habitat value for wildlife. 625

Only species native to the project site shall be used. Some of the plant source material could be collected in the project area, such as from trees that will be lost to construction activities. This material could be supplemented by commercially available native species (not cultivars) where insufficient plant material is available on-site or where collection of plant material is determined to have a negative effect on existing resources. Container plants shall be grown from material collected on the project site, in the vicinity, or within the region.

Planted trees shall be protected from browsing by deer, rodents, and insects, through the use of collars and screens. A metal, rust-resistant collar located below the ground surface would discourage gopher and other rodent damage, promote deep rooting, and anchor the screen. Screens would protect plants from browsing, shade young plants; and allow some accumulation of moisture at night. An area of at least three feet in diameter shall be cleared of vegetation around each planted tree or shrub to reduce competition for water and nutrients and to minimize crowding out of desired species. A weed mat or minimum 3-inch mulch shall be applied in each planting basin.

Container stock, seeds, and cuttings of woody vegetation shall be planted in the fall to early winter following the onset of the rainy season when moisture levels should be adequate for planting site preparation, as determined by the revegetation contractor.

Mitigation planting areas shall be protected by a conservation easement or other deed restriction. Fuel modification (periodic mowing) shall not be allowed.

Mitigation Measure BIO-8: The County of Santa Cruz Department of Parks and Recreation shall develop a Revegetation Plan, that will include the following documents, for review by CDFG and County Planning Staff.

A planting program prepared at 100-foot-scale.

A final irrigation plan (if necessary) prepared at 100-foot-scale. This plan shall include specifications on installation and a schedule identifying the frequency of irrigation.

Calculations of areas and numbers of trees for woodland/forest proposed to be created or enhanced. The species of trees proposed for planting and locations of proposed plantings shall also be identified.

The plan shall also include: (1) stated performance standards, (2) contingency plan elements, and (3) monitoring plan requirements. All of the components of the Plan shall be determined to be sufficient by

CDFG and County Planning staff to ensure the long-term success of the mitigation.

Mitigation Measure BIO-9: The Oka Forest Mitigation Plan for the development of the equestrian park shall identify monitoring and management techniques for a minimum of 5 years following implementation. The plan shall establish success criteria (performance standards) and remediation techniques (contingency plans) if the criteria are not met. Appropriate data sampling and statistical treatment of data shall be developed and utilized. The equestrian park's monitoring and management plan shall include the following components:

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Plant survival shall be evaluated with field surveys. Individual trees shall be tagged during the first year of implementation, catalogued in a data base, and surveyed for survival, growth, and vigor. Monitoring reports will be prepared annually and submitted to CDFG and County Planning. If at any point during the five-year monitoring period, the mitigation plan is judged to have not been successful, the mitigation action shall be re-initiated, after modification as necessary, and monitored until judged successful.

The annual reports shall include monitoring data and shall discuss any corrective actions undertaken. At the end of the 5th year of the mitigation program the report shall evaluate the success of the project against the performance standards. If a portion of the mitigation plan fails to meet the specified criteria, the County of Santa Cruz Department of Parks and Recreation shall implement additional mitigation designed to mitigate impacts, as directed by County Planning.

Mitigation Measure BIO-10: A preliminary plan (based on the elements in BIO-8 and BIO-9b) shall be submitted for review to CDFG and County Planning prior to approval of the design of the equestrian park.

Mitigation Measure BIO-11: The project sponsor shall implement the approved Comprehensive Habitat Mitigation Plan, which has become an exhibit to the subdivision permit. This plan has the following elements:

- a. Enhancement of existing prairie habitat through removal of non-native invasive plants (e.g. French Broom);
- b. Restoration of 0.9 acres of land to coastal terrace prairie habitat to compensate for the 0.9 acres of prairie habitat removed by the project;
- c. Salvage collection of soil, seeds, tubers of special status plant species and other plants native to the prairie habitat in those portion of prairie to be removed for use in prairie restoration efforts;
- d. Security bonding to ensure the success of enhancement and restoration efforts during the first five years of implementing the Plan; and

- e. Long-term management of preserved biotic resources by the Homeowners' Association.

The homeowners' association for the development shall provide educational material to all residents regarding the need for proper use of landscaping chemicals and the adverse environmental consequences of improper use. The information shall be distributed annually and the requirement to do so shall be made a part of the subdivision CCRs. 627

Mitigation Measure BIO-12: The proposed project has been redesigned to reduce impacts to Coastal Terrace prairie and special status plant species. The prairie (special status plant species habitat) to be retained and re-stored on-site will be protected under a biotic conservation easement as proposed by the applicant, in perpetuity. The "protected land" includes that portion of Parcel A now in prairie habitat and the additional 0.9 acres north of the vernal marsh to be restored to prairie habitat. The conservation easement document shall be reviewed and approved by County Planning staff and County Counsel prior to recordation of the subdivision map.

Mitigation Measure BIO-13: Prior to project construction, construction fencing of a minimum of 5 feet in height shall be installed around the perimeter of the coastal terrace prairie to prevent encroachment by construction vehicles and sidcasting of grading material. The fenced area shall include a 10 foot buffer zone beyond the prairie habitat. Fencing shall be installed to allow an entry corridor (with no buffer zone) where the project access road will be constructed. The final installation of the fencing shall be inspected and approved by a qualified botanist prior to any grading or construction activities on a weekly basis during the construction of all subdivision improvements and make recommendations as appropriate to protect the prairie habitat.

Mitigation Measure BIO-14: Construction activities for the residences and roadway shall avoid discharge of any construction- or project-related materials and fluids into portions of the coastal terrace prairie community to be retained to prevent damage to special status plant species, native vegetation and associated wildlife. A sediment erosion plan shall be prepared by the project sponsor and reviewed and approved by the County Planning Department prior to the time that any project related activities proceed. Construction shall generally take place during the dry season (i.e., April 15 to October 15).

Mitigation Measure BIO-15: The project sponsor shall prepare and distribute educational materials to construction workers concerning the sensitive habitat and special status plant species. The project sponsor shall be responsible for obtaining signed documentation from each of the construction workers (currently working on the project) stating that they have been given the educational materials (referenced above) and that they understand that they can be held personally responsible for impacts to special status plant species or coastal terrace prairie habitat due to worker negligence.

Mitigation Measure BIO-16: The project sponsor shall be required to post a financial security with the County of Santa Cruz to ensure that no individuals or habit is impacted during the construction phase of the proposed project. This bond would be refunded to the project sponsor when construction has ceased and it is proved that no individuals of the aforementioned species have been harmed. Implementation of the above measures would reduce the identified impacts, to below the threshold of significance.

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Mitigation Measure BIO-17: Prior to any construction on the site, the entire Perimeter of the vernal marsh shall be fenced in the same manner as specified in BIO-13 with temporary construction fencing of a minimum height of five feet. This fencing shall remain in place until all site improvements are completed to the satisfaction of the County Public Works and Planning Departments.

Mitigation Measure BIO-18: Avoid discharge of any construction or project related materials and fluids into portions of wetland communities to be retained to prevent damage to native vegetation and associated wildlife. A sediment and erosion control plan shall be prepared as specified in mitigation BIO-14.

Mitigation Measure BIO-19: Use construction practices that minimize impact to retained wetlands on-site (e.g., locate construction staging areas away from retained wetlands and install silt fences around retained wetlands prior to construction to avoid sedimentation during the construction phase of the proposed project).

Mitigation Measure BIO-20: Avoid the use of non-biodegradable herbicides for landscape maintenance. This shall be written into the Homeowner's Association Agreement.

Mitigation Measure BIO-21: Enter into a "Streambed Alteration Agreement" (SAA) with the CDFG pursuant to Fish and Game Code 1601-1603 and comply with the conditions of the SAA. This agreement is necessary to allow alteration of the San Lorenzo River due to the installation of a storm water discharge unit under current development plans. In general, the CDFG will grant a SAA once all other permits (e.g. Corps, USFWS) and certifications are obtained. Construction would not be permitted by the CDFG until a SAA is executed.

Mitigation Measure BIO-22: Following construction, revegetate all areas along the San Lorenzo River that are disturbed during construction of the storm drain outfall with appropriate California native species. Restoration of the affected area shall be done pursuant to riparian restoration plan reviewed and approved by County Planning and the California Department of Fish and Game. This plan shall contain the following provisions. Replacement of removed or damaged riparian vegetation shall be of the same species (if California native) whenever feasible, or with appropriate California native species (when same species is not available as replacement stock or when removed vegetation is non-native). Replacement schedule (ratio of number of plants removed to number planted) for riparian vegetation is set at five-to-one for trees (e.g., if one white alder is removed,

killed or substantially damaged during project development, five white alters shall be planted for mitigation), and three-to-one for understory species.

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Mitigation Measure BIO-23: Avoid discharge of any construction or project related materials and fluids into the San Lorenzo River to prevent damage to riparian vegetation, water quality, and associated wildlife.' A sediment erosion plan shall be prepared by a qualified consultant for the project sponsor and reviewed and approved by both CDFG and the County Planning Department prior to any project related activities, focusing on measures to eliminate mitigation of sediment-laden runoff into the San Lorenzo River during all phases of project development and use. Construction shall take place during the dry season (April 15 to October 15).

Mitigation Measure BIO-24: The project sponsor shall be required to post a bond with the County of Santa Cruz to ensure the success of the aforementioned riparian revegetation program. This bond would be refunded in full to the project sponsor after a minimum period of five years if the program is determined to be successful by a qualified biologist and the CDFG.

Finding: The project has been redesigned to include the voluntary dedication of land in biotic conservation easement by the applicant as specified in mitigation measures BIO-2, BIO-6 and BIO-12. This will provide protection of the special biotic habitats on the site in perpetuity. The project redesign also includes the preparation of a County approved biotic mitigation plan according to mitigation measure BIO-11. The plan, which is provided as Appendix H in the RDEIR, will provide adequate compensatory mitigation for coastal terrace prairie habitat lost by project improvements and provide beneficial management techniques to enhance the environmental quality of the entire habitat. The permit has been conditioned to implement the easements and the plan. The permit conditions also require the applicant to comply with mitigation measures BIO-1, BIO-13--19 and BIO-21--24 during project construction to protect biological resources on the site. The permit requires the homeowners' association to comply with mitigation measures BIO-3--5, BIO-11 and BIO-20 to protect biotic resources during the construction of dwellings and during the long-term use of the site. Finally, the permit requires the County of Santa Cruz POSCS Department to comply with mitigation measures BIO-7--10 during the development of the park site into an equestrian park facility. The mitigation monitoring program (Exhibit "E" of the permit) describes how each of the mitigation measures will be implemented in greater detail. The incorporation of all these mitigation measures into the project and the permit will ensure that biological impacts are reduced to levels of insignificance and the appropriate entity has the responsibility for mitigating those impacts generated by each entity.

TIMBER RESOURCES

Impacts: Timber harvesting is not proposed as part of this project but would not be precluded from occurring in the future on the portion of the site designated as "Timber Resource". The design of the subdivision, would however, result in the loss of the opportunity to harvest 3 acres of the

65.5 acre "Timber Resource" area, but this is not a significant impact that needs mitigation. If timber harvesting occurs in the future, it could result in erosion problem on the steep hillside and sedimentation of the San Lorenzo River from the use and activities of logging machinery on the steep slope. Timber harvesting could also result in unnecessary loss of the resource from overcutting and lack of adequate replanting. The future residents of the project could be negatively affected by excessive noise generated by logging operations in close proximity to their homes. Logging operations adjacent to the residential area of the project could also generate aesthetic, fire hazard and safety problems for residents.

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Mitigation Measure TIMB-1: Provide a no-cut or lighter-cut buffer zone of 150 feet along the entire western edge of the subdivision boundary, with a graduated buffer where the lightest cutting is immediately adjacent to the subdivision boundary and the intensity of marking gradually increases to the edge of the 150-foot zone where the silvicultural prescription for the stand is achieved.

Mitigation Measure TIMB-2: Requirements for slash and debris disposal shall exceed those of the local forest practice rules. This is primarily for aesthetic purposes and, to a lesser degree, for fire prevention. The entire area shall be lopped and scattered to a height of 24 inches rather than the 30 inches allowed by law. Within 50 feet of the hiking trail and 150 feet of the subdivision boundary, lop or crunch slash with the metal tracks of a tractor down to a height of 12 inches. Burying, or chipping of slash are other options in appropriate areas.

Mitigation Measure TIMB-3: Require extensive grass seeding, strawing, and mulching of the bare areas. This is especially important for bare areas visible from the hiking trail, subdivision, and Ocean Street Extension.

Mitigation Measure TIMB-4: The intensity of tree removal shall be less than the 60 percent of trees over eighteen inches in diameter currently allowed by law. A harvesting intensity of 40 to 45 percent overall is recommended, with the lighter thinning in open grown areas and heavier thinning in dense clumps or groupings of trees.

Mitigation Measure TIMB-5: Interplant coniferous seedlings after harvest is recommended in the areas where the canopy has been opened.

Mitigation Measure TIMB-6: Close the hiking trail during the period of active harvesting.

Mitigation Measure TIMB-7: Limit the hours of timber harvesting operation from 7:30 a.m. - 4:00 p.m., and prohibit weekend work.

Mitigation Measure TIMB-8: Initiate an education and publicity program directed toward users of the trail and residents of the adjacent subdivisions. This shall be carried out at least one or two years prior to harvest through mailings and public meetings. Input and recommendations from concerned neighbors shall be sought, and, where feasible, incorporated into the Timber Harvesting Plan.

Mitigation Measure TIMB-9: Implement mitigation BIO-6, in Section E, Biotic Resources, to place forested lands (including the "TP" zone) in the common area under a special conservation easement. 631

Finding: The project has been redesigned to include the voluntary dedication of the "Timber Resource" land in a special biotic conservation easement by the applicant as specified by mitigation measure TIMB-9. This conservation easement would not preclude timber harvesting but would require that all harvesting be "sustainable" ensuring that no long-term biological impacts would result from harvesting if it was to occur. The permit has been conditioned to require that any future logging within the area designated as "Timber Resource" (and "TP" zoning) comply with mitigation measures TIMB-1--TIMB-8 and the provision of the special biotic conservation easement. These measures will ensure that impacts to on-site timber resources and impacts to project residents generated by timber harvesting will be reduced to levels of insignificance. The mitigation monitoring program prepared for this project (and adopted as Exhibit "E" of the permit) describes how these measures will be implemented in greater detail.

TRANSPORTATION AND CIRCULATION

Impacts: If a Roadway/Roadside Exception is not granted for the less than standard project road width, a significant conflict with County policy would result. Impacts TRANS-2 through TRANS-5 are less than significant, therefore CEQA findings are not required.

Mitigation Measure TRANS-1: This measure is no longer applicable because a Roadway/Roadside Exception has been approved for the width of the project road.

Finding: Mitigation measure TRANS-1 has been deleted because the approval of a Roadway/Roadside Exception for the project road makes this measure no longer applicable to the project.

NOISE

Impacts: Construction activities would generate significantly high noise levels on approximately 10 residences on the opposite site of Graham Hill Road during project construction. Project lots 6 and 7 would be subjected to significantly high exterior noise levels from Graham Hill Road traffic on a permanent basis.

Mitigation Measure NOISE-1: Restrict noisy construction activities for site improvements and individual home sites to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on weekends, and stipulate this restriction in all construction contracts for the project.

Mitigation Measure NOISE-2: Require that prospective homeowners agree to muffle and shield all intake and exhaust ports on power construction equip-

ment, and shroud all impact tools, and stipulate this as a requirement of all property owners in the Homeowners' Association Agreement.

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Mitigation Measure NOISE-3: The applicant shall designate a construction disturbance coordinator to respond to public complaints and inquiries regarding noise disturbances during site grading and construction of improvements. The telephone number of the disturbance coordinator and the purpose of the telephone number shall be posted on a sign on the site in a manner which makes the sign's information readily visible from off-site. This sign shall be posted, and the disturbance coordinator shall be available to resolve noise problems, during the entire grading and site improvement phase of the project.

Mitigation Measure NOISE-4: Subdivision improvements shall include the construction of three-foot high barriers (of earthen or masonry construction) at the eastern edges of the development envelopes of Lots 6 and 7. At Lot 6, the barrier would be approximately 100 feet along the eastern edge connecting to 20-foot-long segments along the northern and southern edges of the development envelopes (to address edge effects). At Lot 7, the barrier would be approximately 75 feet in length connecting to 20-foot-long segments in a similar configuration as described for Lot 6. Based on noise model SOUND32, such barriers would provide approximately four dBA reduction in traffic noise from locations within the development envelopes. A four- dBA reduction would result in noise levels of approximately 57 to 58 dBA within the development envelopes of these two lots under future cumulative conditions. Since the mitigated noise level would be below the General Plan standard of 60 dBA, Ldn, this impact would be reduced to less than significant.

Finding: Mitigation measures NOISE-1 through NOISE-4 have been made conditions of the subdivision permit to mitigate the noise impacts generated by this project to levels of insignificance. The mitigation monitoring program prepared for this project (and adopted as Exhibit "E" of the permit) describes in more detail how these measures will be implemented.

AIR QUALITY

Impacts: Construction of project improvements would temporarily cause an increase in dust from earthmoving, excavation, truck travel on unpaved roads and other construction activities. Increased population on the site would incrementally delay regional attainment of ozone attainment standards and contribute to this cumulative effect.

Mitigation Measure AIR-1: The applicant shall designate a construction disturbance coordinator to respond to public complaints and inquiries regarding dust and other air quality disturbance during site grading and construction of improvements. The telephone number of the disturbance coordinator and the purpose of the telephone number shall be posted on a sign on the site in a manner which makes the sign's information readily visible from off-site. This sign shall be posted and the disturbance coordinator shall be available to resolve dust-related problems during the entire grading and site improvement phase of this project.

Mitigation Measure AIR-2: The County shall require that development of individual home sites proceed with the following elements of a dust abatement program

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Pavement of the main access road serving the home sites being developed shall occur prior to the start of construction at any of those individual home sites.

Sprinkle all unpaved construction areas with water at a daily frequency to reduce dust emissions so that such emissions do not leave the site. Additional watering shall be carried out on hot or windy days. Watering could reduce particulate emissions by about 50 percent.

Cover all trucks hauling loose soil or debris to or from the site.

Sweep up dirt or debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over these surfaces.

Mitigation Measure AIR-3: Maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and equipment shall be running only when necessary. Engines shall be shut off when trucks are loading, unloading or waiting. Equipment shall also be kept in good condition and well-tuned, to minimize exhaust emissions.

Mitigation Measure AIR-4: All houses designed to accommodate wood burning stoves or fireplaces shall be designed to include EPA-certified stove and fireplace inserts. EPA-certified stoves have been shown to have 70 to 90% fewer emissions than conventional stoves. This requirement shall be specified in the CC and Rs for the subdivision and should be included in construction drawings submitted to the County for individual dwelling building permits.

Finding: All mitigation measures regarding air quality have been included in the permit conditions for this project. Mitigation measures AIR-1 and AIR-2 will reduce fugitive dust impacts to an insignificant level. Mitigation measure AIR-3 will reduce impacts associated with emissions from construction equipment to a less than significant level. Mitigation measure AIR-4 would reduce both the generation of PM10 and ozone precursors from residential wood stoves within the subdivision and therefore reduce the project's contribution to the cumulative regional ozone impact to a less than significant level. The mitigation monitoring program prepared for this project (as adopted as Exhibit "E" to the permit) described in greater detail how each measure will be implemented.

VISUAL QUALITY

Impact: Impact VIS-1 is identified in the EIR as a less than significant impact; therefore CEQA findings are not required.

ARCHAEOLOGY

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Impact: Although no archaeological resources are known to exist within the area proposed for development, unidentified archaeological deposits could be potentially damaged or destroyed by project construction activities if any are encountered during construction.

Mitigation Measure ARCH-1: If archaeological resources or human remains are discovered during construction activities, work shall be halted within 60 meters (200 feet) of the find until it can be evaluated by the County Planning Department and a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented according to the procedures specified in County Code Sections 16.40.040-.060 (Site Discovery During Excavation and Archaeological Site Development Approval).

Finding: Mitigation measure ARCH-1 has been made a condition of the subdivision permit. Implementation of this condition will reduce potential impacts to archaeological resources to less than significant levels if they are ever encountered during construction. In that case the mitigation monitoring program prepared for this project (and adopted as Exhibit "E" of the permit) will provide a detailed guide on how the measure should be implemented.

PUBLIC SERVICES

Impacts: Inadequate structural design of public service improvements would result in substandard or loss of domestic water service to the project. The addition of 170 acres of land and 60 residential units to the Scotts Valley Fire Protection District will contribute to increases in demands on that fire district and therefore contribute funds to upgrade the Sims Road fire station. In addition, there are not sufficient fire hydrants in the area to provide water for fire fighting on the site. The project would create an incremental increase in the demand for police protection; however since the County Sheriff's Department anticipates being able to handle this increased demand, it is not a significant impact. The refuse generated by project residences will contribute towards the exhaustion of the County's landfill capacity; this is not considered a significant impact. Mitigation measures are not required for impacts that are less than significant.

Mitigation Measure SERV-1: The project sponsor shall provide for the design and construction of water service infrastructure in accordance with SCWD requirements.

Mitigation Measure SERV-2: Public water system work design shall conform to all City of Santa Cruz Water Department Standard Specifications. The project sponsor shall provide design plans to SCWD for review and approval. Water improvements must be approved by both SCWD and the County of Santa Cruz Public Works Department prior to the filing of the Final Subdivision Map. Installation of improvements shall be inspected by SCWD and the Coun-

ty Public Works Department prior to permitting occupancy of any dwelling unit.

Mitigation Measure SERV-3: The project sponsor shall obtain, prior to receiving final approval to construct subdivision improvements, all required City-approved, non-revocable water main right-of-ways and easements on all private roads where City water mains are extended. Such right-of-ways and easements shall be delineated on the Final Subdivision Map.

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Mitigation Measure SERV-4: The project sponsor shall obtain, prior to the issuance of the construction permit, the required Water Main Extension Agreement and Performance, Labor, and Materials Bonds.

Mitigation Measure SERV-5: To avoid excessive water use the project sponsor shall agree to include on lot sales agreements provisions for implementation of measures to conserve water. Accomplish this by submitting an agreement to the County for approval stating that the sales agreements will contain a requirement for installation of water conservation devices in all project residences. The devices shall include ultra-low-flush toilets (that use a maximum of 1.6 gallons of water per flush) and low-flow shower heads (showerheads that use a maximum of 2.5 gallons of water per minute). The County Planning Department shall review and approve the construction plans for project residences prior to issuing a building permit, and County building inspections staff would inspect the installation of the water conservation devices prior to permitting occupancy.

Mitigation Measure SERV-6: Deleted because it addresses a less than significant impact and would be infeasible to enforce.

Mitigation Measure SERV-7: Deleted because it address a less than significant impact and would be infeasible to enforce.

Mitigation Measure SERV-8: Annexation of the project site to the Scotts Valley Fire Protection District shall be initiated by the project sponsor prior to the recordation of the subdivision map.

Mitigation Measure SERV-9: The project applicant shall pay the Scotts Valley Fire District a mitigation fee to compensate for necessary improvements to the existing station on Sims Road. The fire district has determined that this option represents the best mitigation to project impacts.

Mitigation Measure SERV-10: Deleted in favor of the payment of a mitigation fee.

Mitigation Measure SERV-11: The project sponsor shall provide water mains within the project site sized to provide a minimum fire flow of 1,000 gallons per-minute for a two-hour duration. Domestic water improvements shall be shown on the engineering improvement plans for the project and installed according to the plans as approved by the County Public Works Department and Scotts Valley Fire Protection District.

Mitigation Measure SERV-12: The project sponsor shall provide standard steamer type fire hydrants within the proposed subdivision, in the number and locations identified by the Scotts Valley Fire Protection District. Hydrant locations shall be shown on the engineering improvement plans for the project and installed according to the plans as approved by County Public Works and the Scotts Valley Fire Protection District.

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Mitigation Measure SERV-13: All highly flammable vegetation shall be removed and maintained 30 feet from all structures. All buildings backing up to the Common Area (Parcel A) shall be provided with a 100-foot clearance.

Mitigation Measure SERV-14: Annexation of all areas within Scotts Valley Fire Protection District's sphere of influence from the south boundary of the Felton Fire Protection District to the limits of the City of Santa Cruz shall be initiated to address existing service provision conditions not directly related to the proposed project.

Mitigation Measure SERV-15: Require project landscaping to use mulch to a minimum depth of three inches as a condition of approval as a water conservation measure and as a use for composed yard waste. This requirement shall be specified in the Homeowners' Association Agreement for the project.

Mitigation Measure SERV-16: Deleted pursuant to Final EIR revisions.

Finding: Mitigation measures SERV-1 through SERV-5, SERV-8 through SERV-13 and SERV-15 have been included in the permit conditions for this project to mitigate the stated public service impacts to levels of less than significance. The permit requires the applicant to implement mitigation measures SERV-1 through SERV-5 to ensure adequate water service to the project by providing adequate design for the water purveying infrastructure. The applicant is required to implement SERV-8 through SERV-13 in order that adequate fire protection will be provided to the site and to ensure the existing level of fire protection within the fire district will not be jeopardized. Project homeowners will be required to implement the water conservation practices stated by SERV-15 by having this requirement specified in a homeowners' association agreement. The implementation of these measures will reduce public service impacts to levels of insignificance. The mitigation monitoring program prepared for the project (and adopted as Exhibit "E" of the permit) describe in greater detail how each measure will be implemented.

Mitigation measure SERV-14 refers to land which is not part of the project site and outside the control of the project sponsor. LAFCO and the Scotts Valley Fire District have the jurisdiction to annex these other properties the Fire District. These two agencies should work together to initiate and complete this annexation to create more reasonable boundaries of the Fire District at the same time the applicant's annexation request is being considered by LAFCO.