



# County of Santa Cruz 0329

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

**Agenda Date: October 26, 1999**

October 8, 1999

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

Subject: Proposal to amend the Open Space Easement Contract on Assessor's Parcel Numbers 105-443-01, 02 and 03 to allow a single family dwelling on APN 105-443-03. Requires an Open Space Easement Contract Amendment. The property is located on the south side of Valencia School Road (adjacent to 1525 Valencia School Road) about 1/4 mile west of the intersection of Valencia School and Trout Gulch Roads, Aptos.

APPLICATION NUMBER: 99-0248

APNs: 105-443-03

APPLICANT: Noel Paddon

OWNERS: Kathleen Paddon, Kathleen Welch and Gary Welch

Members of the Board:

### BACKGROUND

On April 14, 1999, the County Planning Department accepted this application for an Amendment to an Open Space Easement Contract to allow a single family dwelling on APN 105-443-03. In accordance with the California Environmental Quality Act and the County Environmental Review Guidelines, the project was determined to be categorically exempt under Class 17, Section 1817 (Attachment 7, Exhibit K). On September 8, 1999, the Planning Commission heard this application at a noticed public hearing. The Planning Commission unanimously adopted Resolution 15-99 (Attachment 4), recommending approval of the Open Space Easement Contract amendment to your Board. Minutes of the Planning Commission meeting can be seen as Attachment 8.

### Project Setting & Surroundings

The Open Space Easement Act of 1974 provides the means by which local governments may execute Open Space Easements with private landowners to maintain the natural or scenic character of the land. Through an Open Space Easement, a property owner relinquishes development rights

in return for a reduction in local property taxes. A property owner may reserve the right to undertake future development if this “reservation” is contained in the easement document or added at a later date through a contract amendment.

In 1974, the Paddon family applied to enter parcels 105-443-01, 02 and 03 into an Open Space Easement (OSE) contract with the County of Santa Cruz. This Open Space Easement contract (Attachment 7, Exhibit E) was approved by the Board of Supervisors as part of a package of over twenty-four OSE contract applications for properties located throughout the County. The properties which had been owned by the Paddon family since 1927 were historically used for apple orchards and pasture lands. APN 105-443-01 was developed with a 1930's farm house, barn and orchards. The subject contract allowed for future construction of one single family dwelling and appurtenant structures. An exhibit for the Open Space Easement application identified the possible future home site on the 5+ acre parcel APN 105-443-03 (Attachment 7, Exhibit F). The Paddons had planned that their heirs would build and live in the reserved dwelling. Due to financial constraints, the Paddons needed to sell one of the three OSE parcels. Consequently, the Paddons requested permission from the Planning Department in 1977 to move the building site for the reserved single family dwelling to APN 105-443-02. Permission was granted, and APN 105-443-02 was subsequently sold and a dwelling constructed in 1981 (Attachment 7, Exhibit G).

Mr. Paddon is now approaching 80 years. His daughter who owns APN 105-443-03 wishes to move to back to the area to assist her elderly parents and allow them to continue to live in their home. However, since only one dwelling was reserved at the time of the OSE application 25 years ago, a dwelling cannot be constructed on this parcel without an amendment to the OSE contract. Given the Open Space Easement restrictions and current property values, the property owner cannot afford to sell her property as is and purchase another property on which to reside. Moreover, it is the owner's strong desire to keep the remaining properties in the family, and keep as much of the properties undeveloped as possible.

The three parcels in the OSE contract are located along Valencia School Road at its intersection with Trout Gulch Road, in the Aptos Hills planning area (Attachment 7, Exhibit A). Parcel 105-443-03 is located about 1/4 mile up Valencia School Road. The subject parcel is characterized by a nearly level ridge top running north to south through the middle of the property. The flanks of the ridge are steeply sloped though mostly less than 50% and densely vegetated with oak woodlands to the west and a mixed redwood/oak woodland to the east. The ridge top itself is an open grassland which transitions to brush and herbaceous species towards the south, and with oaks and brush along Valencia School Road. Below the parcel to the east is Ward Gulch, an ephemeral stream. Parcel 105-443-01 is located northwest of the subject parcel at a significantly lower elevation. Again, it is developed with a farm house, old barn and apple orchards. This parcel is very visible along Valencia School Road. Parcel 105-443-02 is located below and southwest of the subject parcel (See Exhibit B in Attachment 7). This parcel is developed with a single family dwelling and habitable accessory structure which are screened from view by dense oaks and shrubs.

This application proposes changing the Open Space Easement Contract to allow construction of an additional single family dwelling on the currently vacant 5+ acre parcel. The proposed dwelling would be located on the site originally proposed under the 1974 OSE application. This site was evaluated by the Open Space Committee staff and was determined to need some additional screening along Valencia School Road at the time. However, since the former pasture areas have no longer been maintained, dense shrubs and woodlands have overgrown the perimeter of the

parcel and only minimal screening would be necessary to prevent any dwelling from being visible along Valencia School Road.

#### General Plan & Zoning: Consistency

The project site has a 1994 General Plan land use designation of Rural Residential (Attachment 7, Exhibit C). This designation allows a density range of one dwelling unit per 2.5 to 20 acres of net developable area. The objective of this designation is to provide for low density development in areas outside of the Urban Services Line which are suitable for rural development. A Rural Density Matrix (99-0038) was completed for the subject parcel (Attachment 7, Exhibit H). Based on the results of the Rural Density Matrix, it may be possible to split this parcel.

The project is located in the "A-O" zone district, Agriculture with the Open Space combining district (Attachment 7, Exhibit D). The purpose of the "A" zone district is to encourage and provide for noncommercial agricultural uses, such as family farming and animal raising. The "O" Open Space combining zone district indicates that the property is restricted by an Open Space Contract. The proposed project is not located within or adjacent to any designated scenic corridor. However, some of the property's perimeter is visible from a rural, public road. The undeveloped parcel provides a limited meadow view for a few property owners further up Valencia School Road. Some of this meadow view would be lost if the parcel were to be developed.

The County General Plan policies for Open Space are to identify and preserve in open space uses, those areas which are not suited to development due to natural resource values or physical development hazards, and to designate Resource Conservation areas for conservation purposes. According to the General Plan, Resource Conservation lands shall include significant open space lands in rural areas of the County for the protection of natural resources and habitats, outdoor recreation opportunities and protection of health and safety. High priority lands are those adjacent to established preserve, parks or open space or connections between existing preserved lands and areas with significant biological, scenic or other natural resource value which is not adequately protected. Planning staff in 1974, found that the public benefit for this Open Space Easement was protecting the scenic beauty along 1,800 feet of frontage along two public roads (Trout Gulch and Valencia School). The scenic resources included redwoods and grasslands to an early California style barn and apple orchard. In addition, staff determined the properties had watershed value due its proximity to Ward Gulch, and that the Open Space easement would help retain the rural character of the area.

The proposed amendment of the Open Space Easement Contract is consistent with the County's General Plan scenic resources protection and Rural Residential land use designation policies. The proposed amendment will serve to achieve a pattern of residential development that is compatible with the physical limitations and resources heritage of the County and will not impair the natural environment. Furthermore, allowing the construction of a single family dwelling on APN 105-443-03 will still accomplish the goals of the original Open Space Easement, in that the home can be located and painted in a manner to minimize visibility from all locations. Moreover, the proposed dwelling can be sited such that it cannot be seen while traveling along Valencia School Road. The Open Space Easement will retain control over how and where the property will be developed and which, if any, appurtenant structures will be allowed, should the contract be amended. In addition, the proposed amendment is conditionally required to augment the natural screening provided by the existing oaks and brush between the building site and Valencia School Road, to maintain the existing vegetation to insure protection of the visual aesthetics and wildlife

value of the property, minimize site disturbance, install all utilities underground, minimize grading and utilize earth toned exterior colors and materials compatible and harmonious with the natural surroundings (Attachment 2). Under the Open Space combining district, the property could not be subdivided and developed, further protecting the watershed and scenic resources. Finally, the proposed amendment will allow the property owner an economic use of the property within the limitations of the Open Space Easement Contract.

The State of California's Open Space Easement Act of 1974 gives local government the right to enter into Open Space Easement contracts in order to preserve land for the public's benefit. Prior to the acceptance of an Open Space Easement contract, Government Code Section 51084 requires findings that the Board of Supervisors must make. Subject to the conditions attached as Attachment 2, the required findings can be made for this Open Space Easement Contract Amendment.

### Conclusion

All required findings can be made to approve this application subject to the attached conditions. The project is consistent with the General Plan in that the project constitutes a residential use and subject to the conditions, meets the goals and intent of the Open Space Easement Act of 1974. The project density is comparable to the surrounding pattern of development in the neighborhood.

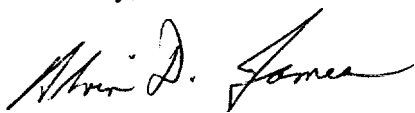
Please see Attachment 1 ("Findings") for a complete listing of findings and evidence related to the above discussion.

### RECOMMENDATION:

It is therefore, RECOMMENDED, that your Board, based on the attached Findings (Attachment 1) and subject to the attached Conditions (Attachment 2):

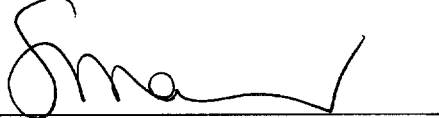
1. Certify that the project is categorically exempt from CEQA (Attachment 3); and
2. Adopt the proposed resolution (Attachment 5) to approve and accept the amended Open Space Easement Contract (Attachment 6), allowing the construction of a single family dwelling on APN 105-443-03; and
3. Direct the chairperson of the Board to execute the Amended Open Space Easement Contract upon proof of payment by the property owner of all Planning Department fees to the Planning Department; and
4. Direct the Planning Department to work with the Clerk of the Board and Recorder's Office to record and file the amended Open Space Easement.

Sincerely,



Alvin D. James'  
Planning Director

RECOIMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

cc: Kathleen and Gary Welch 23915 Via Aranda Valencia, CA 91355  
Noel Paddon 2745 Valencia Road Aptos, CA 95003

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Attachments :

1. Findings
2. Conditions of Approval
3. CEQA Exemption
4. Planning Commission Resolution No. 15-99
5. Resolution to approve and accept the amended Open Space Easement Contract
6. Proposed Amended Open Space Easement Contract
7. Planning Commission Staff Report of September 8, 1999
8. Planning Commission Minutes of September 8, 1999
9. Correspondence

SAM/ADJ/CLC 99-0248-OSE-Bdreport.wpd

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**RESOLUTION OF FINDINGS**

- (A) THAT THE PRESERVATION OF THE LAND AS OPEN SPACE IS CONSISTENT WITH THE GENERAL PLAN OF THE COUNTY; AND

The continued preservation of the Assessor's Parcel Numbers 105-443-03, 02 and 01 as open space is consistent with the County's General Plan policies for Rural Residential, Scenic Resource and Watershed Protection policies. The maintenance of the property in open space will further serve to achieve patterns of residential development that are compatible with the physical limitations and the resource heritage of the County and will not impair the natural environment. The residential development density of roughly one dwelling on 5.4 gross acres is well within the density of one dwelling per 2 ½ to 20 net developable acres allowed under the Rural Residential General Plan designation. While the property is not located within a designated scenic corridor, it is visible from a rural public road and provides rural, wooded and pastoral public vistas. Subject to the conditions under which the proposed amendment is approved, these public vistas will be protected and maintained. Moreover under the conditions of approval, the subject parcel will remain valuable for watershed protection.

- (B) THAT THE PRESERVATION OF THE LAND AS OPEN SPACE IS IN THE BEST INTEREST OF SANTA CRUZ COUNTY AND SPECIFICALLY BECAUSE ONE OR MORE OF THE FOLLOWING REASONS EXISTS:

- (1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.
- (2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.

Maintaining the subject parcel (APN 105-443-03) in conjunction with APNs 105-443-01 and 02 as open space is in the public interest by helping to preserve the rural character of the area in which these properties are located. The amendment to allow a single family dwelling on the subject parcel is a lower density of development than allowed under the General Plan. The conditions under which the amendment is approved will preserve the rural character by limiting the type, design and location of the proposed single family dwelling.

- (3) The public interest will otherwise be served in a manner recited in the original resolution and consistent with the purposes of the Open Space Easement Act of 1974 and Section 8 of Article XIII of the Constitution of the State of California.

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The preservation of the subject parcel (APN 105-443-03) in conjunction with APNs 105-443-01 and 02 as open space is in the County's best interest in that the subject properties will retain and protect the scenic vistas along a public road. Amendment of the Open Space Easement Contract will continue to preserve the public vista. The proposed single family dwelling allowed through this contract amendment shall be situated and be constructed of materials which shall render the development minimally visible to travelers along Valencia School Road. The scenic rural character of the properties will be ensured by the terms of the contract and the conditions under which the contract is amended, through the maintenance of the existing forest lands and vegetation. In addition, the project has been conditioned to ensure that the proposed development will be designed to minimize disturbance of the land, open areas and vegetation, which will serve to protect the scenic value, watershed value and wildlife habitat (food and cover). Thus, the Open Space Easement contract will continue to provide public benefit through the maintenance of the existing scenic, watershed and wildlife benefits by limiting development and leaving much of the parcel in its natural rural open state.

**CONDITIONS OF APPROVAL**

Open Space Easement Amendment 99-0248

Applicant: Noel Paddon

Property Owners: Kathleen Welch, Gary Welch and Kathleen Paddon

Assessor's Parcel No. 105-443-03

Property location and address: Located on the south side of Valencia School Road (adjacent to 1525 Valencia School Road) about 1/4 mile west of the intersection of Valencia School and Trout Gulch Roads, Aptos. No situs.

Aptos Hills Planning Area

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Exhibits:

0. Architectural and Site Plans, unsigned dated 4/15/99
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- I. This approval authorizes the construction of a two-story single family dwelling. Prior to exercising any rights granted by this contract amendment approval including, without limitation, any construction or site disturbance, the applicant/ owner shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. Submit a Comprehensive Soils Engineering Report for the building site to the Planning Department for review and approval. Pay all applicable report review fees at the time of application. All pertinent geotechnical report recommendations shall be included in the construction drawings submitted to the County for a Building Permit.
  - D. Obtain a Grading Permit from the Santa Cruz County Planning Department, if required. Pay all applicable fees at the time of application.
  - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - E. Submit proof that the Amended Open Space Easement Contract has been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- II. Prior to issuance of a Building Permit the applicant/owner shall:



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- A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "O" on file with the Planning Department. The final plans shall include, but not be limited to, the following:
1. Exterior elevations identifying finish and roofing materials and colors. Submit color and materials examples to the Planning Department for review and approval. Exterior colors and material shall be earth toned and shall blend with the natural surroundings.
  2. Floor plans identifying each room and its dimensions.
  3. The single family dwelling shall not exceed the 28 foot height maximum.
  4. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, retaining walls and all trees over 6 inches in diameter which will be removed. A standard driveway and conform is required.
    - a. All trees greater than 6 inches but less than 12 inches in diameter shall be replaced on a one to one basis using native, drought tolerant species of a minimum 1 gallon size.
    - b. All trees greater than 12 inches in diameter shall be replaced on a one to one basis using a minimum 15 gallon live oak or coast redwood tree.
  5. A final landscape plan showing vegetative screening. This plan shall include the location, size, and species of all proposed trees and plants along the driveway and within the front yard setback and shall meet the following criteria:
    - a. Vegetative screening shall be provided along the northwest corner of the property between the proposed building site and the existing vegetation along Valencia School Road.

The vegetative screening shall consist of native, drought tolerant tree and shrub species.
    - b. The vegetative screening shall be permanently maintained.
    - c. All trees and shrubs within 50 feet of the property line and Valencia

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School Road right-of-way shall be permanently maintained.

6. A plan review letter from the geotechnical 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 geotechnical report.
  7. A drainage plan which shows how and where buildings, paved driveways, and other impervious areas will drain without adverse effects on adjoining properties. Show on the plans submitted, all proposed impervious areas within the parcel.
  8. Meet all requirements and pay the appropriate plan check fee of the California Department Fire Protection District.
  9. Any new electrical power, telephone, and cable television service connections shall be installed underground.
  10. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
- B. Pay the Santa Cruz County Park Dedication fee in effect at the time of building permit issuance.
- C. Pay the Santa Cruz County Child Care fee in effect at the time of building permit issuance.
- D. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- E. No land clearing shall take place prior to building permit issuance. Land clearing shall be limited to that necessary for construction of the single family dwelling and landscaping immediately adjacent to said dwelling.
- Grading or excavating shall take place between October 15 and April 15 unless a separate winter erosion-control plan is approved by the Planning Director.
- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

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- A. All site improvements shown on the final approved Building and Grading Permits plans shall be installed.
- B. All replacement trees and the vegetative screening shall be planted prior to building permit final.
- C. All inspections required by the building and grading permits shall be completed to the satisfaction of the County Building Official and the County Senior Civil Engineer.
- D. The soils engineer shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted geotechnical report. A copy of the letter shall be kept in the project file for future reference.
- E. Dust suppression techniques shall be included as part of the construction plans and implemented during construction.
- F. 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.

#### IV. Operational Conditions

- A. The single family dwelling and subject property shall be maintained in conformance with the amended Open Space Easement contract and the conditions of approval for the contract amendment.
- B. All trees and shrubs within 50 feet of the property line and Valencia School Road right-of-way shall be permanently maintained.
- B. All landscaping screening shall be permanently maintained
- C. The exterior colors and materials, including the roof, of the residence shall use neutral, earth tone colors which blend and harmonize with the surroundings.
- D. All areas outside of the one acre development site shall remain undisturbed. The

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owner shall maintain the existing forests, woodlands and other major vegetation.

- E. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM  
DATE OF APPROVAL UNLESS YOU OBTAIN YOUR  
BUILDING PERMIT AND COMMENCE CONSTRUCTION.**

**NOTICE OF EXEMPTION FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**ATTACHMENT 3**

The County of Santa Cruz has reviewed the project described below and has determined that it is<sup>0347</sup> exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. 99-0248

Assessor Parcel No. 105-443-03

Project Location: Located on the south side of Valencia School Road (adjacent to 1525 Valencia School Road) about 1/4 mile west of the intersection of Valencia School and Trout Gulch Roads.

Project Description: Proposal to amend the Open Space Easement Contract on Assessor's Parcel Numbers 105-443-01, 02 and 03 to allow a single family dwelling on APN 105-443-03. Requires an Open Space Easement Contract Amendment.

Person or Agency Proposing Project: Noel Paddon

Phone Number: (83 1) 688-295 1

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
- B. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.
- C. \_\_\_\_\_ Statutory Exemption other than a Ministerial Project.  
Specify type:

D. Categorical Exemption

- |   |  |
|---|--|
| 1. Existing Facility  | 17. Open Space Contracts or Easements                                  |
| 2. Replacement or Reconstruction                                    | 18. Designation of Wilderness Areas                                    |
| <u>X</u> 3. New Construction of Small Structure                     | 19. Annexation of Existing Facilities/<br>Lots for Exempt Facilities   |
| 4. Minor Alterations to Land  | 20. Changes in Organization of Local Agencies                          |
| 5. Alterations in Land Use Limitations                              | 21. Enforcement Actions by Regulatory Agencies                         |
| 6. Information Collection   | 22. Educational Programs   |
| 7. Actions by Regulatory Agencies for Protection of the Environment | 23. Normal Operations of Facilities for Public Gatherings              |
| 8. Actions by Regulatory Agencies for Protection of Nat. Resources  | 24. Regulation of Working Conditions                                   |
| 9. Inspection   | 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| 10. Loans   |  |
| 11. Accessory Structures  | 26. Acquisition of Housing for Housing Assistance Programs             |
| 12. Surplus Govt. Property Sales                                    | 27. Leasing New Facilities   |
| 13. Acquisition of Land for Wild-Life Conservation Purposes         | 28. Small Hydroelectric Projects at Existing Facilities                |
| 14. Minor Additions to Schools                                      | 29. Cogeneration Projects at Existing Facilities                       |
| 15. Minor Land Divisions  |  |
| 16. Transfer of Ownership of Land to Create Parks                   |  |

E. \_\_\_\_\_ Lead Agency Other Than County:

Cathleen Carr

Cathleen Carr, Project Planner

Date: 1 0/8/99

**BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA**

RESOLUTION NO. 15-99

**ATTACHMENT 4**

On the motion of Commissioner : **RUTH**  
duly seconded by Commissioner: **HOLBERT**  
the following Resolution is adopted:

0342

**PLANNING COMMISSION RESOLUTION  
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS  
ON PROPOSED AMENDMENT TO AN OPEN SPACE EASEMENT  
FOR APN(S): 105-443-03**

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WHEREAS, the property owners have made an application to amend an Open Space Easement to the County pursuant to Sections 51070 through 51097 of the Government Code on the real property described and mapped on Exhibits L-I hereto; and

WHEREAS, the Planning Commission has held a public hearing on the proposed amendment to the existing easement on September 8, 1999, and the Planning Commission has considered the proposed Open Space Easement Contract Amendment, all testimony and evidence received at the public hearing, and the attached staff report; and

WHEREAS, the Planning Commission finds that the proposed Open Space Easement Contract Amendment is consistent with existing State Law and all other portions of the County of Santa Cruz General Plan; and

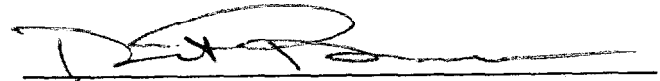
WHEREAS, the Planning Commission has reviewed the environmental documents associated with this project and finds that the Open Space Easement Contract Amendment has been processed consistent with applicable provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors finds that the granting of the Open Space Easement Contract Amendment to allow a single family dwelling on APN 105-443-03 is consistent with the County's General Plan and Sections 51090 and 51093 of the Open Space Easement Act (State Government Code) based upon the attached findings and conditions attached hereto as Exhibit L-2; and that the Board of Supervisors approve and accept the amended Deed of Easement allowing a single family dwelling on APN 105-443-03 subject to the findings and conditions set forth in Exhibit L-2, and incorporated herein by reference. A draft of the proposed Open Space Easement contract is attached hereto as Exhibit L-3.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 8<sup>th</sup> day of September, 1999, by the following vote:

AYES:            COMMISSIONERS : **RUTH, HOLBERT, BREMNER, SKILLICORN**  
NOES:           COMMISSIONERS

ABSENT: COMMISSIONERS : SHEPHERD  
ABSTAIN: COMMISSIONERS



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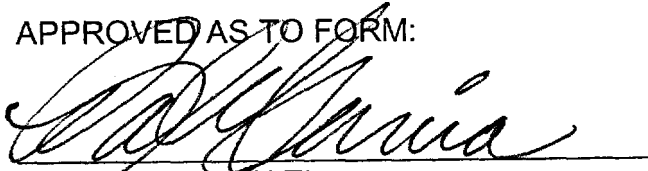
ROBERT BREMNER, Alternate Chairperson

ATTEST:



MARTIN JACOBSON, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

DISTRIBUTION: Planning  
Assessor  
County Counsel

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA**

RESOLUTION NO. \_\_\_\_\_

0344

On the motion of Supervisor  
**duly** seconded by Supervisor  
the following Resolution is adopted:

**BOARD OF SUPERVISORS RESOLUTION  
APPROVING AND ACCEPTING THE PROPOSED AMENDMENT OF  
AN OPEN SPACE EASEMENT CONTRACT AS TO  
APN(S): 105-443-01, 02 AND 03**

WHEREAS, the property owners have made an application to amend an Open Space Easement to the **County** in order to construct a single family dwelling on APN 105-443-03 of the real property described and mapped on Exhibit 1 hereto; and

WHEREAS, the Board of Supervisors have held a public hearing on the proposed amendment to the existing easement as to APNs 105-443-01, 02 and 03 on October 26, 1999, and the Board of Supervisors have considered the proposed Open Space Easement Contract Amendment for the proposed single family dwelling, all testimony and evidence received at the public hearing, and the attached staff report; and

WHEREAS, the Board of Supervisors finds that the proposed amendment of the Open Space Easement Contract as to APNs 105-443-01, 02 and 03 to allow construction of a dwelling on APN 105-443-03 is consistent with existing State Law and all other portions of the County of Santa Cruz General Plan; and

WHEREAS, the Board of Supervisors has reviewed the environmental documents associated with this project and finds that the Open Space Easement Contract Amendment for the proposed single family dwelling has been processed consistent with applicable provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors hereby certifies the environmental exemption and approves the Open Space Easement Contract Amendment to allow construction of a single family dwelling on APN 105-443-03 and accept the amended Deed of Easement subject to the findings and conditions set forth in Exhibit 2, and incorporated herein by reference. The proposed amended Open Space Easement contract is attached hereto as Exhibit 3.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 26th day of October, 1999, by the following vote:



AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

0345

\_\_\_\_\_  
Chairperson of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

ATTEST: \_\_\_\_\_  
Clerk of the Board

## EXHIBIT A

SITUATE IN THE STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, <sup>0346</sup>  
UNINCORPORATED AREA AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE LANDS CONVEYED TO NOEL J. PADDON AND KATHLEEN W. PADDON BY DEED RECORDED MARCH 10, 1969, IN VOLUME 1938, PAGE 128, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, SAID PORTION BEING BOUNDED BY A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERN CORNER OF THE LANDS DESCRIBED AS PARCEL ONE IN THE ABOVE MENTIONED DEED, IN THE MIDDLE OF WARD GULCH AND ON THE SOUTHERN LINE OF THE SOQUEL AUGMENTATION RANCHO;

THENCE FROM SAID POINT OF BEGINNING UPSTREAM AND NORTHERLY ALONG THE MIDDLE OF WARD GULCH TO THE NORTHEASTERLY CORNER OF SAID LANDS OF PADDON; THENCE LEAVING SAID GULCH NORTH 72° 27' WEST, AT 48 FEET AN OLD SCRIBED STAKE, A TOTAL DISTANCE OF 262 FEET TO A 1/2 INCH PIPE "LS 2265" AT AN ANGLE POINT IN THE CENTERLINE OF VALENCIA SCHOOL HOUSE ROAD AS SAID CENTERLINE IS DESCRIBED IN VOLUME 108 OF DEEDS, PAGE 92, SANTA CRUZ COUNTY RECORDS, THENCE LEAVING SAID ROAD NORTH 70° 02' WEST 143.3 FEET TO A ONE INCH PIPE "LS 2265"; THENCE SOUTH 24° 23' WEST 149.5 FEET TO A ONE INCH PIPE FROM WHICH A WITNESS MARK ON A 24 INCH OAK TREE BEARS NORTH 72° 10' EAST 7.9 FEET DISTANT; THENCE SOUTH 6° 00' WEST 313.8 FEET TO A ONE INCH PIPE FROM WHICH A WITNESS MARK ON AN 18 INCH OAK TREE BEARS SOUTH 66° 45' EAST 10.9 FEET DISTANT; THENCE SOUTH 17° 31' WEST 292.1 FEET TO A SCRIBE 24 INCH MADRONE TREE STANDING IN THE FENCE ON THE SOUTHERN LINE OF THE SOQUEL AUGMENTATION RANCHO THENCE SOUTHEASTERLY ALONG THE LAST MENTIONED LINE 312 FEET, A LITTLE MORE OR LESS, TO THE PLACE OF BEGINNING.

A.P. No.: 105-443-03

# FOR TAX PURPOSES ONLY

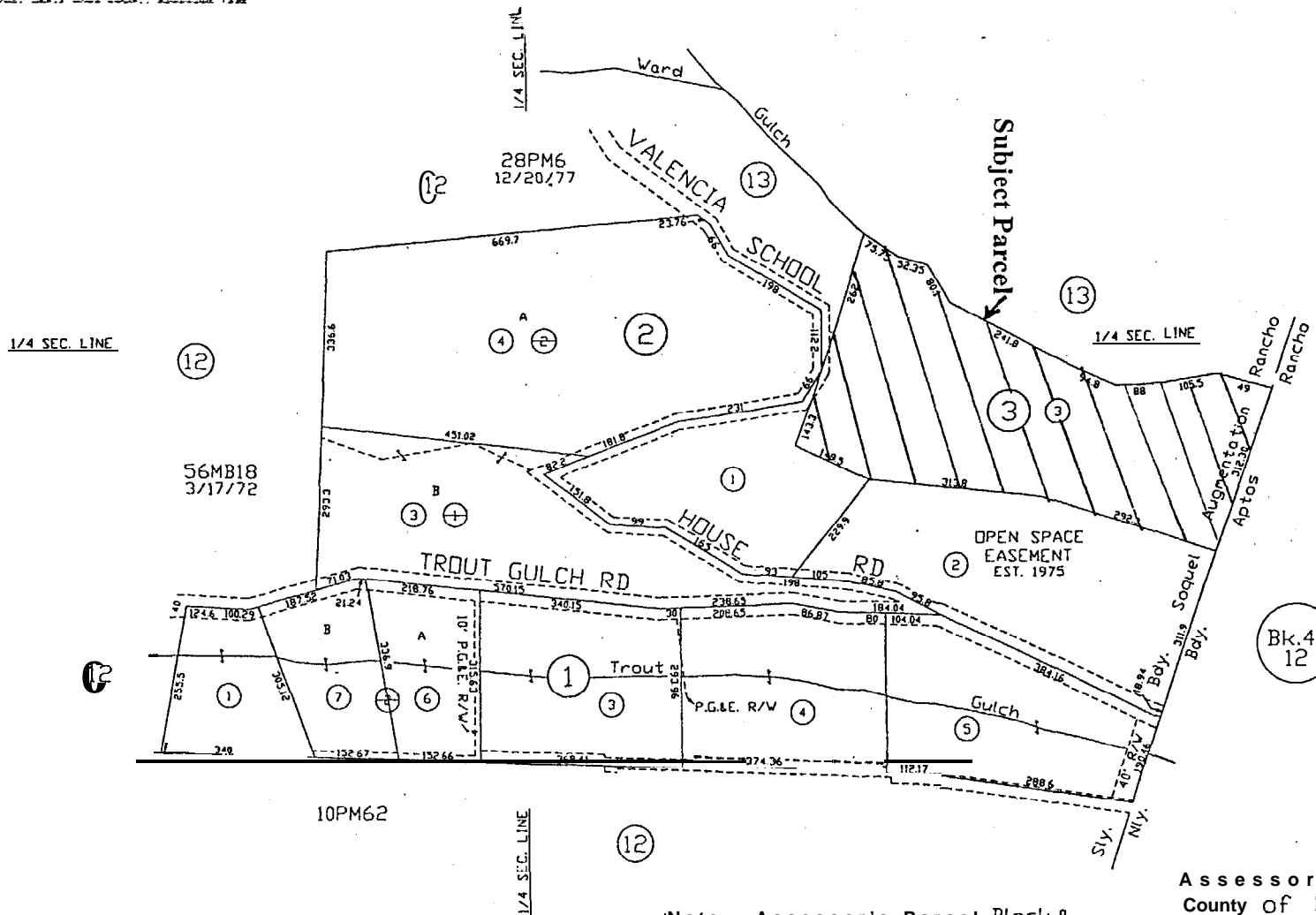
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SOQUEL AUGMENTATION RANCHO  
POR. SEC. 5, 5.11S., R.1E., M.D.B. & M.

Tax Area Code  
69-266

105-44

ASSESSOR'S PARCEL MAP



ATTACHMENT 5

Assessor's Map No. 105-44  
County of Santa Cruz Calif.  
J u n e 1 9 9 8

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

Electronically redrawn

40

EXHIBIT 1

**RESOLUTION OF FINDINGS**

- (A) THAT THE PRESERVATION OF THE LAND AS OPEN SPACE IS CONSISTENT WITH THE GENERAL PLAN OF THE COUNTY; AND

The continued preservation of the Assessor's Parcel Numbers 105-443-03, 02 and 01 as open space is consistent with the County's General Plan policies for Rural Residential, Scenic Resource and Watershed Protection policies. The maintenance of the property in open space will further serve to achieve patterns of residential development that are compatible with the physical limitations and the resource heritage of the County and will not impair the natural environment. The residential development density of roughly one dwelling on 5.4 gross acres is well within the density of one dwelling per 2 ½ to 20 net developable acres allowed under the Rural Residential General Plan designation. While the property is not located within a designated scenic corridor, it is visible from a rural public road and provides rural, wooded and pastoral public vistas. Subject to the conditions under which the proposed amendment is approved, these public vistas will be protected and maintained. Moreover under the conditions of approval, the subject parcel will remain valuable for watershed protection.

- (B) THAT THE PRESERVATION OF THE LAND AS OPEN SPACE IS IN THE BEST INTEREST OF SANTA CRUZ COUNTY AND SPECIFICALLY BECAUSE ONE OR MORE OF THE FOLLOWING REASONS EXISTS:

- (1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.
- (2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the 'and is located.

Maintaining the subject parcel (APN 105-443-03) in conjunction with APNs 105-443-01 and 02 as open space is in the public interest by helping to preserve the rural character of the area in which these properties are located. The amendment to allow a single family dwelling on the subject parcel is a lower density of development than allowed under the General Plan. The conditions under which the amendment is approved will preserve the rural character by limiting the type, design and location of the proposed single family dwelling.

- (3) The public interest will otherwise be served in a manner recited in the original resolution and consistent with the purposes of the Open Space Easement Act of 1974 and Section 8 of Article XIII of the Constitution of the State of California.

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

0350

(Space above this line for Recorder's use only)

### **AMENDED OPEN SPACE EASEMENT CONTRACT**

THIS AMENDED OPEN SPACE EASEMENT CONTRACT amends that certain Open Space Easement Contract dated February 28, 1975 recorded in the County Recorder's Office in Volume (Book) 2480 on pages 417 to 425, on Assessor's Parcel Numbers 105-443-01, 02 and 03 and is executed this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between Kathleen S. Paddon, Kathleen Welch and Gary Welch, Noel J. Paddon and Kathleen W. Paddon, and Keith H. Anderson and Shirley M. Anderson as GRANTORS, and the COUNTY OF SANTA CRUZ, as GRANTEE,

WITNESSETH:

WHEREAS, Grantors are the owners in fee of the real properties (APN 105-443-01, 02 and 03) hereinafter described, situated in Santa Cruz County, California, and

WHEREAS, on or about February 28, 1975, the Grantors' predecessors in interest granted to the Grantee an open-space easement, in said property, and thereby protected its scenic beauty and exiting openness by the restricted use and enjoyment of said property by the then Grantors and their successors in interest or assigns through the imposition of the conditions therein expressed, and

WHEREAS, the then Grantors approved the rezoning of Assessor's Parcel Numbers 105-443-01, 02 and 03 in a Zoning District classification consistent with the limitations of use and density contained within the 1975 instrument and to the 0 (Open-Space Easement) Combining District for the purpose of identification on the Sectional District Map, and which zoning remains in effect; and

WHEREAS, Grantors and Grantee have and continue to desire to preserve and conserve for the public benefit the natural scenic beauty and existing openness of the property known as Assessor's Parcel Number 105-443-01, 02 and 03, and

WHEREAS, Grantors and Grantee now desire to amend said Open Space Easement Contract to modify and revise the restrictions imposed upon the use of Assessor's Parcel Number 105-443-03;

NOW, THEREFORE, for and in consideration of the premises, the Grantor does hereby affirm the previous grant and conveyance unto the County of Santa Cruz an estate, interest and open-space easement in said real property (Assessor's Parcel Number 105-443-01, 02 and 03) of grantor of the nature and character and to the extent hereinafter expressed, which estate, interest and easement will result from the restrictions hereby imposed upon the use of said property by Grantors, and to that end and for the purpose of accomplishing the intent of the parties hereto, Grantors covenants on behalf of themselves, their heirs, successors and assigns with the said Grantee, its successors and assigns to do and refrain from doing severally and collectively upon the Grantors' said property the various acts hereinafter mentioned. The restrictions hereby imposed upon the use of said property of the Grantors and the acts which Grantors shall refrain from doing upon said property in connection therewith are, and shall be, as follows:

1. That no buildings or structures as defined in the Santa Cruz County Zoning Ordinance will be placed or erected upon said property nor shall utility poles or lines be located on or pass through said property.

The preservation of the subject parcel (APN 105-443-03) in conjunction with APNs 105-443-01 and 02 as open space is in the County's best interest in that the subject properties will retain and protect the scenic vistas along a public road. Amendment of the Open Space Easement Contract will continue to preserve the public vista. The proposed single family dwelling allowed through this contract amendment shall be situated and be constructed of materials which shall render the development minimally visible to travelers along Valencia School Road. The scenic rural character of the properties will be ensured by the terms of the contract and the conditions under which the contract is amended, through the maintenance of the existing forest lands and vegetation. In addition, the project has been conditioned to ensure that the proposed development will be designed to minimize disturbance of the land, open areas and vegetation, which will serve to protect the scenic value, watershed value and wildlife habitat (food and cover). Thus, the Open Space Easement contract will continue to provide public benefit through the maintenance of the existing scenic, watershed and wildlife benefits by limiting development and leaving much of the parcel in its natural rural open state.

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in that event the easement created by this conveyance shall terminate as of the time of the filing of the complaint in condemnation as to the land or portion thereof sought to be taken for public use, and shall revert to and vest in the Grantors, its successors in interest, or assigns.

10. The conveyance by Grantors to Grantee of any open-space easement in the property described above is for a term of ten (10) years from the date of execution of this instrument. The term of the open-space easement shall be automatically renewed on the anniversary date of the execution of this instrument for an additional one (1) year period, thus maintaining the term of the open-space easement at ten (10) years, unless notice of non-renewal is given as provided below.

11. If either the Grantors or the Grantee desires in any year not to renew the open-space easement, that party shall serve written notice of non-renewal of the easement upon the other party at least ninety (90) days in advance of the annual renewal date of the open-space easement. Unless such written notice is served at least 90 days in advance of the renewal date, the open-space easement shall be considered renewed as hereinabove provided.

Upon receipt by the Grantors of a notice from the Grantee of non-renewal, the Grantors may make a written protest of the notice of non-renewal. The Grantee may, at any time prior to the renewal date, withdraw the notice of non-renewal.

If the Grantors or the Grantee serves notice of intent in any year not to renew the open-space easement, the existing open-space easement shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the open-space easement, as the case may be.

12. The Grantors may petition the governing body of the Grantee for abandonment of any open-space easement as to all of the subject land. The governing body may approve the abandonment of an open-space easement only if, by resolution, it finds:

- (1) That no public purpose described in Section 5 1084 will be served by keeping the land as open space; and
- (2) That the abandonment is not inconsistent with the purposes of this chapter; and
- (3) That the abandonment is consistent with the local general plan; and
- (4) That the abandonment is necessary to avoid a substantial financial hardship to the land-owner due to involuntary factors unique to him.

No resolution abandoning an open-space easement shall be finally adopted until the matter has been referred to the local planning commission, the commission has held a public hearing thereon and furnished a report on the matter to the governing body stating whether the abandonment is consistent with the local general plan and the governing body has held at least one public hearing thereon after giving 30 days notice thereof by publication in accordance with Section 6061 of the Government Code, and by posting notice on the land.

Prior to approval of the resolution abandoning an open-space easement, the county assessor of the county in which the land subject to an open-space easement is located shall determine the full cash value of the land as though it were free of the open-space easement. The assessor shall multiply such value by 25 percent, and shall certify the product to the governing body as the abandonment valuation of the land for the purpose of determining the abandonment fee.

Prior to giving approval to abandonment of any open-space easement, the governing body shall determine and certify to the county auditor the amount of the abandonment fee which the landowner must pay the county treasurer upon abandonment. That fee shall be an amount equal to 50 percent of the abandonment valuation of the property.

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Any sum collected pursuant to this section shall be transmitted by the county treasurer to the State Controller and be deposited in the State General Fund.

An abandonment shall not become effective until the abandonment fee has been paid in full.

13. The open-space easement conveyed by this instrument shall run with the land described herein and shall be binding upon the heirs, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

_____ GRANTORS	_____ GRANTORS
_____ GRANTORS	_____ GRANTORS
_____ GRANTORS	_____ GRANTORS
_____ GRANTORS	_____ GRANTORS

COUNTY OF SANTA CRUZ

By \_\_\_\_\_ GRANTEE

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

COMPLETED BY NOTARY PUBLIC

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public,  
personally appeared \_\_\_\_\_

\_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature \_\_\_\_\_

(Notary Seal)



COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT

Date: September 8, 1999  
Agenda Item: No. H-2  
Time: After 9:00 a.m.

0354

### STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. : 99-0248

APN: 105-443-03

APPLICANT: Noel Paddon

OWNER: Kathleen Welch, Gary Welch and Kathleen Paddon

PROJECT DESCRIPTION: Proposal to amend the Open Space Easement Contract on Assessor's Parcel Numbers 105-443-01, 02 and 03 to allow a single family dwelling on APN 105-443-03. Requires an Open Space Easement Contract Amendment.

LOCATION: On the south side of Valencia School Road (adjacent to 1525 Valencia School Road) about 1/4 mile west of the intersection of Valencia School and Trout Gulch Roads, Aptos.

FINAL ACTION DATE: Exempt - Legislative action (per the Permit Streamlining Act)

PERMITS REQUIRED: Open Space Easement Contract Amendment

ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 17, Section 1817.

COASTAL ZONE:       yes XXno APPEALABLE TO CCC: nyes XXo

#### PARCEL INFORMATION

PARCEL SIZES: 105-443-03 5.4 acres      105-443-01 2.4 acres      105-443-02 3.6 acres

EXISTING LAND USE: PARCEL: Vacant parcel within an Open Space Easement

SURROUNDING: Rural residential, residential agriculture, vacant rural parcels, and Open Space Easement parcels developed with residences and outbuildings

PROJECT ACCESS: Via Valencia School Road - a publicly maintained road.

PLANNING AREA: Aptos Hills

LAND USE DESIGNATION: Rural Residential (R-R)

ZONING DISTRICT: A-O (Agriculture - Open Space combining district)

SUPERVISORIAL DISTRICT: Second

#### ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a, Geologic Hazards	a. None mapped
b. Soils	b. Elkhorn Sandy Loam, Watsonville Sandy Loam and Nisene-Aptos Complex. Soil Report required prior to building permit approval.
c. Fire Hazard	c. None mapped
d. Slopes	d. 2 to 75%
e. Env. Sen. Habitat	e. Riparian habitat-Ward Gulch located on adjacent parcel (east)
f. Tree Removal	f. Minimal for driveway access
g. Scenic	g. Not in a mapped scenic zone
h. Drainage	h. Not applicable
i. Traffic	i. Future minor increase in traffic

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 Application No. 99-0248  
 APN: 105-443-03

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j. Roads	j. Public road
k. Parks	k. None nearby
l. Sewer Availability	l. None
m. Water Availability	m. Well - mapped good quality, good quantity
n. Archeology	n. Located within a mapped archeologically sensitive area - no resources found during reconnaissance

### SERVICES INFORMATION

W/in Urban Services Line: X ~~Yes~~ n o  
 Water Supply: Private well, currently none  
 Sewage Disposal: Septic, currently none  
 Fire District: California Department of Forestry Fire Protection District  
 Drainage District: None

### ANALYSIS & DISCUSSION

#### Background

On April 14, 1999, the County Planning Department accepted this application for an Amendment to an Open Space Easement Contract to allow a single family dwelling on APN 105-443-03. In accordance with the California Environmental Quality Act and the County Environmental Review Guidelines, the project was determined to be categorically exempt under Class 17, Section 1817 (Exhibit K).

#### Project Setting & Surroundings

The Open Space Easement Act of 1974 provides the means by which local governments may execute Open Space Easements with private landowners to maintain the natural or scenic character of the land. Through an Open Space Easement, a property owner relinquishes development rights in return for a reduction in local property taxes. A property owner may reserve the right to undertake future development if this "reservation" is contained in the easement document or added at a later date through a contract amendment.

In 1974, the Paddon family applied to enter parcels 105-443-01, 02 and 03 into an Open Space Easement (OSE) contract with the County of Santa Cruz. This Open Space Easement contract (Exhibit E) was approved by the Board of Supervisors as part of a package of over twenty-four OSE contract applications for properties located throughout the County. The properties which had been owned by the Paddon family since 1927 were historically used for apple orchards and pasture lands. APN 105-443-01 was developed with a 1930's farm house, barn and orchards. The subject contract allowed for future construction of one single family dwelling and appurtenant structures. An exhibit for the Open Space Easement application identified the

Paddon for Welch, et. al.  
Application No. 99-0248  
APN: 105-443-03

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possible future home site on the 5+ acre parcel APN 105-443-03 (Exhibit F). The Paddons had planned that their heirs would build and live in the reserved dwelling. Due to financial constraints, the Paddons needed to sell one of the three OSE parcels. Consequently, the Paddons requested permission from the Planning Department in 1977 to move the building site for the reserved single family dwelling to APN 105-443-02. Permission was granted, and APN 105-443-02 was subsequently sold and a dwelling constructed in 1981 (Exhibit G).

Mr. Paddon is now approaching 80 years. His daughter who owns APN 105-443-03 wishes to move to back to the area to assist her elderly parents and allow them to continue to live in their home. However, since only one dwelling was reserved at the time the OSE application 25 years ago, a dwelling cannot be constructed on this parcel without an amendment to the OSE contract. Given the Open Space Easement restrictions and current property values, the property owner cannot afford to sell her property as is and purchase another property on which to reside. Moreover, it is the owner's strong desire to keep the remaining properties in the family, and keep as much of the properties undeveloped as possible.

The three parcels in the OSE contract are located along Valencia School Road at its intersection with Trout Gulch Road, in the Aptos Hills planning area (Exhibit A). Parcel 105-443-03 is located about 1/4 mile up Valencia School Road. The subject parcel is characterized by a nearly level ridge top running north to south through the middle of the property. The flanks of the ridge are steeply sloped though mostly less than 50% and densely vegetated with oak woodlands to the west and an intermixed redwood and oak woodland to the east. The ridge top itself is an open grassland which transitions to brush and herbaceous species towards the south, and with oak woodland and brush along Valencia School Road. Below the parcel to the east is Ward Gulch, an ephemeral stream. Parcel 105-443-01 is located northwest of the subject parcel at a significantly lower elevation. Again, it is developed with a farm house, old barn and apple orchards. This parcel is very visible along Valencia School Road. Parcel 105-443-02 is located below and southwest of the subject parcel (See Exhibit B). This parcel is developed with a single family dwelling and habitable accessory structure which are screened from view by dense oaks and shrubs.

This application proposes changing the Open Space Easement Contract to allow construction of an additional single family dwelling on the currently vacant 5+ acre parcel. The proposed dwelling would be located on the site originally proposed under the 1974 OSE application. This site was evaluated by the Open Space Committee staff and was determined to need some additional screening along Valencia School Road at the time. However, since the former pasture areas have no longer been maintained, dense shrubs and woodlands have overgrown the perimeter of the parcel and only minimal screening would be necessary to prevent any dwelling from being visible along Valencia School Road.

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Application No. 99-0248  
APN: 105-443-03

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### General Plan & Zoning Consistency

The project site has a 1994 General Plan land use designation of Rural Residential (Exhibit C). This designation allows a density range of one dwelling unit per 2.5 to 20 acres of net developable area. The objective of this designation is to provide for low density development in areas outside of the Urban Services Line which are suitable for rural development. A Rural Density Matrix (99-0038) was completed for the subject parcel (Exhibit H). Based on the results of the Rural Density Matrix, it may be possible to split this parcel.

The project is located in the "A-O" zone district, Agriculture with the Open Space combining district (Exhibit D). The purpose of the "A" zone district is to encourage and provide for noncommercial agricultural uses, such as family farming and animal raising. The "O" Open Space combining zone district indicates that the property is restricted by an Open Space Contract. The proposed project is not located within or adjacent to any designated scenic corridor. Nevertheless, portions of the property are visible from a rural, public road. The undeveloped parcel provides a limited meadow view for a few property owners further up Valencia School Road. Some of this meadow view would be lost if the parcel were to be developed.

The County General Plan policies for Open Space are to identify and preserve in open space uses, those areas which are not suited to development due to natural resource values or physical development hazards, and to designate Resource Conservation areas for conservation purposes. According to the General Plan, Resource Conservation lands shall include significant open space lands in rural areas of the County for the protection of natural resources and habitats, outdoor recreation opportunities and protection of health and safety. High priority lands are those adjacent to established preserve, parks or open space or connections between existing preserved lands and areas with significant biological, scenic or other natural resource value which is not adequately protected. Planning staff in 1974, found that the public benefit for this Open Space Easement was protecting the scenic beauty along 1,800 feet of frontage along two public roads (Trout Gulch and Valencia School). The scenic resources included redwoods and grasslands to an early California style barn and apple orchard. In addition, staff determined the properties had watershed value due its proximity to Ward Gulch, and that the Open Space easement would help retain the rural character of the area.

The proposed amendment of the Open Space Easement Contract is consistent with the County's General Plan scenic resources protection and Rural Residential land use designation policies. The proposed amendment is will serve to achieve patterns of residential development that is compatible with the physical limitations and resources heritage of the County and will not impair the natural environment. Furthermore, allowing the construction of a single family dwelling on APN 105-443-03 will still accomplish the goals of the original Open Space Easement, in that the home can be located and painted in a manner to minimize visibility from all locations. Moreover, the proposed dwelling can be sited such that it cannot be seen while

Paddon for Welch, et. al.  
Application No. 99-0248  
APN: 105-443-03

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traveling along Valencia School Road. The Open Space Easement will retain control over how and where the property will be developed and which, if any, appurtenant structures will be allowed, should the contract be amended. In addition, the proposed amendment is conditionally required to augment the natural screening provided by the existing oaks and brush between the building site and Valencia School Road, to maintain the existing vegetation to insure protection of the visual aesthetics and wildlife value of the property, minimize site disturbance, install all utilities underground, minimize grading and utilize earth toned exterior colors and materials compatible and harmonious with the natural surroundings (Exhibit J). Under the Open Space combining district, the property could not be subdivided and developed, further protecting the watershed and scenic resources. Finally, the proposed amendment will allow the property owner an economic use of the property within the limitations of the Open Space Easement Contract.

The State of California's Open Space Easement Act of 1974 give local government the right to enter into Open Space Easement contracts in order to preserve land for the public's benefit. Prior to the acceptance of an Open Space Easement contract, Government Code Section 51084 requires findings that the Board of Supervisors must make. Subject to the conditions attached as Exhibit J, the required findings can be made for this Open Space Easement Contract Amendment.

### Conclusion

All required findings can be made to approve this application subject to the attached conditions. The project is consistent with the General Plan in that the project constitutes a residential use and subject to the conditions, meets the goals and intent of the Open Space Easement Act of 1974. The project density is comparable to the surrounding pattern of development in the neighborhood.

Please see Exhibit "I" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### RECOMMENDATION:

Staff recommends that your Commission adopt the attached Resolution (Exhibit L), recommending the Board of Supervisors approve Application No. 99-0248 amending an Open Space Easement and adopt the revised Open Space Easement contract language based on the attached findings (Exhibit I) and approval of the categorical exemption from the California Environmental Quality Act (Exhibit K).

Paddon for Welch, et. al.  
Application No. 99-0248  
APN: 105-443-03

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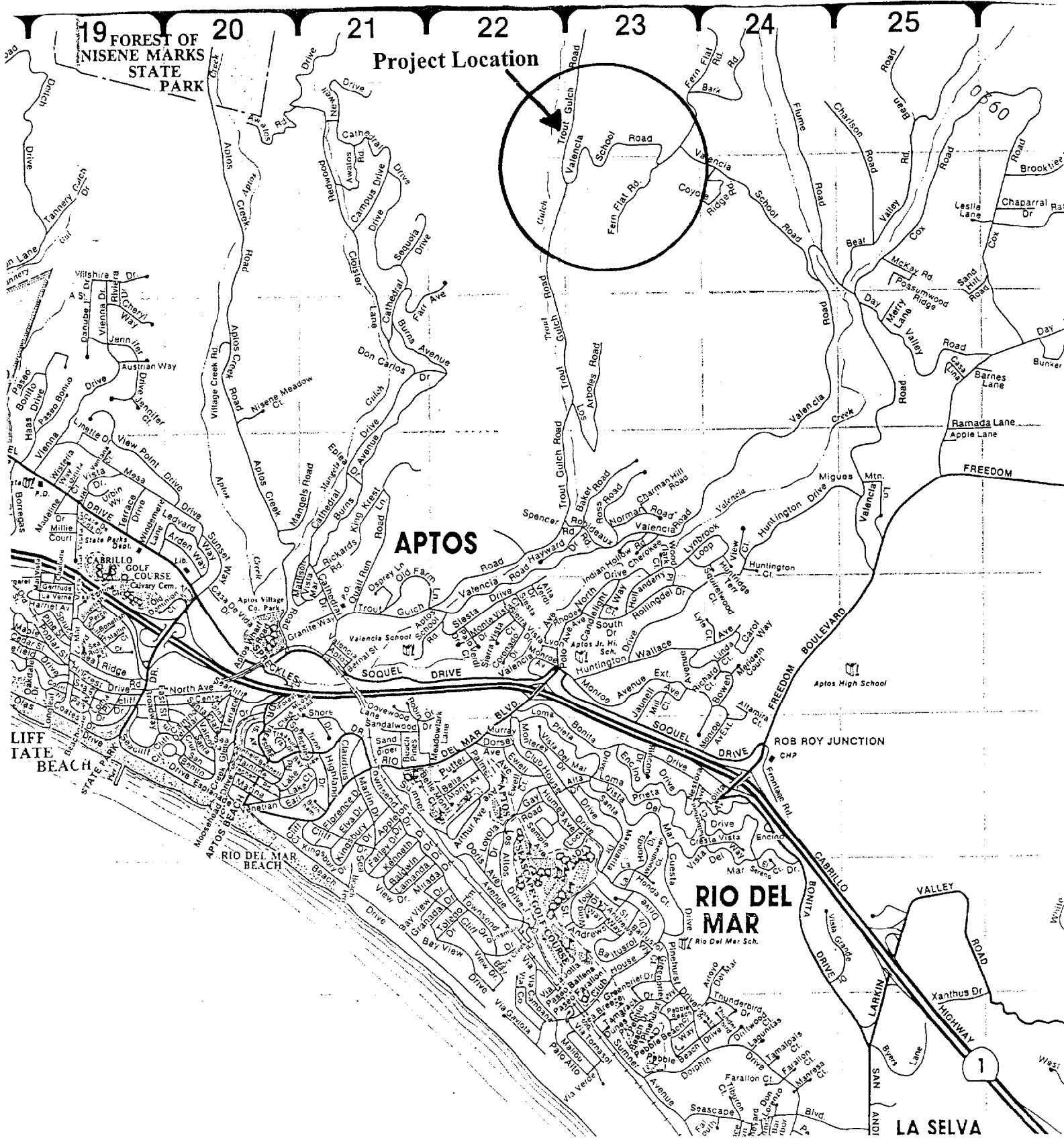
EXHIBITS

- A. Location Map
- B. Assessor's Parcel Map
- C. General Plan Map
- D. Zoning Map
- E. Original Open Space Easement Contract
- F. Improvements allowed by the Open Space Easement Contract
- G. Correspondence Regarding Relocating Reserved Dwelling Location
- H. Rural Density Matrix
- I. Findings for Amending the Open Space Easement Contract
- J. Conditions
- K. Categorical Exemption from CEQA
- L. Resolution Recommending Open Space Easement Amendment and Draft Amended Contract
- M. Agency Comments
- N. Correspondence
- O. Proposed Building Site and Preliminary Plans

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By: Cathleen Carr  
Cathleen Carr  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (408) 454-3225

Report reviewed by: Martin Jacobson  
Martin Jacobson, AICP  
Principal Planner, Development Review



LOCATION MAP

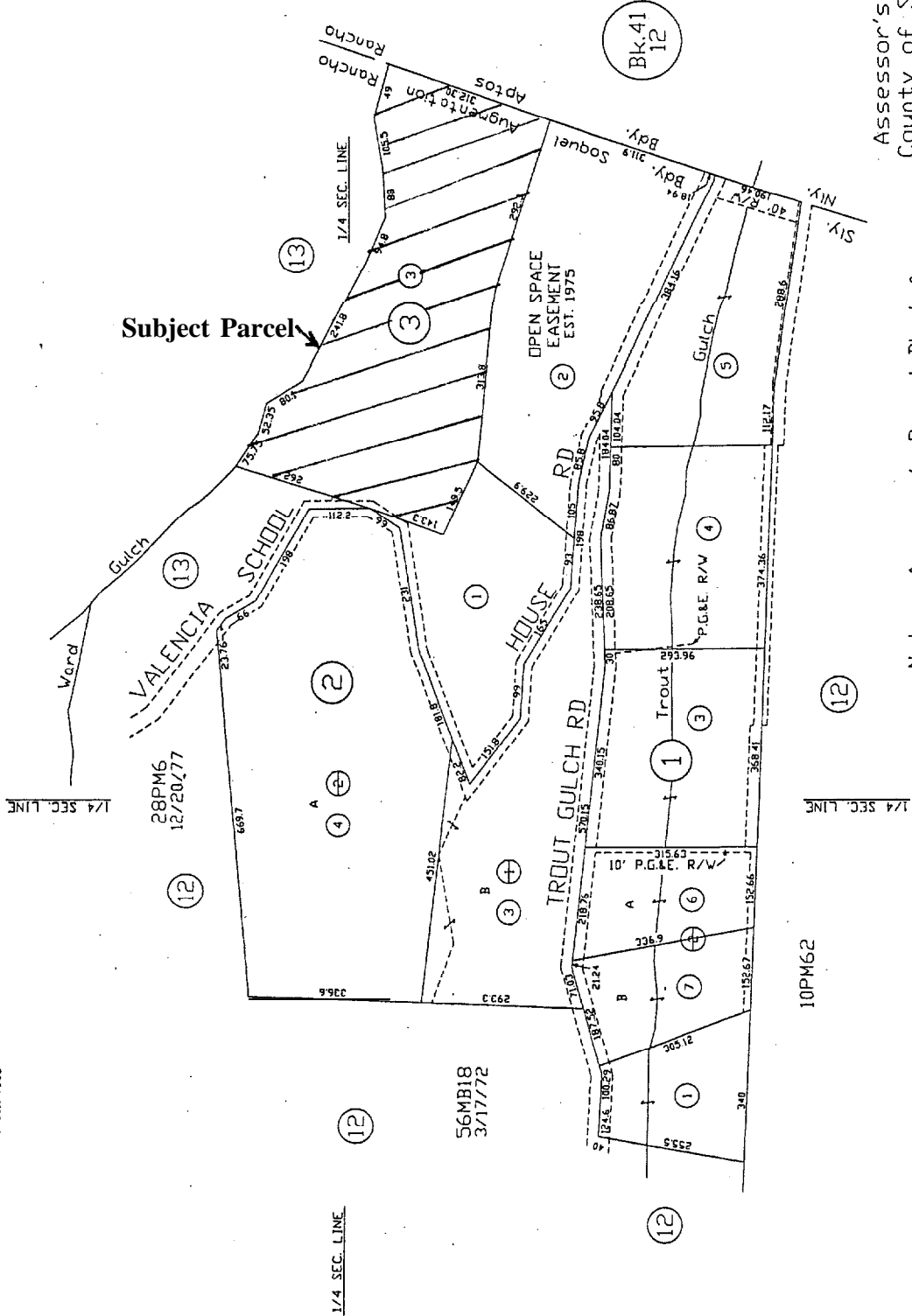
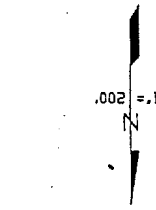
EXHIBIT A

FOR TAX PURPOSES ONLY  
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

SOQUEL AUGMENTATION RANCHO  
POR. SEC. 5, 5.11S., R.1E., M.D.B. & M.

Tax Area Code  
69-266

105-44



Assessor's Map No. 105-44  
County of Santa Cruz, Calif.  
July 1998

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

ASSESSOR'S PARCEL MAP

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EXHIBIT B



ALE (FT/INCH) = 302  
DTH IN FEET = 2,378.24  
PTH IN FEET = 2,672.85

REQUEST ID: 99-0248

**ATTACHMENT 7**

AG

0362

R-R

R-M

**Subject Parcel**

AG

R-M

R-M

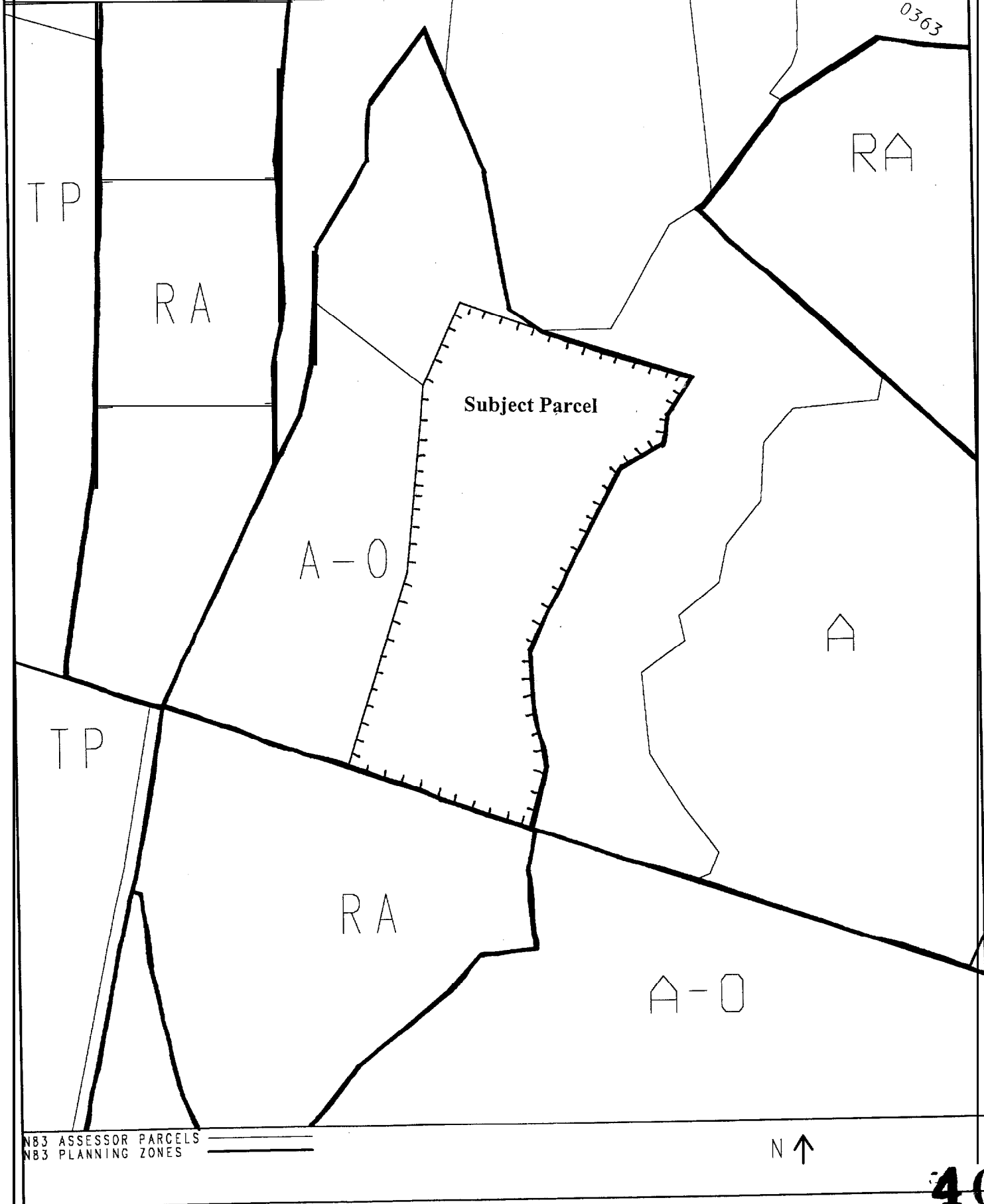
R-R

R-

83 ASSESSOR PARCELS  
83 G P BASE LAYER

N ↑

SCALE (FT/INCH) = 212  
 WIDTH IN FEET = 1,578.24  
 DEPTH IN FEET = 1,872.85



OPEN-SPACE EASEMENT CONTRACT

THIS DEED, executed this 28th day of February, 1975,  
by and between Noel J., Kathleen W., Jack, Cherie E., and Rob Paddon, as GRANTOR, and  
the COUNTY OF SANTA CRUZ, as GRANTEE,

## WITNESSETH:

WHEREAS, Grantor is the owner in fee of the real property hereinafter described, situated in Santa Cruz County, California, and

WHEREAS, Grantor and Grantee desire to preserve and conserve for the public benefit the natural scenic beauty and existing openness of said property, and

WHEREAS, Grantor is willing to grant to Grantee an open-space easement, as hereinafter expressed, in said property, and thereby protect its present scenic beauty and existing openness by the restricted use and enjoyment of said property by the Grantor and his successors in interest or assigns through the imposition of the conditions hereinafter expressed, and

WHEREAS, Grantor approves the rezoning of said property to a District classification consistent with the limitations of use and density contained within this instrument and to the O (Open-Space Easement) Combining District for the purpose of identification on the Sectional District Map;

NOW, THEREFORE, for and in consideration of the premises, the Grantor does hereby grant and convey unto the County of Santa Cruz an estate, interest and open-space easement in said real property of grantor of the nature and character and to the extent hereinafter expressed, which estate, interest and easement will result from the restrictions hereby imposed upon the use of said property by Grantor, and to that end and for the purpose of accomplishing the intent of the parties hereto, Grantor covenants on behalf of himself, his heirs, successors and assigns with the said Grantee, its successors and assigns to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned. The restrictions hereby imposed upon the use of said property of the Grantor and the acts which Grantor shall refrain from doing upon said property in connection therewith are, and shall be, as follows:

compatible with scenic purposes shall be permitted. (Section 51054, Government Code)

6. That no use of said described property which will or does materially alter the landscape or other attractive scenic and open space features of said property other than those specified above shall be done or suffered. There shall be no deposition or accumulation of trash, garbage, or unsightly or offensive materials upon such land described.

7. Grantee shall not make any payment to Grantor for the conveyance of the open-space easement described above, it being recognized and agreed between the parties that the consideration for this conveyance is the substantial public benefit to be derived therefrom and the advantage which will accrue to Grantor in the event of any reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein.

8. The property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Santa Cruz, State of California, and is particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

Excepting and reserving to the Grantor:

- (1) The right to maintain all existing private roads, bridges, trails, and structures upon said land and the right to construct items as previously listed.
- (2) The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

9. If at any time the property herein described, or any portion thereof, shall be selected for condemnation by any public agency or public utility, including the Grantee, then and in that event the easement created by this conveyance shall terminate as of the time of the filing of the complaint in condemnation as to the land or portion thereof sought to be taken for public use, and shall revert to and vest in the Grantor, its successors in interest, or assigns.

0366

10. The conveyance by Grantor to Grantee of an open-space easement in the property described above is for a term of ten (10) years from the date of execution of this instrument. The term of the open-space easement shall be automatically renewed on the anniversary date of the execution of this instrument for an additional one (1) year period, thus maintaining the term of the open-space easement at ten (10) years, unless notice of non-renewal is given as provided below.

11. If either the Grantor or the Grantee desires in any year not to renew the open-space easement, that party shall serve written notice of nonrenewal of the easement upon the other party at least ninety (30) days in advance of the annual renewal date of the open-space easement. Unless such written notice is served at least 90 days in advance of the renewal date, the open-space easement shall be considered renewed as hereinabove provided.

Upon receipt by the Grantor of a notice from the Grantee of nonrenewal, the Grantor may make a written protest of the notice of nonrenewal. The Grantee may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

If the Grantor or the Grantee serves notice of intent in any year not to renew the open-space easement, the existing open-space easement shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the open-space easement, as the case may be.

12. The Grantor may petition the governing body of the Grantee for abandonment of any open-space easement as to all of the subject land. The governing body may approve the abandonment of an open-space easement only if, by resolution, it finds:

- (1) That no public purpose described in Section 51084 will be served by keeping the land as open space; and
- (2) That the abandonment is not inconsistent with the purposes of this chapter; and
- (3) That the abandonment is consistent with the local general plan; and

- (4) That the abandonment is necessary to avoid a substantial financial hardship to the landowner due to involuntary factors unique to him.

0367

No resolution abandoning an open-space easement shall be finally adopted until the matter has been referred to the local planning commission, the commission has held a public hearing thereon and furnished a report on the matter to the governing body stating whether the abandonment is consistent with the local general plan and the governing body has held at least one public hearing thereon after giving 30 days' notice thereof by publication in accordance with Section 6061 of the Government Code, and by posting notice on the land.

Prior to approval of the resolution abandoning an open-space easement, the county assessor of the county in which the land subject to the open-space easement is located shall determine the full cash value of the land as though it were free of the open-space easement. The assessor shall multiply such value by 25 per cent, and shall certify the product to the governing body as the abandonment valuation of the land for the purpose of determining the abandonment fee.

Prior to giving approval to the abandonment of any open-space easement, the governing body shall determine and certify to the county auditor the amount of the abandonment fee which the landowner must pay the county treasurer upon abandonment. That fee shall be an amount equal to 50 per cent of the abandonment valuation of the property.

Any sum collected pursuant to this section shall be transmitted by the county treasurer to the State Controller and be deposited in the State General Fund.

An abandonment shall not become effective until the abandonment fee has been paid in full.

13. The open-space easement conveyed by this instrument shall run with the land described herein and shall be binding upon the heirs, successors, and assigns of the parties hereto.

0368

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

*Charles E. Padden*  
*Rob Padden*  
*William M. Padden*  
*Walter Padden*  
*Jack Padden*  
 GRANTOR"

COUNTY OF SANTA CRUZ

By *Patricia Ritzky*  
 GRantee

APPROVED AS TO FORM:

*Dwight L. Herr*  
 DWIGHT L. HERR  
 Assistant County Counsel

CALIFORNIA

SANTA CRUZ

SS.

ATTACHMENT 7  
BOOK 2480 PAGE 423

ON FEBRUARY 27, 1975  
before me, the undersigned, a Notary Public in and for said State, personally appeared  
Cherie C. Paddon & Rob Paddon &  
Kathleen N. Paddon & Noel J. Paddon

to be the persons whose names are known to me,  
and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

OFFICIAL SEAL  
Julio P. Ghidinelli  
NOTARY PUBLIC - CALIFORNIA  
PRINCIPAL OFFICE  
IN SANTA CRUZ COUNTY  
Commission Expires Oct. 19, 1975

JULIO P. GHIDINELLI, NOTARY PUBLIC  
STATE OF CALIFORNIA  
PRINCIPAL OFFICE, SANTA CRUZ COUNTY  
MY COMMISSION EXPIRES OCTOBER 19, 1975

Notary Public in and for said State.

NT-General-Wolcotts Form 231-Rev. 3-64

### INDIVIDUAL ACKNOWLEDGMENT

State of California  
County of SANTA BARBARA } S.S.

On this 27TH day of FEBRUARY 1975, before me,

MOLLY E. DOW, a Notary Public in and for said SANTA BARBARA County,

(SEAL) personally appeared JACK PADDON

VERSITY SQUARE # 814

known to me to be the person whose name IS subscribed to the within  
instrument, and acknowledged that he executed the same.

Luis Obispo, Calif. 93401

WITNESS my hand and official seal.

OFFICIAL SEAL  
MOLLY E. DOW  
NOTARY PUBLIC - CALIFORNIA  
SANTA BARBARA COUNTY  
My Commission Expires Sept. 20, 1976

Notary Public in and for said SANTA BARBARA County and State  
My commission expires 9-20-76 19



0370

BOOK 2480 PAGE 424

DESCRIPTION

ALL that certain real property situate in the County of Santa Cruz, State of California, described as follows:

PARCEL ONE:

BEING a portion of the Soquel Augmentation Rancho and more particularly described as follows:

BEGINNING at the intersection of the Southerly boundary of the Soquel Augmentation Rancho, with the centerline of Trout Gulch Road; thence from said point of beginning Southeasterly along the Southerly boundary of said Soquel Augmentation Rancho to a station in the middle of Ward Gulch, so called, from which a witness post bears South 72° 05' East 10.00 feet distant; thence along the middle of said Ward Gulch North 14° 55' East 49.00 feet to a station; thence North 9° 45' West 105.50 feet to a station; thence North 2° 55' West 88.00 feet to a station; thence North 2° 40' East 94.80 feet to a station; thence North 27° 35' East 241.80 feet to a station; thence North 58° 45' East 80.10 feet to a station; thence North 15° 35' East 52.35 feet to a station; thence North 33° 40' East 75.75 feet to a station, from which an 18" oak tree bears South 82° 3' West 31.20 feet distant; thence leaving said Ward Gulch North 72° 05' West 175.00 feet to a station; thence Northeasterly to the center line of the School House Road, so called; thence Northwesterly and Southwesterly along the center line of said School House Road to its intersection with the center line of the Trout Gulch Road; thence Southerly along the center line of said Trout Gulch Road to the point of beginning.

EXCEPTING THEREFROM that portion described in the Deed to Kathleen Suzanne Paddon, recorded January 19, 1972, in Volume 2166 of Official Records, at Page 541, Santa Cruz County Records,

ALSO EXCEPTING THEREFROM that portion described in the Deed to Jack Archer Paddon, recorded January 19, 1972, in Volume 2166 of Official Records, at Page 544, Santa Cruz County Records.

105-443-01

PARCEL TWO:

BEING a portion of the lands conveyed to Noel J. Paddon and Kathleen W. Paddon by deed recorded March 10, 1969, in Volume 1938, Page 128, Official Records of Santa Cruz County, said portion being bounded by a line described as follows:

BEGINNING at a one inch pipe "LS 2265" from which the Northeastern corner of the lands describe as Parcel One in the above mentioned deed, in the middle of Ward Gulch, bears North 24° 23' East 149.5 feet, South 70° 02' East 143.3 feet and South 72° 27' East 262 feet distant, from which point of beginning a one inch line pipe "LS 2265" bears North 51° 20' West 160.0 feet distant and from which point of beginning a witness mark on a 24 inch oak tree bears North 72° 10' East 7.9 feet distant;

THENCE FROM SAID POINT OF BEGINNING South 6° 00' West 313.8 feet to a one inch pipe "LS 2265" from which a witness mark on an 18 inch oak tree bears South 66° 45' East 10.9 feet distant; thence South 17° 31' West 292.1 feet to a scribed 24 inch madrone tree standing in the fence on the Southern line of the Soquel Augmentation Rancho; thence Northwesterly along the last mentioned line 310 feet, a little more or less, to the centerline of Trout Gulch Road; thence Northerly along said centerline to the centerline of Valencia School House Road; thence Northerly along the last mentioned centerline to a station from which the point of beginning bears South 51° 20' East; thence leaving Valencia School House Road South 51° 20' East to the place of beginning.

SURVEYED AND COMPILED January, 1972, by Stanley R. Smith.

105-443-02

EXHIBIT "A"

0371

BOOK 2480 PAGE 425

PARCEL THREE:

F'

BEING a portion of the lands conveyed to Noel J. Paddon and Kathleen W. Paddon by deed recorded March 10, 1969, in Volume 1938, Page 128, Official Records of Santa Cruz County, said portion being bounded by a line described as follows:

BEGINNING at the Southeastern corner of the lands described as Parcel One in the above mentioned deed, in the middle of Ward Gulch and on the Southern line of the Soquel Augmentation Rancho;

THENCE FROM SAID POINT OF BEGINNING upstream and Northerly along the Middle of Ward Gulch to the Northeasterly corner of said lands of Paddon; thence leaving said Gulch North 7° 2' 27" West, at 4 feet an old scribed stake, a total distance of 262 feet to a 1/2 Inch pipe "LS 2265" at an angle point in the centerline of Valencia School House Road as said centerline is described in Volume 108 of Deeds, Page 92, Santa Cruz County Records, thence leaving said road North 70° 02' West 143.3 feet to a one inch pipe "LS 2265"; thence South 24° 23' West 149.5 feet to a one inch pipe from which a witness mark on a 24 inch oak tree bears North 72° 10' East 7.9 feet distant; thence South 6° 00' West 313.6 feet to a one inch pipe from which a witness mark on an 18 inch oak tree bears South 66° 45' East 10.9 feet distant; thence South 17° 31' West 292.1 feet to a scribed 24 inch madrone tree standing in the fence on the Southern line of the Soquel Augmentation Rancho; thence Southeasterly along the last mentioned line 312 feet, a little more or less, to the place of beginning.

105-443-03

Santa Cruz County Counsel

SUBMITTED AT REQUEST OF

FEB 28 4 29 PM '75

RECORDED  
SANTA CRUZ COUNTY  
RICHA. CO. NEAL

BOOK 2480 PAGE 417

006453

1. That no buildings or structures as defined in the Santa Cruz County Zoning Ordinance will be placed or erected upon said property nor shall utility poles or lines be located on or pass through said property.

EXCEPTIONS:

One single-family dwelling and appurtenant structures

2. All new construction shall be reviewed by the Open Space Programs Committee with right of appeal to the Planning Commission. All structures should be compatible with the intent of this contract; specific concerns include location of the site, screening and landscaping, exterior finishing materials and the colors, and general harmony with the character of the area.

3. That no advertising of any kind or nature shall be located on or within said property except for identification and for the sale of products produced on the site consistent with the purpose of this instrument.

4. That the Grantor shall not plant nor permit to be planted any vegetation upon said property except normal farming on presently cleared areas farmed in the past, reforestation and planting of native California vegetation, normal landscaping and screening of homesites and farming area and facilities consistent with the purposes of this instrument.

5. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian (hiking, equestrian and bicycle) trails, and the development of ponds for wildlife and fire protection, normal excavation for farming and building, development of sanitation and water facilities needed, measures needed to prevent erosion and provide for fire protection, the general topography and natural vegetation of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made. Normal maintenance and replacement of existing structures shall be permitted. Cutting of timber, trees and other natural growth as may be required for fire prevention, thinning, elimination of diseased growth and similar protective measures, or for the harvest of trees in a manner

2720 Valencia Road . 0374  
Aptos, Ca. 95003  
October 21, 1977

Mr. Dan Winters .  
S. C. County  
Planning Dept.  
Santa Cruz, Ca.

Dear Mr. Winters,

We are requesting permission to change the  
homesite on Parcel #105-442-03 to the one below, #105-442-02.  
These parcels are located on Valencia School Rd., Aptos, as  
shown on the maps enclosed.

The preferable location for a homesite is on the  
upper parcel. However, when putting it there, we didn't  
foresee the need of selling any of our land and, therefore,  
the importance of reserving homesites on both parcels.

The lower parcel does have the possibility of a  
beautiful homesite on a rise with room for pasture, barns,  
and corral below. There are two entrances, one at each end  
of the property which have been used for many years and just  
need brushing out to make them usable. The whole property is  
covered with greasewood and needs to be cleared and reseeded  
to pasture,

If possible, I'd like to do some clearing before  
you view the acreage to enable you to see better the  
possibility of a future homesite. You were apprehensive of  
erosion, a point well taken, but some clearing might be done  
now and the rest done after the heavy rains.

We hope that you and Mr. Kahill will be able to  
see the feasibility of this property having a usable, desirable  
homesite,

Sincerely yours,

NOEL J. PADDON

0375

HENRY BAKER, DIRECTOR  
COMMUNITY RESOURCES AGENCY

February 8, 1978

Noel Paddon  
2720 Valencia Road  
Aptos, CA 95003

Dear Mr. Paddon:

Your property, Assessor Parcel Nos. 105-443-01, -02, and -03, was placed in an Open Space Easement in February of 1975. The contract allows for one additional single-family dwelling to be placed on the 11.4 acres for a total of two dwellings on the property. The contract did not define the placement of the proposed building site. The submitted plot plan referred to A.P.N. 105-443-03 as the 'possible future homesite' and the staff report stated 'the proposed second dwelling would be located off Valencia School Road and would have to be screened from the roadway'.

In response to your request, the Open Space Program Committee has reviewed the property and approves a relocation of the future site to A.P.N. 105-443-02, provided all conditions of the contract are met. Section 5 states 'the general topography and natural vegetation of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made'. It is recommended that the selected access follow an existing roadway and result in minimal terrain, vegetation, and visual disturbance. The contract also grants the Committee the right to review new construction and siting for compatibility with the intent of the Open Space Easement Contract 'to preserve the natural scenic beauty and existing openness'.

I am sorry that it took so long to answer your request. If you have any further questions, feel free to call me.

Sincerely,

Jan Winters  
Associate Planner

JW:gh

EXHIBIT 10

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PLANNING DEPARTMENT

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GOVERNMENTAL CENTER  
Alvin D. James, Planning Director



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**ATTACHMENT 7**  
COUNTY OF SANTA CRUZ

---

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060 0376  
(831) 454-2580 FAX (831) 454-2131 TDD (831) 454-2123

March 17, 1999

Gary and Kathie Welch  
239 15 Via Aranda  
Valencia, CA 91355

re: **Rural Density Matrix for Assessor's Parcel 105-443-03**  
**Application: 99-0038**

Dear Mr. and Mrs. Welch:

The attached matrix was completed using mapped data. Actual site specific analyses may adjust your point score, as provided in County Code Section 13.10.080.

Parcel 105-443-03 has a total of 5.4 acres (approximately 5.4 developable acres) which are designated Rural Residential (R-R) by the General Plan. This designation provides for low density residential development (2.5-20 net developable acres per unit) on lands suitable for rural development which have access from roads maintained to rural road standards and adequate fire protection, and where limited public services and facilities, physical hazards and development constraints including water availability and septic capability and the desire to maintain rural character restrict more intensive development of these areas.

The implementing zoning for Parcel 105-443-03 is Agriculture-Open Space (A-O). County Ordinance 13.10.3 1 I and 13.10.400 describe the purpose of the A-O Zone District as to encourage and provide for noncommercial agricultural uses, such as family farming and animal raising, and to allow limited commercial agricultural activities, on the small amounts of agricultural land remaining in the County which are not designated as commercially suitable, but which still constitute a productive natural resource; to provide for agricultural uses of a higher intensity in rural areas than those allowed in the Residential Agriculture (RA) Zone District where such use is compatible with the surrounding land uses and the environmental constraints of the land; to maintain options for a diversity of farm operations; to implement the agricultural preservation policy of Section 16.50 of the County Code; and to maintain productive open space and the rural character in the county.

The point score after analyses of mapped data by Staff, indicates that there may be a maximum of two building sites. (Please note that this is a conditional score based on the assumption that the property is unencumbered by an Open Space Easement Contract, the Agricultural Policy Advisory Commission has confirmed that the land is not viable commercial agricultural land, and that access

Application: 99-0038  
Applicant: Welch

is off a County maintained road.) This score is based on a 2.5 acre "minimum average parcel size allowed for development" divided into 5.4 developable acres of Parcel 105-443-03.

Points were deducted for the following matrix components:

**Type of Access:**

A lot with a Rural Residential pan designation which is fronting on or within 500 feet (Road as Traveled) of a County maintained road and accessed from that road scores 10 of 10 possible points.

**Ground Water Quality:**

The proposal to utilize a private or mutual well system as a water source in Area IV (Adequate Quantity/Good Quality) scores 8 of 10 possible points.

**Water Resources Protection:**

The proposal to utilize a septic system for sanitation on a parcel with approximately 20% of the parcel located in an area identified as having high groundwater and poor soils, located outside of primary recharge and water supply watershed areas, scores 5.4 of 10 possible points.

**Timber Resources:**

A parcel without a Timber Resources designation on the General Plan and without Timber Production (TP) zoning scores 10 of 10 possible points.

**Biotic Resources:**

The proposal to locate all development activities outside designated sensitive habitats scores 10 of 10 possible points.

**Erosion:**

A parcel with a bedrock geology of the Purisima Formation, with approximately 75% of the area having slopes between 16-30% and approximately 25% of the area having slopes between 31-50%, scores 7.25 of 10 possible points.

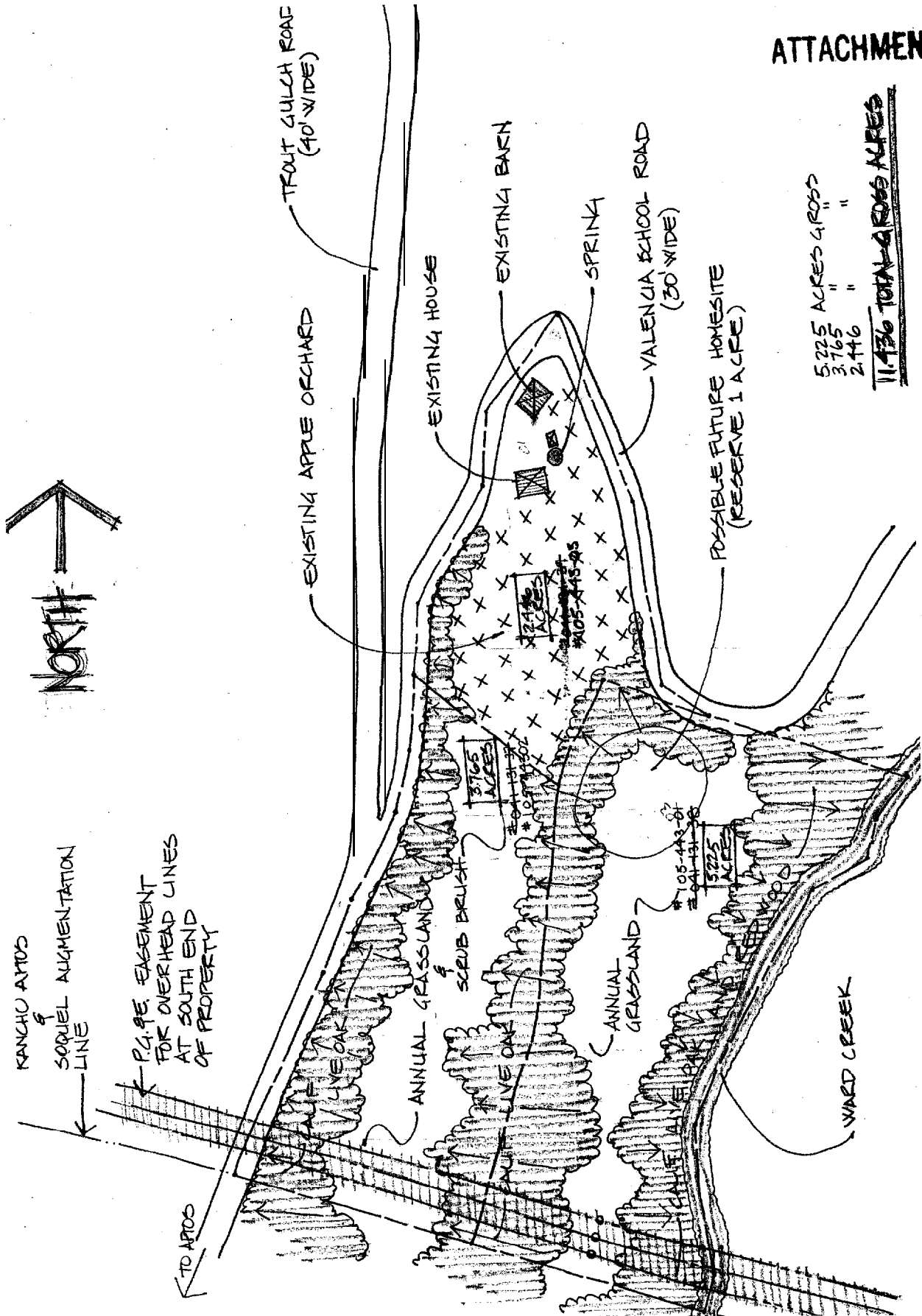
**Liquefaction:**

A parcel located outside a mapped fault zone and with no potential for liquefaction scores 10 of 10 possible points.

**Landslide Potential:**

A parcel with no evidence of recently active landslides on the property in the area of proposed development activities with approximately 75% of the area having slopes between 16-30% and

0373



5.225 ACRES 41000  
3.765 " " " " " "  
2.446 " " " " " "

11.436 TOTAL ACROSS ACRES



Application: 99-0038  
Applicant: Welch

0378

approximately 25% of the area having slopes between 3 1-50%, scores 7.25 of 10 possible points.

**Fire Hazard:**

For parcels located outside of the Critical Fire Hazard Area accessed by a 16-foot wide road and having a fire response time of less than ten minutes on a non-dead end road, scores 15 of 15 possible points.

Based on current data only, a matrix score of 82.90 applied to 5.4 net developable acres allows for two potential building sites.

Please note: A Rural Density Matrix is used to assess the development potential of rural property based on preliminary review of available mapped data. The decision to approve or deny a specific development application will take place only after evaluation of your site.

Matrix worksheets, a General Plan Map, a Zoning Map, and an Assessor's Parcel Map are attached for your review. Should you have any questions concerning this matrix determination, please call me at (83 1) 454-3218.

Sincerely,



Sandy Fleming, AICP  
Development Review Planner

**Exhibits:**

- A. Rural Density Matrix Worksheet
- B. Rural Density Matrix Worksheet - Overriding Mimimum Acreage Policies
- C. General Plan Map
- D. Zoning Map
- E. Assessor's Parcel Map

# RURAL DENSITY MATRIX WORKSHEET

Sess: 316

\$160  
\$370.70

Application No. 99-0038

ATTACHMENT 7

This section is to be completed by the Applicant

Assessor's Parcel No. 105-443-03

X Name GARY & KATHIE WELCH

X Mailing Address 23915 VIA ARANDA

X City, State, Zip VALENCIA, CA. 91355

X Telephone (805) 254-2089 or (805) 259-7800, ext. 3366

X Access to site: Name of Road Valencia School Road

Check which apply: ☒ Public, County maintained

☐ Public, not County maintained

☐ Private

☐ Dead-end road and greater than 1/2 mile from a through road (see General Plan Policies 6.5.4 and 6.5.5)

☐ Not paved

☐ Pavement width: 12' to 18' with turnouts at intervals of greater than 500 feet

☐ Pavement width: 12' to 18' with turnouts at intervals of less than 500 feet

☒ Pavement width: <sup>16'</sup>18' or greater

X Other Flag Lot Proposed with a private driveway  
Both Lots to be decessed off County Maintained Road

Water Source:

☐ County or municipal water district

Name

☒ Private or mutual well

☐ Spring

Sewage Disposal:

☐ Public or private sanitation district

☐ Package treatment plant or septic maintenance district

☒ Septic system

Total acreage: 5.5 acres

Number of houses or habitable structures on parcel: Currently Vacant

Purpose of this application: ☒ Determine the minimum acreage per building site

☒ Determine the maximum number of parcels for a land division

☐ Determine the allowable density of an organized camp or conference center

2 lots (Minor Land Division) is not suitable for commercial agriculture  
with both lots accessed off County Maintained Road

40  
EXHIBIT H

FOR STAFF USE ONLY

Planning Area: Aptos Hills (AH)

General Plan land use designation: Rural Residential (CRR) 0380

Zoning District: Agriculture - Open Space (A-O)

Mapped Environmental Constraints: Potential Archeologic Resources (However, this does not affect Matrix score)

Resources (timber, agriculture, etc.): None

Access: Valencia School Road

Fire Response Time (in minutes): 6-7 minutes County Fire  
(Source)

Property Characteristics

Source of the following data: ☒ In house ☐ Field investigation

Parcel size (in acres): 5.4 ac. Source: Assessor (e.g., EMIS)

Acreage per Average Slope Category: 14805  
0-15% 16-30% 31-50% 51% & above

Portions of Property Excluded as Undevelopable land (in acres):

1. Slopes in excess of 50% 505F = .001 acres
3. Road rights-of-way —
4. Riparian corridors, wooded arroyos, canyons, stream banks, areas of riparian vegetation.  
\_\_\_\_\_ foot wide riparian corridor X \_\_\_\_\_ foot length —
5. Lakes, streams, marshes, sloughs, wetlands, beaches, and areas within the 100 year flood plain, —
6. Areas of recent or active landslides —
7. Land within 50 feet of an active or potentially active fault trace. —
8. Type 1 & 2 prime agricultural land and minor resource areas. —
9. Total acreage excluded (total of 1 through 8, except overlaps) .001
10. Total Developable Acreage (subtract 9. from total acreage) 5.4 acres (rounded)

97-0038

<b>BASIS FOR ANALYSIS; TO BE COMPLETED BY STAFF</b>
---

# ATTACHMENT 7

MATRIX	Current Point Score	Conditional <sup>03</sup> Point Score
1. Location _____	_____	10.00
2. Groundwater Quality _____	_____	8.00
3. Water Resource Protection <u>Approx. 20% of parcel is located in an area identified as having high groundwater/poor soils</u>	_____	5.40
4. Timber Resources _____	_____	10.00
5. Biotic Resource _____	_____	10.0
6. Erosion _____	_____	7.25
7. Seismic Activity _____	_____	10.00
8. Landslide <u>Potential landslides noted in area; however, no mapped landslides located on parcel.</u>	_____	7.25
9. Fire Hazard <u>Please note this assumes Valencia School House Road is a 16 foot wide road.</u>	_____	15.00
SUBTOTAL	_____	82.90
SUBTRACT CUMULATIVE CONSTRAINT POINTS	_____	_____
GRAND TOTAL	_____	82.90
Minimum Average Developable Parcel Size* (from Table <u>B.4.0.0(10)(b)(ii)</u> Page <u>I3 D-68</u> ) as determined by the point score:	_____	2.5 acres
Number of Potential Building Sites* (developable acreage divided by minimum average parcel size).	_____	2

\*Overriding minimum parcel size restriction, if applicable, take precedence over the preliminary allowed average density in the event of conflict.

Paddon for Welch, et. al.  
Application No. 99-0248  
APN: 105-443-03

0382

### **RESOLUTION OF FINDINGS**

- (A) THAT THE PRESERVATION OF THE LAND AS OPEN SPACE IS CONSISTENT WITH THE GENERAL PLAN OF THE COUNTY; AND

The continued preservation of the Assessor's Parcel Numbers 105-443-03, 02 and 01 as open space is consistent with the County's General Plan policies for Rural Residential, Scenic Resource and Watershed Protection policies. The maintenance of the property in open space will further serve to achieve patterns of residential development that are compatible with the physical limitations and the resource heritage of the County and will not impair the natural environment. The residential development density of roughly one dwelling on 5.4 gross acres is well within the density of one dwelling per 2 ½ to 20 net developable acres allowed under the Rural Residential General Plan designation. While the property is not located within a designated scenic corridor, it is visible from a rural public road and provides rural, wooded and pastoral public vistas. Subject to the conditions under which the proposed amendment is approved, these public vistas will be protected and maintained. Moreover under the conditions of approval, the subject parcel will remain valuable for watershed protection.

- (B) THAT THE PRESERVATION OF THE LAND AS OPEN SPACE IS IN THE BEST INTEREST OF SANTA CRUZ COUNTY AND SPECIFICALLY BECAUSE ONE OR MORE OF THE FOLLOWING REASONS EXISTS:

- (1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.
- (2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.

Maintaining the subject parcel (APN 105-443-03) in conjunction with APNs 105-443-01 and 02 as open space is in the public interest by helping to preserve the rural character of the area in which these properties are located. The amendment to allow a single family dwelling on the subject parcel is a lower density of development than allowed under the General Plan. The conditions under which the amendment is approved will preserve the rural character by limiting the type, design and location of the proposed single family dwelling.

- (3) The public interest will otherwise be served in a manner recited in the original resolution and consistent with the purposes of the Open Space Easement Act of 1974 and Section 8 of Article XIII of the Constitution of the State of California.

Paddon for Welch, et. al.  
Application No. 99-0248  
APN: 105-443-03

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0383

The preservation of the subject parcel (APN 105-443-03) in conjunction with APNs 105-443-01 and 02 as open space is in the County's best interest in that the subject properties will retain and protect the scenic vistas along a public road. Amendment of the Open Space Easement Contract will continue to preserve the public vista. The proposed single family dwelling allowed through this contract amendment shall be situated and be constructed of materials which shall render the development minimally visible to travelers along Valencia School Road. The scenic rural character of the properties will be ensured by the terms of the contract and the conditions under which the contract is amended, through the maintenance of the existing forest lands and vegetation. In addition, the project has been conditioned to ensure that the proposed development will be designed to minimize disturbance of the land, open areas and vegetation, which will serve to protect the scenic value, watershed value and wildlife habitat (food and cover). Thus, the Open Space Easement contract will continue to provide public benefit through the maintenance of the existing scenic, watershed and wildlife benefits by limiting development and leaving much of the parcel in its natural rural open state.

## CONDITIONS OF APPROVAL

0384

Open Space Easement Amendment 99-0248

Applicant: Noel Paddon

Property Owners: Kathleen Welch, Gary Welch and Kathleen Paddon

Assessor's Parcel No. 105-443-03

Property location and address: Located on the south side of Valencia School Road (adjacent to 1525 Valencia School Road) about 1/4 mile west of the intersection of Valencia School and Trout Gulch Roads, Aptos. No situs.

Aptos Hills Planning Area

## Exhibits:

- 
0. Architectural and Site Plans, unsigned dated 4/15/99
- 

- I. This approval authorizes the construction of a two-story single family dwelling. Prior to exercising any rights granted by this contract amendment approval including, without limitation, any construction or site disturbance, the applicant/ owner shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. Submit a Comprehensive Soils Engineering Report for the building site to the Planning Department for review and approval. Pay all applicable report review fees at the time of application. All pertinent geotechnical report recommendations shall be included in the construction drawings submitted to the County for a Building Permit.
  - D. Obtain a Grading Permit from the Santa Cruz County Planning Department, if required. Pay all applicable fees at the time of application.
  - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - E. Submit proof that the Amended Open Space Easement Contract has been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- II. Prior to issuance of a Building Permit the applicant/owner shall:

Paddon for Welch, et. al.  
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- A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "XX" on file with the Planning Department. The final plans shall include, but not be limited to, the following:
1. Exterior elevations identifying finish and roofing materials and colors. Submit color and materials examples to the Planning Department for review and approval. Exterior colors and material shall be earth toned and shall blend with the natural surroundings.
  2. Floor plans identifying each room and its dimensions.
  3. The single family dwelling shall not exceed the 28 foot height maximum.
  4. A site plan showing the location of all site improvements, including, but not limited to, points of ingress and egress, parking areas, retaining walls and all trees over 6 inches in diameter which will be removed. A standard driveway and conform is required.
    - a. All trees greater than 6 inches but less than 12 inches in diameter shall be replaced on a one to one basis using native, drought tolerant species of a minimum 1 gallon size.
    - b. All trees greater than 12 inches in diameter shall be replaced on a one to one basis using a minimum 15 gallon live oak or coast redwood tree.
  5. A final landscape plan showing vegetative screening. This plan shall include the location, size, and species of all proposed trees and plants along the driveway and within the front yard setback and shall meet the following criteria:
    - a. Vegetative screening shall be provided along the northwest corner of the property between the proposed building site and the existing vegetation along Valencia School Road.

The vegetative screening shall consist of native, drought tolerant tree and shrub species.
    - b. The vegetative screening shall be permanently maintained.
    - c. All trees and shrubs within 50 feet of the property line and Valencia



School Road right-of-way shall be permanently maintained. <sup>5336</sup>

6. A plan review letter from the geotechnical 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 geotechnical report.
  7. A drainage plan which shows how and where buildings, paved driveways, and other impervious areas will drain without adverse effects on adjoining properties. Show on the plans submitted, all proposed impervious areas within the parcel.
  8. Meet all requirements and pay the appropriate plan check fee of the California Department Fire Protection District.
  9. Any new electrical power, telephone, and cable television service connections shall be installed underground.
  10. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
- B. Pay the Santa Cruz County Park Dedication fee in effect at the time of building permit issuance.
- C. Pay the Santa Cruz County Child Care fee in effect at the time of building permit issuance.
- D. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- E. No land clearing shall take place prior to building permit issuance. Land clearing shall be limited to that necessary for construction of the single family dwelling and landscaping immediately adjacent to said dwelling.
- Grading or excavating shall take place between October 15 and April 15 unless a separate winter erosion-control plan is approved by the Planning Director.
- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

Paddon for Welch, et. al.  
Application No. 99-0248  
APN: 105-443-03

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0322

- A. All site improvements shown on the final approved Building and Grading Permits plans shall be installed.
- B. All replacement trees and the vegetative screening shall be planted prior to building permit final.
- C. All inspections required by the building and grading permits shall be completed to the satisfaction of the County Building Official and the County Senior Civil Engineer.
- D. The soils engineer shall submit a letter to the Planning Department verifying that all construction has been performed according to the recommendations of the accepted geotechnical report. A copy of the letter shall be kept in the project file for future reference.
- E. Dust suppression techniques shall be included as part of the construction plans and implemented during construction.
- F. 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.

IV. Operational Conditions

- A. The single family dwelling and subject property shall be maintained in conformance with the amended Open Space Easement contract and the conditions of approval for the contract amendment.
- B. All trees and shrubs within 50 feet of the property line and Valencia School Road right-of-way shall be permanently maintained.
- B. All landscaping screening shall be permanently maintained
- C. The exterior colors and materials, including the roof, of the residence shall use neutral, earth tone colors which blend and harmonize with the surroundings.
- D. All areas outside of the one acre development site shall remain undisturbed. The

Paddon for Welch, et. al.  
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0388

owner shall maintain the existing forests, woodlands and other major vegetation.

- E. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM  
DATE OF APPROVAL UNLESS YOU OBTAIN YOUR  
BUILDING PERMIT AND COMMENCE CONSTRUCTION.**

14:11:52

For : CATHLEEN CARR <sup>0380</sup>

APN: 10544303

APPLICATION NO.: 99-0248

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**CA Department of Forestry Completeness Comments**

**DEPARTMENT NAME: CDF/COUNTY FIRE**

The job copies of the building and fire systems plans and permits must be onsite during inspections.

FIRE FLOW requirements for the subject property are 200 GPM. Note on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

SHOW on the plans a public fire hydrant within 500 feet of any portion of the property, along the fire department access route, meeting the minimum required fire flow for the building. This information can be obtained from the water company.

SHOW on the plans a public fire hydrant, meeting the minimum required fire flow for the building, within 150 feet of any portion of the building. This information can be obtained from the water company. Fire hydrant shall be painted in accordance with the state of California Health and Safety Code. See authority having jurisdiction.

A minimum fire flow 200 GPM is required from 1 hydrant located within 150 feet.

SHOW on the plans a 4000 gallon water tank for fire protection with a "fire hydrant" as located and approved by the Fire Department if your building is not serviced by a public water supply meeting fire flow requirements. For information regarding where the water tank and fire department connection should be located, contact the fire department in your jurisdiction.

NOTE on the plans that the building shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13D and Chapter 35 of California Building Code and adopted standards of the authority having jurisdiction.

NOTE that the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval. Installation shall follow our guide sheet.

NOTE on the plans that an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT.

Building numbers shall be provided. Numbers shall be a minimum of 4 inches in height on a contrasting background and visible from the street, additional numbers shall be installed on a directional sign at the property driveway and street.

NOTE on the plans the installation of an approved spark arrester on the top of the chimney. The wire mesh shall be 1/2 inch.

OTE on the plans that the roof covering shall be no less than Class C rated roof.

NOTE on the plans that a 30 foot clearance will be maintained with non-combustible vegetation around all structures or to the property line (whichever is a shorter distance). Single specimens of trees, ornamental

APN : 10544303      Application No.: 99-0248  
 Discretionary Comment - continued

Date : August 18, 1999  
 Page : 2

shrubby or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure are exempt.

**ROAD/DRIVEWAY REQUIREMENTS:**

SHOW on the plans, DETAILS of compliance with the driveway requirements. The driveway shall be 12 feet minimum width and maximum twenty percent slope.

The driveway shall be in place to the following standards prior to any framing construction, or construction will be stopped:

- The driveway surface shall be "all weather", a minimum 6" of compacted aggregate base rock, Class 2 or equivalent certified by a licensed engineer to 95% compaction and shall be maintained.
- ALL WEATHER SURFACE: shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%.
- The maximum grade of the driveway shall not exceed 20%, with grades of 15% not permitted for distances of more than 200 feet at a time.
- The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width.
- A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length.
- Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.
- All private access roads, driveways, turn-arounds and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.
- The driveway shall be thereafter maintained to these standards at all times.

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

72 hour minimum notice is required prior to any inspection and/or test.

**CA Department of Forestry Miscellaneous Comments**

NO COMMENT

**Environmental Health Completeness Comments**

Applicant must obtain a sewage disposal permit for the new development. Applicant will have to have an approved water supply prior approval of the sewage disposal permit. Contact B. Parsons of EHS: 454-2744.

**Environmental Health Miscellaneous Comments**

NO COMMENT

# ATTACHMENT 7

APN : 10544303      Application No.: 99-0248  
Discretionary Comment - continued

Date : August 18, 1999  
Page : 3

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## Environmental Planning Completeness Comments

0391

Please see separate memo dated 5-14-99. JN

## Environmental Planning Miscellaneous Comments

Please see separate memo dated 5-14-99. JN

# COUNTY OF SANTA CRUZ

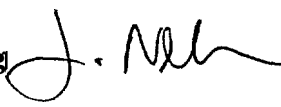
INTER-OFFICE CORRESPONDENCE

ATTACHMENT 7

DATE: May 14, 1999

TO: Don Bussey, Project Planner

FROM Jack Nelson, Environmental Planning



0392

SUBJECT: Comments, #99-0248, Valencia School Rd., APN 105-443-03

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These comments do not address the basic Open Space Easement amendment issues that you are handling. Once the Archeological Site Check is completed, application #99-0248 can be considered complete for Environmental Planning purposes. The following are preliminary Environmental Planning requirements related to potentially constructing a new single family dwelling at the proposed location.

A comprehensive-format soils report by a licensed soils engineer, and a fee-paid Soils Report Review by the County, will be required. Issues to be addressed in the soils report include slope stability, setbacks from steep slopes, and septic system location.

A Grading Permit may be required, depending on the final scope of proposed grading operations.

Other requirements may be applicable, when we see a more detailed proposal.

cc: Applicant (via Don Bussey)

PLANNING DEPARTMENT



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER  
August 3, 1999

701 OCEAN STREET, ROOM 400, SANTA CRUZ, CALIFORNIA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 4-2123

Noel Paddon  
2745 Valencia Road  
Aptos, CA 95003

0393

SUBJECT: ARCHAEOLOGICAL RECONNAISSANCE SURVEY, APPLICATION NO. 99-0248  
APN 105-443-03

Dear Applicant:

The County's archaeological survey team has completed the archaeological reconnaissance for the property listed above. The research has shown that prehistorical cultural resources were not evident at that site. A copy of their review is attached for your information. No further archaeological review will be required for the proposed development.

Please call me at 454-3162 if you have any questions.

Sincerely,

Suzanne Smith  
Resource Planner

enclosure

EXHIBIT M4C



## EXHIBIT B

0394

**SANTA CRUZ ARCHAEOLOGICAL SOCIETY**  
**1305 EAST CLIFF DRIVE, SANTA CRUZ, CALIFORNIA 95062**

Preliminary Prehistoric Cultural Resource  
 Reconnaissance Report

Parcel APN: 105 - 443 - 03SCAS Project #: SE - 99 - 734Planning Permit #: 99-0248Parcel Size: 210 ACApplicant: NOEL PADDENNearest Recorded Prehistoric Site: CA-SCR-226 ~ 1/2 mi north

On 6/10/29 members of the Santa Cruz Archaeological Society spent a total of (1/2) hours on the above described parcel for the purposes of ascertaining the presence or absence of prehistoric cultural resources on the surface. Though the parcel was traversed on foot at regular intervals and diligently examined, the Society cannot guarantee the surface absence of prehistoric cultural resources where soil was obscured by grass, underbrush or other obstacles. No core samples, test pits, or any subsurface analysis was made. A standard field form indicating survey methods used, type of terrain, soil visibility, closest freshwater source, and presence or absence of prehistoric and/or historic cultural evidence was completed and filed with this report at the Santa Cruz County Planning Department.

The preliminary field reconnaissance did not reveal any evidence of prehistoric cultural resources on the parcel. The proposed project would therefore, have no direct impact on prehistoric resources. If subsurface evidence of such resources should be uncovered during construction the County Planning Department should be notified.

Further details regarding this reconnaissance are available from the Santa Cruz County Planning Department or from Rob Edwards, Director, Archaeological Technology Program, Cabrillo College, 6500 Soquel Drive, Aptos CA 95003, (831) 479-6294, or email redwards@Cabrillo.cc.ca.us.

**Gary and Kathie Welch**  
**23915 Via Aranda**  
**Valencia, CA 91355**  
**(661) 254-2089**

**ATTACHMENT 7**

0395

April 5, 1999

Santa Cruz County Planning Department

Martin Jacobson/Project Planner  
Planning Commission  
Board of Supervisors

Subject: APN 105-443-03

Dear Sir or Madam:

We are requesting an amendment to our **Open Space Easement** contract. Parcel **105-443-03** has 5.4 developable acres which are designated Rural Residential by the General Plan. According to the attached **Rural Density Matrix**, two building sites are allowed.

This property has been in our family since 1927. My father and **his** father have been good stewards of this property, maintaining the open rural character of the site. At this time, my parents are aging and need help. They are also landowners of other property in this rural area and can no longer provide the stewardship necessary for the preservation of the scenic beauty and maintenance of these properties. Our intention is to build a single family dwelling on APN **105-443-03**. The public benefit will continue to be **served**. We will preserve the rural character of the area. In ten years, this site could be free of the **Open Space Easement** contract. However, my parents **need** us right away. According to the **Rural Density Matrix**, this land supports two building sites. We are preserving the rural character of the area by proposing lower density than allowed for these 5.4 acres. We will not remove any of the **existing** trees or other natural beauty. Our **home** would enhance the open space and scenic beauty of the site. The home would not be in view of the public road, nor would it be in view of any of the neighboring homes. The existing driveway into the property would become our driveway. Additional grading would not be necessary. The general topography and natural vegetation of the landscape will be maintained in its present condition.

In summary, we are asking for an amendment to this Open Space Easement contract for the purpose of **living** close to aging parents and continuing the stewardship of the land which has been so well maintained by my **father** and his father. My father is nearing 80 and has been a devoted steward of **his** land since his family moved to **Aptos** when he was five years of age. **It** is our **purpose** to continue to ensure that **public** benefit **will** not be compromised. We Intend to preserve the scenic beauty and rural character of the property.

*Sincerely,*  
*Gary & Kathie Welch*

**EXHIBIT**

**40**

Regarding APN 105443-03

0396

We, the undersigned, understand that Gary and Kathie Welch plan to build a single family dwelling on the above parcel. We have spoken with the property owners about their building plans and are not opposed.  
We will not dispute this decision.

Signature

*Shirley M. Anderson*

Printed name

Shirley M Anderson

Address

1575 Valencia School Rd

Date

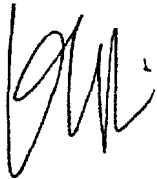
4-9-99

Regarding APN 105443-03

0397

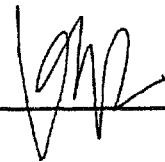
We, the undersigned, understand that Gary and Kathie Welch plan to build a single family dwelling on the above parcel. We have spoken with the property owners about their building plans and are not opposed.  
We will not dispute this decision.

Signature



Printed name

Linda S. Rossi



Address

2500 Trout Gulch Rd. Aptos CA 95001

Date

April 9, 1999

Regarding APN 105443-03

0398

We, the undersigned, understand that Gary and Kathie Welch plan to build a single family dwelling on the above parcel. We have spoken with the property owners about their building plans and are not opposed.  
We will not dispute this decision.

Signature

*Reginald F. Paddon*  
*Kathleen H. Paddon*

Printed name

REGINALD F. PADDOON KATHLEEN H. PADDOON

Address

25415 N.E. 128<sup>th</sup> Ave BATTLE GROUND, WA  
98604

Date

4/7/99

Our property is across the road (Valencia School Rd.) and we are pleased that this fine family are moving to this pristine part of the country.

Regarding APN 105443-03

0399

We, the undersigned, understand that Gary and Kathie Welch plan to build a single family dwelling on the above parcel. We have spoken with the property owners about their building plans and are not opposed.  
We will not dispute this decision.

Signature



Printed name

NOEL J. PADDON

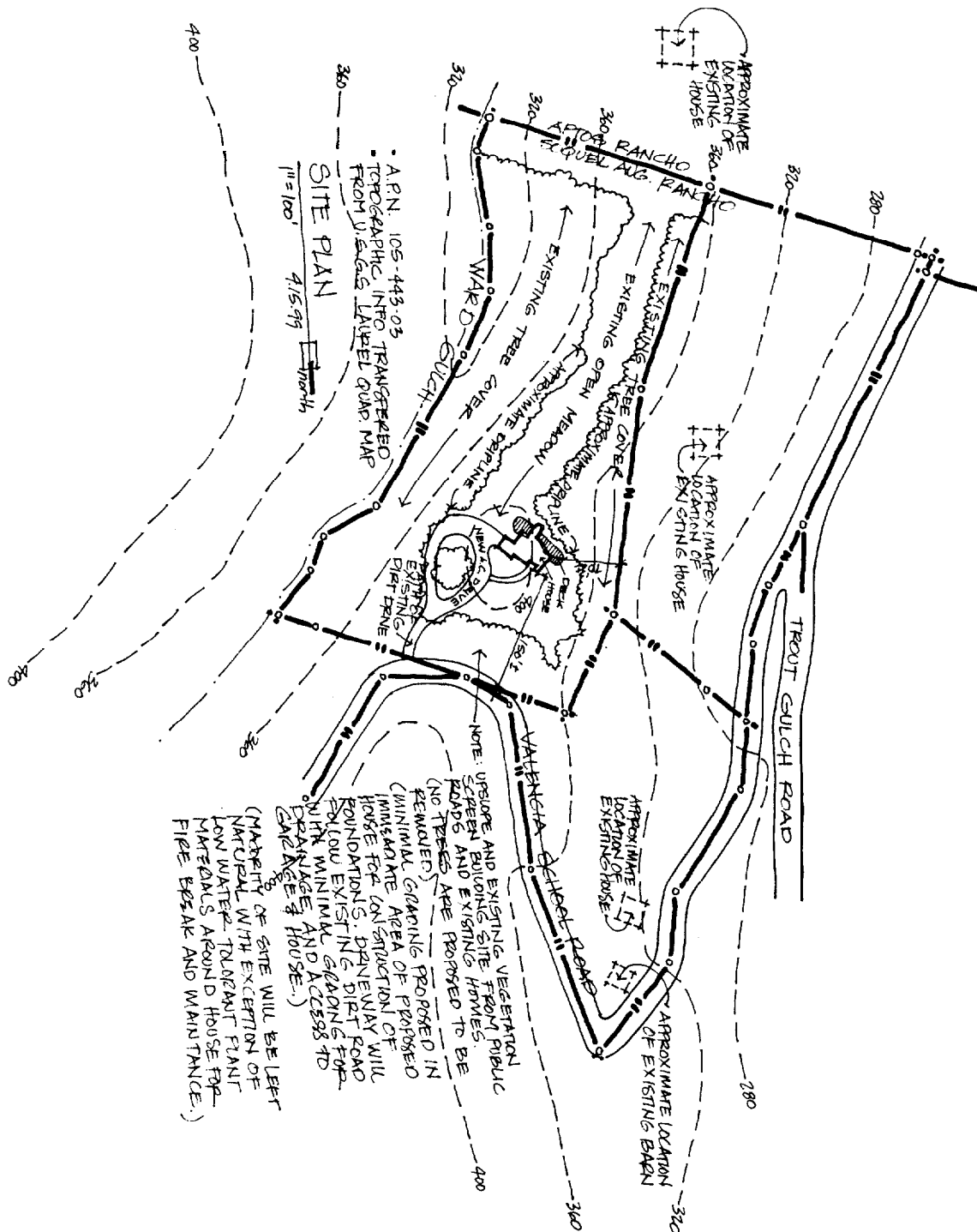
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2745 VALENCIA RD APTOS CA 95003

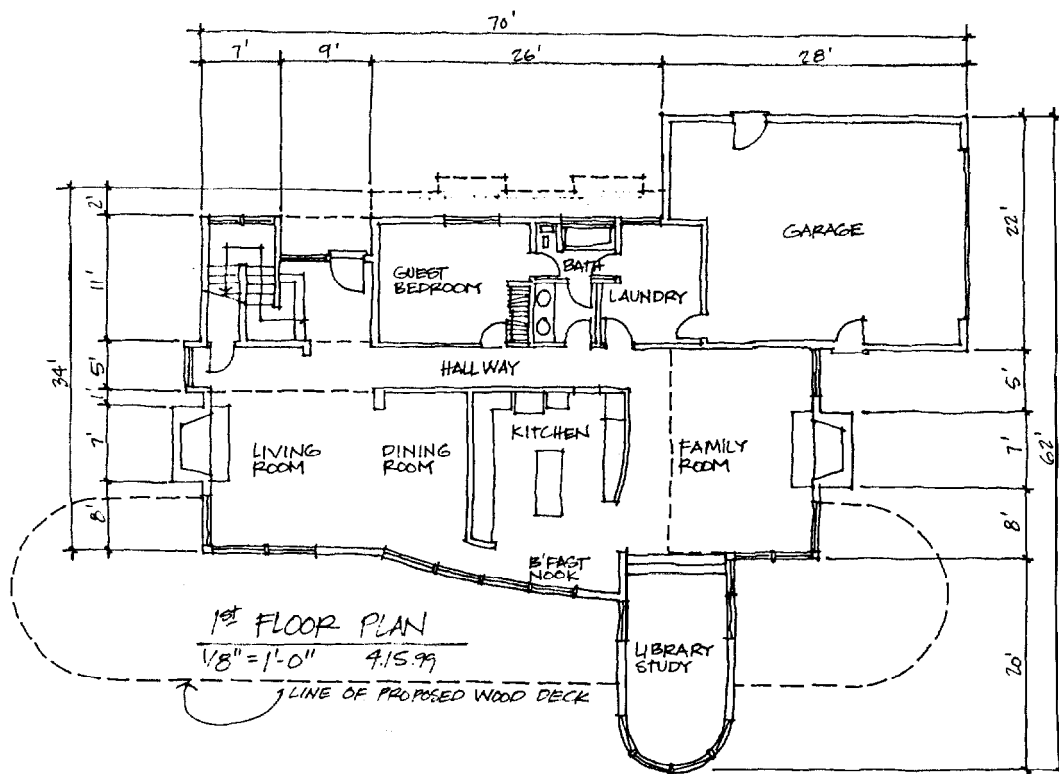
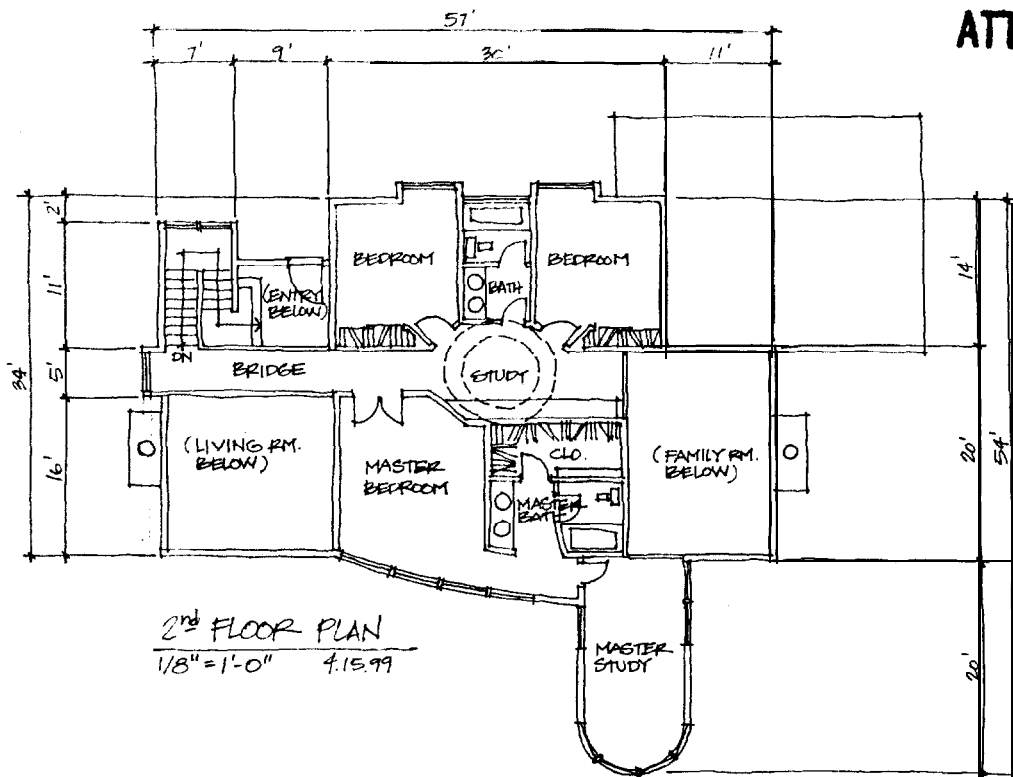
Date

APRIL 5, 1999

0400

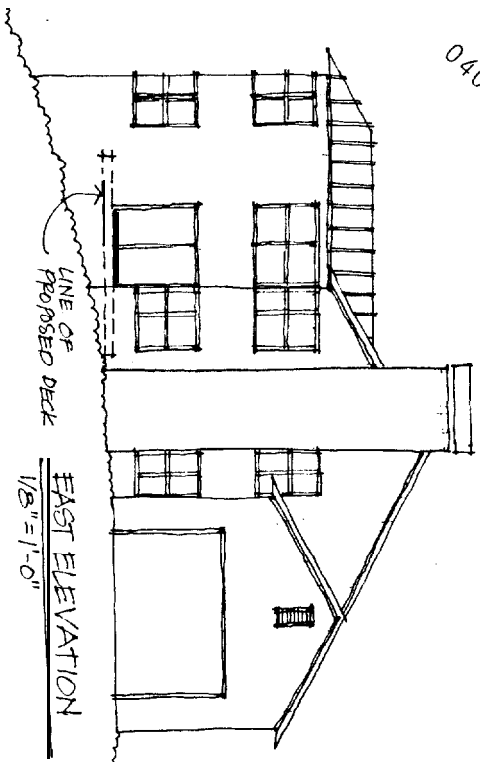


0401

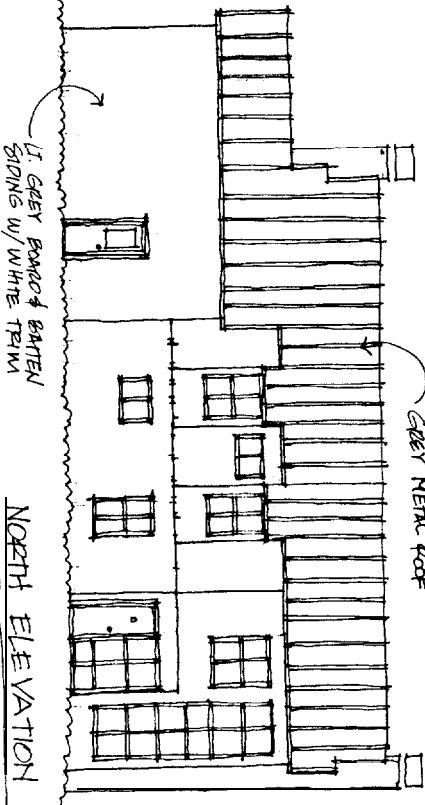




0402



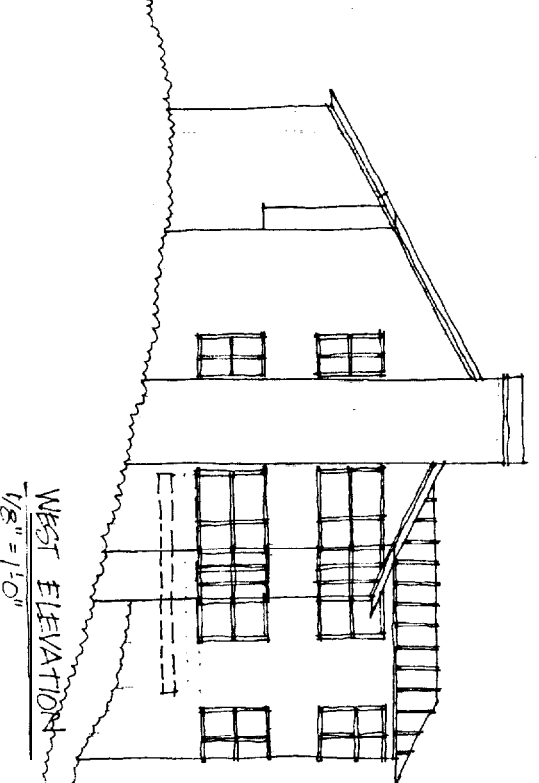
EAST ELEVATION  
1/8" = 1'-0"



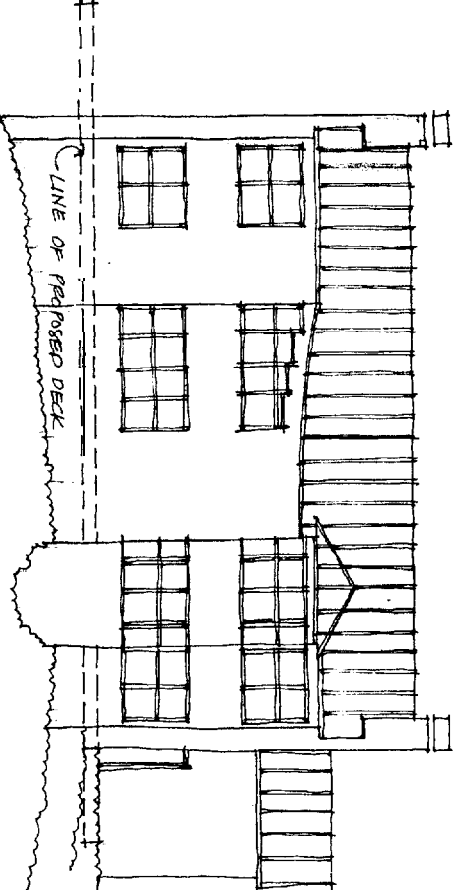
NORTH ELEVATION  
1/8" = 1'-0"

1" GARY BOARD & BATTEN  
SIDING W/ WHITE TRIM

GRAY NEUTRAL ROOF



WEST ELEVATION  
1/8" = 1'-0"



SOUTH ELEVATION  
1/8" = 1'-0"

4/15/99

**COUNTY OF SANTA CRUZ PLANNING COMMISSION  
MINUTES**

0403

**DATE:** September 8, 1999**PLACE:** Board of Supervisors Chambers, Room 525  
County Government Center, 701 Ocean Street, Santa Cruz, CA

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**COMMISSIONERS PRESENT:** ROBERT BREMNER, DENISE HOLBERT, LEO RUTH,  
DALE SKILLICORN, RENEE  
SHEPHERD(CHAIRPERSON).**STAFF MEMBERS PRESENT:** KIM TSCHANTZ, MIKE FERRY, CATHY GRAVES,  
RACHEL LATHER, CATHLEEN CARR, JACKIE  
YOUNG.**COUNTY COUNSEL PRESENT:** RAHN GARCIA

All legal requirements for items set for public hearing on the Santa Cruz County Planning Commission agenda for this meeting have been fulfilled before the hearing including publication, mailing and posting as applicable.

- A. ROLL CALL:**  
Commissioners Bremner, Holbert, Ruth, Shepherd and Skillicorn present at 9:00 a.m.
- B. PLANNING DIRECTOR'S REPORT:** None.
- C. COUNTY COUNSEL'S REPORT:** None.
- D. ADDITIONS AND CORRECTIONS  
TO THE AGENDA:** None.
- E. ORAL COMMUNICATIONS:** None.
- F. CONSENT ITEMS:**

**ITEM H-2**

PROPOSAL TO AMEND AN OPEN SPACE EASEMENT ON ASSESSOR'S PARCEL NUMBERS 105-443-01, -02 AND -03 TO ALLOW A SINGLE FAMILY DWELLING ON APN: 105-443-03. REQUIRES AN OPEN SPACE EASEMENT CONTRACT AMENDMENT. LOCATED ON THE SOUTH SIDE OF VALENCIA SCHOOL ROAD (ADJACENT TO 1525 VALENCIA SCHOOL ROAD), ABOUT 1/4 MILE WEST OF THE INTERSECTION OF VALENCIA SCHOOL AND TROUT GULCH ROADS.

OWNER: PADDON KATHLEEN S ETAL

APPLICANT: NOEL J. PADDON

SUPERVISORIAL DIST: 2

PROJECT PLANNER: CATHLEEN CARR, 454-3225

**CATHLEEN CARR:** Gave presentation of staff report. Project description and history.

**COMMISSIONER BREMNER:** Has building envelope been established?

**CATHLEEN CARR:** It's shown on plans.

### **OPEN PUBLIC HEARING**

**JACK PADDON:** Representing sister and father spoke to history of property and reason for request. Requested modification of conditions of approval- #1- 12' driveway to site. Wants to use existing driveway at 8'- 10'. #2 Page 33 of staff report A.1. exterior colors requested to be earth tone. Wants to use warm grey, is that earth tone? #3 A.4.b. Trees to be removed not anticipated, but may be required for 12' road. Could use native oak, blue oak or tan oak rather than live oak as replacement trees. #4 A.5.a. native to this area or California? Use term "California native" instead.

**COMMISSIONER HOLBERT:** Warm gray is earth tone.

### **CLOSED PUBLIC HEARING**

**COMMISSIONER RUTH:** Little impact to view from roads staff could work with owner regarding trees and vegetation requirement.

**COMMISSIONER BREMNER:** Conditions of approval J or L-2? Exhibit XX on page 33 appears to be typo.

**CATHLEEN CARR:** L-2 goes to Board of Supervisors as attachment. Exhibit XX on page 33 should be exhibit "0".

**RAHN GARCIA:** May be minor changes to Board of Supervisors contract language.

**MOTION**

0405

COMMISSIONER RUTH MOVED TO APPROVE PER STAFF RECOMMENDATION WITH  
TYPOGRAPHICAL CHANGES. SECONDED BY COMMISSIONER HOLBERT

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 4-0. COMMISSIONER SHEPHERD  
WAS ABSENT.

Gary and Kathie S. Welch  
23915 Via Aranda  
Valencia, CA 91355

0406

August 23, 1999

Robert Bremner  
1<sup>st</sup> District  
701 Ocean Ave  
Santa Cruz, CA 95060

Dear Sir:

On September 8<sup>th</sup>, you will be considering Petition #990248. This is an amendment to an open space easement so we can build a single family dwelling on our property. My father, Noel **Paddon**, is the petitioner and will be at the hearing. My brother, Jack **Paddon**, as well as his son are our architects and will also be at the hearing. We live in Southern California and will be unable to attend.

As you will learn at the hearing, this property has been in our family since my father was a young child. My parents are getting close to 80 and need help with the property they have taken care of so well. Our family would like to move to Aptos to help my parents. We are asking to build a home that will not be visible to neighbors or to the road. We have talked to those who will become our neighbors, and there is no opposition. We are asking that you recommend in favor of this petition to the Board of Supervisors.

If you have any questions, we welcome your call to: (661) 254-2089. I will make a follow-up call to you the week of the hearing to answer any questions you may have **after** you have read the staff report. Thank you very much for your consideration on this matter.

Sincerely,





# County of Santa Cruz 040-

## PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 950604073

(931) 454-2580 FAX: (831) 454-2131 TDD: (931) 454-2123

ALVIN D. JAMES, DIRECTOR

## BOARD OF SUPERVISORS AGENDA: October 26, 1999

October 14, 1999

### BOARD OF SUPERVISORS

County of Santa Cruz

701 Ocean Street

Santa Cruz CA 95060

**SUBJECT: Special Consideration of Application 97-0648 (Stephenson Horse Barn and Water Tanks)**

Members of the Board,

### INTRODUCTION

On October 5, 1999 your Board, acting on a request for Special Consideration of this application by Supervisor Wormhoudt, set a public hearing for October 26 to reconsider the action of the Planning Commission on the Stephenson horse barn and water tank project proposed for the Stephenson Ranch on Back Ranch Road (Attachment 1). Accordingly, this matter is now before your Board for your consideration.

After several public hearings, the Planning Commission approved Application 97-0648 on September 22, 1999 based on certain findings (Attachment 2) and permit conditions (Attachment 3). In accordance with Section 18.10.350 of the County Code, the Planning Commission's approval is held in abeyance pending the outcome of your Board's consideration of this project.

As you know, goats are raised for biomedical purposes on much of the 207 acre Stephenson Ranch site. Pursuant to your Board's Minute Order of September 23, 1997, the Stephenson's are permitted to continue limited biomedical livestock raising pending consideration of a master plan for this use. The property owners, John and Brenda Stephenson, made a separate permit application for a master plan for biomedical livestock raising on their property (Application 98-0647) in September 1998. The master plan project is currently being processed by the Planning Department. The application was deemed complete in July and it commenced the Environmental Review process on September 27, 1999. The permit application for the project now before you was made on September 9, 1997. Your Board's September 23, 1997 Minute Order restricted further

permit applications on the subject property until a master plan was approved but allowed the processing of permit applications that were made prior to date of the Minute Order. The horse barn/water tank project was one of the two discretionary permit applications that were allowed to proceed prior to consideration of the proposed master plan. The other application allowed to go forward was for a new single family dwelling on the parcel, which was approved and which has been built and is now occupied by the Stephenson's.

## DESCRIPTION OF THE PROJECT

The project, as approved by the Planning Commission, includes several uses which are listed on the second page of Attachment 3. More detailed descriptions of the project are provided in Attachments 4 and 5. In summary, the project involves the construction of an 8,000 square foot barn for private horse keeping by the owners, five water storage tanks and related uses, all for private equestrian use. As conditioned by the Planning Commission, the barn would have a maximum height of 30 feet. The interior of the barn would include stalls for the keeping of up to 8 horses (or other equine livestock) not used for biomedical purposes. (See condition IX.A of Attachment 3). A 480 foot long access drive and a 7,960 square foot base rock parking and circulation area would serve the barn. Grading of 840 cubic yards of earth would occur to construct the barn and these related improvements.

Five identical 4,975 gallon water storage tanks would be located along one side of the access road near the barn to provide emergency fire protection. Each tank would have a diameter of 12 feet and a height of 7-3/4 feet. The County Fire Department has required this volume of water storage as well as other fire suppression requirements for this project (Refer to Attachment 12 of the Initial Study, which is Exhibit C of Attachment 4 to this letter). A 2,000 lineal foot subsurface water line would be installed from a reservoir on the property, known as the "Upper Reservoir" to provide water to the five tanks. This reservoir receives much of its water from the "Lower Reservoir" on the parcel and Laguna Creek, which is located about 1,300 feet west of the property. Both the "Lower Reservoir" and Laguna Creek support federally listed aquatic species and the "Upper Reservoir" contains habitat conducive to one of these species. To protect against significant impacts to these species, the water supply line from the "Upper Reservoir" would have a locked valve that could only be unlocked by County Fire Department personnel in response to a fire emergency or to routinely test the system. (See condition III.A.7 of Attachment 3). Therefore the water contained in the storage tanks would not be available for pasture irrigation.

A second subsurface water line about 2,200 feet in length would be installed from an existing domestic well on the Stephenson parcel to provide water to the barn for the rest room and for animal watering needs. The well is located proximate to the parcel's common property with the Lanting/Ekstrom parcel and about 120 feet south of a community well on that parcel that serves four residential properties. To ensure that the Stephenson well would not create a drawdown problem on the nearby community well, the availability of water from this well to be used for irrigation purposes was restricted. The original proposal was to connect the well with the five water storage tanks. This configuration would have allowed this well water to be used for irrigation purposes. As conditioned, this well will be connected to a sixth tank with a capacity of 86 gallons to serve only the domestic needs of the barn.

## CEQA EVALUATION

The applicant's have repeatedly stated that the project is not connected with their proposal for biomedical livestock raising, but rather is to allow facilities for the raising of six to eight horses for the owners private use. The findings and conditions that were adopted by the Planning Commission are based on this project being separate and distinct from biomedical livestock raising on the parcel. Some members of the Commission questioned whether consideration of the project separate from the biomedical master plan was artificially segmenting the project contrary to CEQA and, further, whether CEQA evaluation of this project should include a cumulative impact analysis that evaluated the combined effects of this project's impacts together with the future potential impacts generated by the master plan. County Counsel has responded to these concerns in a memo dated September 20 (Attachment 6). The memo states that the test regarding the segmentation issue in this case would be to determine if the proposed biomedical livestock master plan is a reasonably foreseeable consequence of the horse barn/water tank project. The project has been substantially revised from that originally proposed in 1997. These revisions have included several requirements that make it independent from existing and proposed biomedical livestock raising. For example, the five water tanks were originally proposed to irrigate pasture for use by goats, raised for biomedical purposes, as well as for the horses housed in the barn. The Planning Commission conditioned the project to restrict use of the tanks for emergency fire protection purposes as discussed above.

Regarding the cumulative impacts issue, the memo explains that a difference exists between considering cumulative impacts, which was done during the Environmental Review of this project, **and** conducting a formal cumulative impact analysis which is a requirement of an Environmental Impact Report. In either case, court decisions have directed local and State agencies to include projects which have entered the Environmental Review process as those to be considered when assessing cumulative impacts. In this case, the Initial Study for the horse barn/water tank project was prepared on March 8, 1999 and a Mitigated Negative Declaration was issued on May 6, two months prior to the master plan application being deemed complete. The Planning Commission acted on the project one week prior to the master plan application commencing Environmental Review. The Planning Commission and staff did not believe the Initial Study should be revised to discuss the cumulative impacts generated by the project in combination with the future master plan because to do so would not be consistent with case law on this issue.



## MAIN PROJECT ISSUES

According to Supervisor Wormhoudt's letter, Special Consideration of this project is warranted because there is significant neighborhood concern about this project, the barn would be located on one of the highest elevations on the property, and the barn would be visible to Wilder Ranch State Park. This letter also states "there are also serious questions regarding runoff of coliform and other bacteria into Laguna and Majors Creeks".

There is indeed a great amount of public concern about this project as evidenced by the several letters received on this matter. (See Exhibit K and L of Attachment 5 and all of Attachment 7). Both Planning staff and the Commission attempted to address the concerns of the public and public agencies by having the applicant make revisions to the project or by placing permit conditions on the approval of the project. For example, State Parks concern about the project facilities being visible from the western edge of Wilder Ranch State Park was addressed by requiring a landscape screening plan to shield much of the barn's visibility from views from the State Park. The landscape plan was approved after it was reviewed and accepted by State Parks district office and after Planning staff conducted a thorough site inspection with County Parks personnel. Coliform and bacteria problems associated with nearby streams have been caused by the existing biomedical livestock operation on the ranch. Your Board approved an Emergency Coastal Zone Permit last month to permit the property owners to construct temporary measures to rectify this problem. The horse barn is not within the watershed of Laguna Creek and the engineered drainage plan approved with the project has been designed to discharge project runoff as sheetflow in the pasture rather than into a tributary of Majors Creek. The project's manure management plan was reviewed and accepted by the County Environmental Health Service and approved by the Commission with additional requirements.

Other significant issues to neighbors and agencies were water use, impacts to listed animal species, night lighting and visual impacts to neighbors. The first two issues have been discussed previously in this letter. In regards to night lighting, after extensive review of materials and presentations at hearing, the Commission conditioned the project to submit a detailed lighting plan with plans to be submitted for a Building Permit application which show the maximum illumination at the two main openings of the barn to be 5 footcandles and that all other lighting be designed for a combined illumination of 1 footcandle. (See condition IV.A of Attachment 3). The exterior of the barn was designed and conditioned to reduce visual impacts to nearby residential properties. The exterior of the barn will be traditional board and batten walls. The walls and roof will be a shade of tan or brown. The barn would be located 540 feet east from the Mills property, the closest neighboring parcel with a dwelling and 0.45 mile south of the Lanting/Eckstrom property which is the next closest parcel with a dwelling.

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## CONCLUSION AND RECOMMENDATION

This project has been revised substantially from that originally proposed to meet concerns of the public, public agencies and environmental issues identified by Planning staff. The Planning Commission conducted four public hearings on the project. The Commission reviewed the Initial Study, staff reports and several letters submitted by the applicant and members of the public. The Commission acted in accordance with CEQA and the permit processing requirements of County Code chapter 18.10 in approving this project. The only action that has occurred since the Commission's action which is related to the project or the property is that the master plan application has moved forward to the Environmental Review stage of processing. Staff does not believe this occurrence substantially effects the project to the degree that the Commission's action should be altered.


It is therefore RECOMMENDED that the Board of Supervisors take the following actions:

1. Approve Application 97-0648 based on the attached findings(Attachment 2) and subject to the attached conditions(Attachment 3); and
2. Approve the Initial Study and Mitigated Negative Declaration (Exhibit C of Attachment 4) for Application 97-0648.

Sincerely,

  
ALVIN D. JAMES  
Planning Director

RECOMMENDED:

  
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SUSAN MAURIELLO  
County Administrative Officer

Attachments:

- 1 - Letter Requesting Special consideration of the Project, dated 9/20/99
- 2 - Findings for the Approval of Application 97-0648
- 3 - Permit Conditions as Approved by the Planning Commission

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- 4 - Planning Commission Staff Report for the 9/8/99 hearing
- 5 - Planning Commission Staff Report for the 6/23/99 hearing
- 6 - Memo of County Counsel, dated 9/20/99
- 7 - Letters Submitted at the 9/22/99 Planning Commission Hearing

cc: John and Brenda Stephenson  
Paul Bruno, Attorney  
Julianne Ward, SOAL  
Frans Lanting and Christine Eckstrom

stepbarn@bs.wpd.pln453