



## Staff Report to the Agricultural Policy Advisory Commission

Application Number: **04-0218**

**Applicant:** Frank Phantom  
**Owner:** Melvin & Alice Norrbom  
**APN:** 104-101-17

**Date:** February 17, 2005  
**Agenda Item #:** 6  
**Time:** 1:30 p.m.

**Project Description:** Proposal to recognize 1,007 square feet of construction; construct a second story room addition, remodel an existing single-family dwelling, and construct a 2,280 square foot two story detached garage.

**Location:** Property located on the west side of Cherryvale Avenue

**Permits Required:** Agricultural Buffer Setback Reduction, Residential Development Permit

### Staff Recommendation:

- Approval of Application 04-0218, based on the attached findings and conditions.
- Certification that the proposal is exempt from ~~further~~ Environmental Review under the California Environmental Quality Act.

### Exhibits

- |   |   |
|---|---|
| A. Project plans                              | F. Zoning, General Plan, and Location map |
| B. Findings                                   | G. Pictures of project site               |
| C. Conditions                                 | H. Comments & Correspondence              |
| D. Categorical Exemption (CEQA determination) | I. Recorded Documents (4)                 |
| E. Assessor's parcel map                      |   |

### Parcel Information

Parcel Size:	1.43 acres
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential, Agricultural
Project Access:	Cherryvale Avenue
Planning Area:	Soquel
Land Use Designation:	A (Agriculture)
Zone District:	RA (Residential Agriculture)

Supervisory District: 1<sup>st</sup> District (District Supervisor: J. Beautz)  
Within Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Parcel partially mapped as flood plain, liquefaction zone  
Soils: Soils report submitted and accepted  
Fire Hazard: Not a mapped constraint  
Slopes: Relatively flat terraces  
Env. Sen. Habitat: No physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Traffic: N/A  
Roads: Existing roads adequate  
Parks: Existing park facilities adequate  
Archeology: Archeological survey completed; no resources found

### Services Information

Inside Urban/Rural Services Line: ☐ Yes ☒ No  
Water Supply: Well  
Sewage Disposal: On-site septic  
Fire District: Central Fire Protection District  
Drainage District: None

### Analysis and Discussion

The project proposes to remodel an existing single-family dwelling, to construct a second story addition, and to construct a 2,280 square foot, two story garage. Approximately 1,000 square feet of construction on the existing dwelling will be recognized as part of this application. The addition will increase the 2,200 square foot home to 2,643 square feet. The second floor of the garage has the potential to be converted to a second dwelling unit, but a second unit is not proposed at this time. The 62,378 square foot (1.43 acre) parcel is located at 4725 Cherryvale Avenue in Soquel. The existing single family dwelling and proposed garage are within 200 feet of Commercial Agricultural (Ch) land to the south. The applicant is requesting a reduction in the 200 foot agricultural buffer setback to 20 feet from APN 104-101-46, a 4.2-acre CA zoned parcel.

The subject property is bordered on the west side by Soquel Creek and contains two relatively flat terraces. The existing single-family dwelling is located on the upper terrace and the garage is proposed on the lower terrace, outside of the flood plain (reference in Exhibit G for a photograph

of the garage site). The parcel is not located within the Urban Services Line, and the neighborhood may be characterized as very low density residential with some agricultural uses. The parcel carries an Agriculture (A) General Plan designation and the implementing zoning is (RA) Residential Agriculture. The only Commercial Agriculture zoned land within 200 feet is situated along the south property line. Greenhouses are located on the CA-zone parcel in close proximity to the property line.

A reduced agricultural buffer is recommended due to ~~the~~ fact the subject property is *only* 85 feet wide. Since the adjacent Commercial Agriculture zoned property abuts the entire length of the southern property line, the 200 foot setback would not allow any building on the property. The applicant is proposing a 150 foot length of Italian buckthorn hedge along the south side of the parcel to reduce the impact of agricultural activities on the proposed residential use, and to therefore protect the agricultural interests on the Commercial Agriculture zoned parcels. Several mature trees exist along the property line, as does a mature stand of bamboo trees (reference photograph in Exhibit G). The project is conditioned to require a 6 foot tall fence of solid wood board construction adjacent to the dwelling and proposed garage, a length of 250 feet. The applicant has already recorded a Statement of Acknowledgement regarding the issuance of a county building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts.

The proposed two story garage exceeds the 1000 square foot size limitation for non-habitable accessory structures. In visiting the site it was evident that the height and bulk of the garage would not create a visual impact or become a nuisance to any neighbors. The buckthorn hedge is proposed adjacent to the proposed garage site, and the varied topography of the area and existing vegetation conceal the garage from other properties. In acknowledgement of the fact that the second story of the garage may be converted to a second unit at some point in the future, but is not currently permitted as habitable space, a declaration of restriction to maintain the garage as a non-habitable structure was recorded.

Because the proposed garage is mapped in a liquefaction zone, a soils report was required and reviewed by County staff. All report recommendations are conditions of approval of this permit. In addition, the applicant has recorded a declaration regarding the issuance of a development permit in an area subject to geologic hazards.

A storage trailer exists on the western portion of the site. The trailer was a subject of a previous code compliance investigation, as it was previously used as a dwelling unit. A declaration to maintain this trailer as storage space only has been recorded as a condition of this permit.

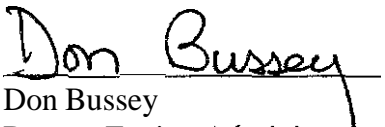
### **Recommendation**

- Staff recommends that your Commission **APPROVE** the Agricultural Buffer Reduction from 200 feet to about 20 feet to the single-family dwelling from the adjacent CA zoned property known as APN 104-101-46, proposed under Application # 04-0218, based on the attached findings and recommended conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

Report Prepared By: Karen McConaghy  
Santa Cruz County Planning Department  
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Santa Cruz CA 95060  
Phone Number: (831) 454-3134  
E-mail: [karen.mcconaghy@co.santa-cruz.ca.us](mailto:karen.mcconaghy@co.santa-cruz.ca.us)

Report Reviewed By:   
Don Bussey  
Deputy Zoning Administrator

**Required Findings for Agricultural Buffer Setback Reduction  
County Code Section 16.50.095(b)**

1. Significant topographical differences exist between the agricultural and non-agricultural uses which eliminate the need for a 200 foot setback; or
2. Permanent substantial vegetation or other physical barriers exist between the agricultural and non-agricultural uses which eliminate the need for a 200 foot buffer setback; or a lesser setback distance is found to be adequate to prevent conflicts between the non-agricultural development and the adjacent agricultural uses, based on the establishment of a physical barrier, unless it is determined that the installation of a barrier will hinder the affected agricultural use more than it would help it, or would create a serious traffic hazard on a public or private right-of-way; and/or some other factor which effectively supplants the 200 foot buffering distance to the greatest degree possible; or

The addition to the existing single-family dwelling is proposed to be set back 20 feet from the adjacent Commercial Agriculture zoned land, where 200 feet are required. An effective barrier consisting of a six foot tall fence of solid wood board construction enhanced with evergreen shrubs would be adequate to prevent conflicts between the non-agricultural development and the adjacent Commercial Agriculture zoned land of APN 104-101-46. This barrier, as proposed, is not adjacent to any roads and shall not create a hazard in terms of the vehicular sight distance necessary for safe passage of traffic.

3. The imposition of a 200 foot agricultural buffer setback would preclude building on a parcel of record as of the effective date of this chapter, in which case a lesser buffer setback distance may be permitted, provided that the maximum possible setback distance is required, coupled with a requirement for a physical barrier, or vegetative screening or other techniques to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

## Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential use and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. All recommendations of the approved soils report are conditions of the project.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the primary use of the property will continue to be residential. The project site is located in the RA (Residential Agriculture) zone district. All site standards for the RA zone district will be met.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the primary use of the property will continue to be residential and the non-habitable garage will be an accessory use. The proposed uses are consistent with the use and density requirements specified by the Agricultural land use designation in the County General Plan. The project site is located outside of the area designated as flood plain and riparian habitat, and all recommendations of the approved soils report are conditions of the project. The project is located in the AG (Agriculture) land use designation.

The proposed garage will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, in that the garage meets all current site and development standards for the zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories).

The proposed garage will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed garage will comply with the site standards for the RA zone district and is consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the ~~Non-Habitable~~ Accessory Structure does not contain any traffic generating features (bedrooms). If a portion of the garage is converted to a second unit at some point in the future, current Roadside and Transportation Improvement ~~fees~~ will apply. The residential addition is not expected to increase the number of peak hips per day, and will not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed two-story garage will not obscure views of adjacent properties or appear out of scale for ~~the~~ neighborhood. ~~The~~ garage will be located on a lower terrace on the property and will only be partially visible from ~~the~~ street.

## Conditions of Approval

- I. This permit authorizes an Agricultural Buffer Setback reduction from the proposed residential use to APN **(104-101-46)**. Prior to exercising any rights granted by this permit, including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. **Sign**, date, and return to the Planning Department one copy of the approval *to* indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit and Grading Permit from the Santa Cruz County Building Official.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with Exhibit A on file with the Planning Department. The final plans shall include the following additional information:
    1. A development setback of a minimum of 20 feet from the single-family dwelling to the adjacent Commercial Agriculture zoned parcel APN 104-101-46.
    2. Final plans shall show the location of the vegetative buffering barrier and a 250 foot length of 6 foot tall fence of solid wood board construction. The shrubs utilized shall attain a *minimum* height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.
    3. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
    4. Grading, drainage, and erosion control plans.
    5. Details showing compliance with fire department requirements
  - B. Meet all requirements of and pay drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
  - C. Pay the current fees for Parks and Child Care mitigation for 2 bedrooms.



Currently, these fees are, respectively, \$800 and \$109 per bedroom.

- D. Pay the current fees for Roadside and Transportation improvements for 2 bedrooms. Currently, these fees are, respectively, \$667 and \$667 per bedroom.
  - E. 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.
  - F. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
  - G. Meet all requirements and pay any applicable plan check fee of **the** Central Fire Protection District.
- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
  - B. The required vegetative and physical barriers shall be installed. The applicant/owner shall contact the Planning Department's Agricultural Planner, a minimum of **three** working days in advance to schedule an inspection to verify that the required barriers have been completed.
  - C. **All** site improvements shown on the final approved Building Permit plans shall be installed.
  - D. **All** inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - E. The project must comply with all recommendations of the approved soils report.
  - 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 vegetative and physical barrier shall be **permanently** maintained.
- B. All required Agricultural Buffer Setbacks shall be maintained.
- C. The trailer which exists on the western end of the property may only be used as non-habitable storage space.
- D. 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 THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.**

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

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

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

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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Agricultural Policy Advisory Commission under **the** provisions of County Code Chapter 16.50, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 04-0218

Assessor Parcel Number: 104-101-17

Project Location: 4725 Cherryvale Avenue

**Project Description: Agricultural Buffer Setback Reduction**

**Person or Agency Proposing Project: Frank Phantom**

**Contact Phone Number: (831) 475-5841**

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ **Ministerial Project** involving only the use of **fixed** standards or objective measurements without personal judgment.  
D. ☐ **Statutory Exemption** other ~~than~~ a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

**F. Reasons why the project is exempt:**

Addition to existing single-family dwelling

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

\_\_\_\_\_  
Karen McConaghy, Project Planner

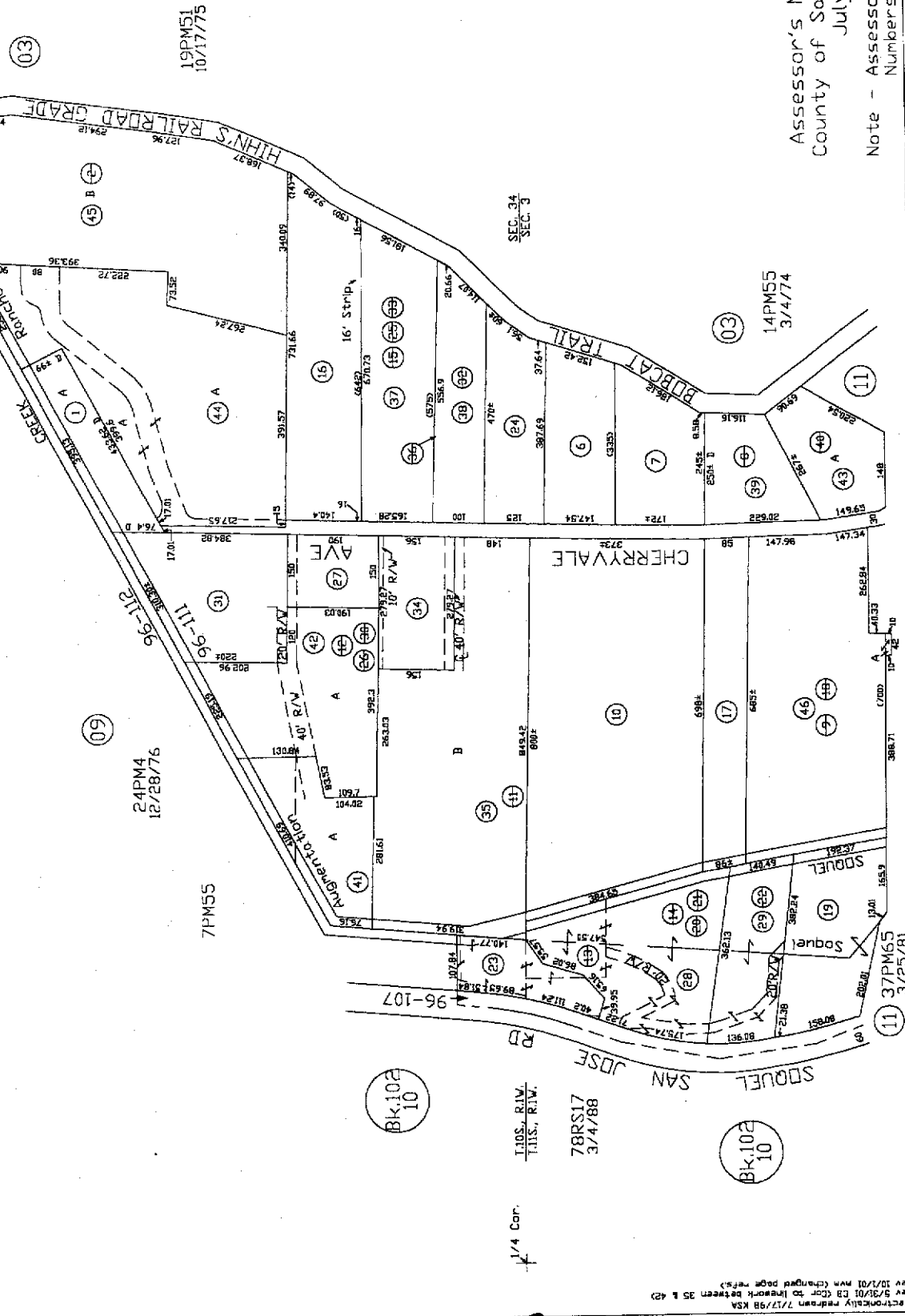
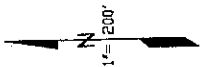
Date: \_\_\_\_\_

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POR, SOQUEL AUGMENTATION RANCHO  
 SEC. 34, T.10S., & SEC. 3, T.11S., R.1W., M.D.B. & M.

104-10

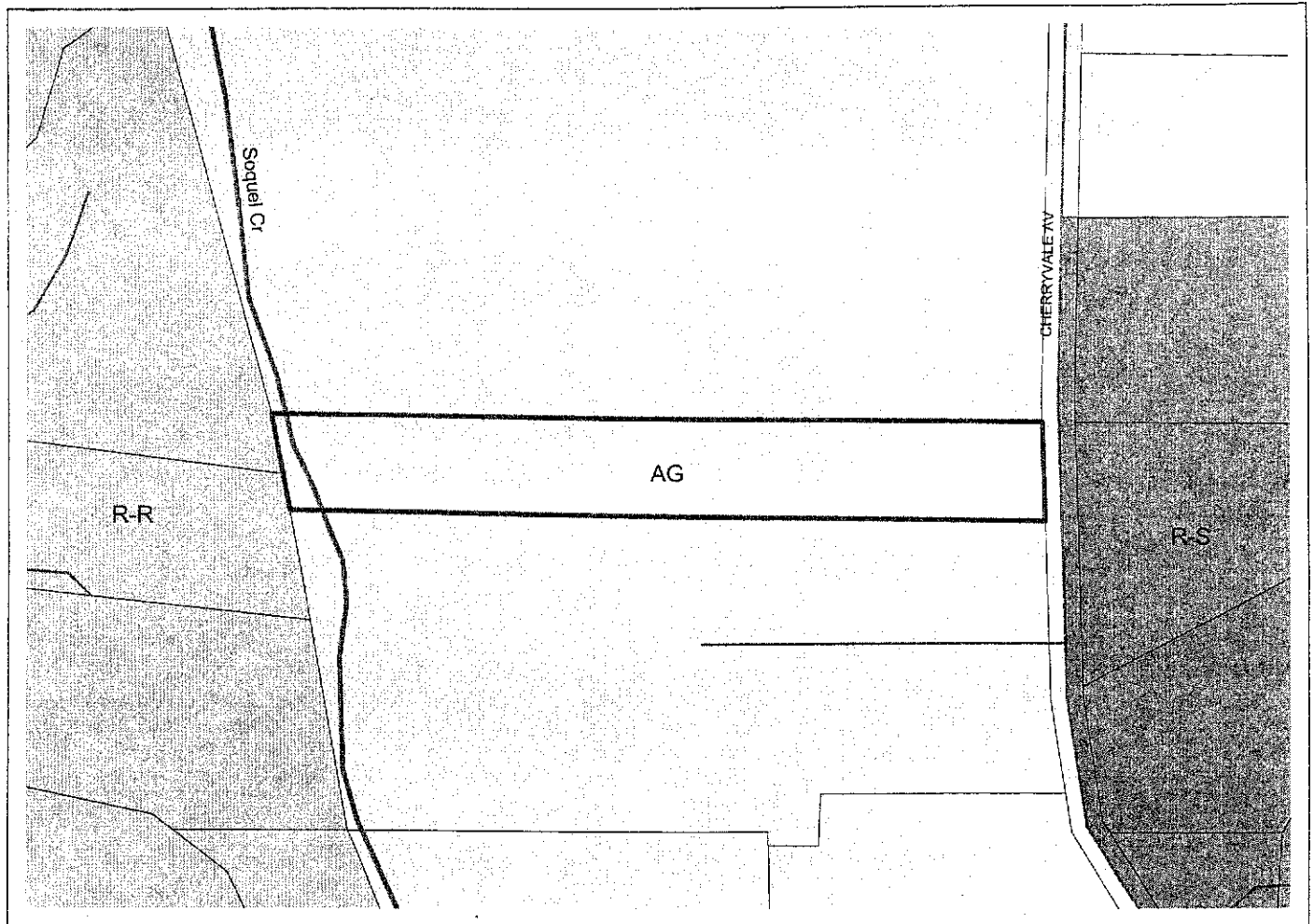
Tax Area Code  
 96-107 96-111



Assessor's Map No. 104-10  
 County of Santa Cruz, Calif.  
 July 1998







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

# General Plan Map



200 0 200 400 600 Feet

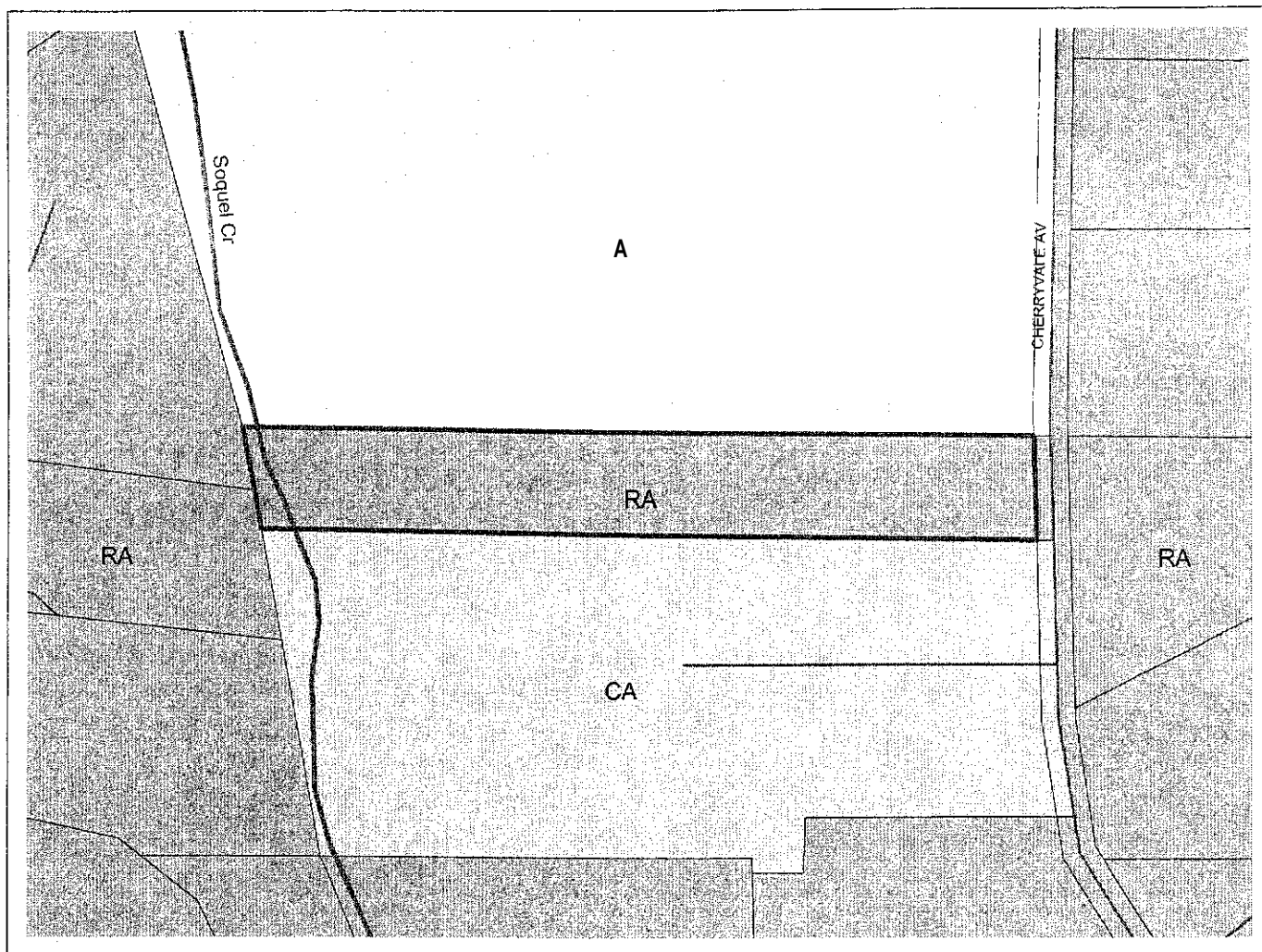
## Legend

-  APN 104-101-17
-  Streets
-  Perennial Stream
-  Agriculture
-  Rural Residential
-  Suburban Residential



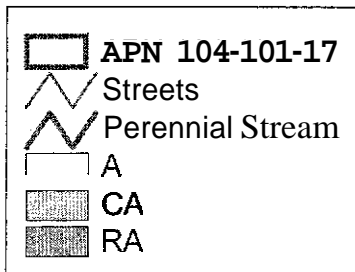
Map created by Santa Cruz County  
Planning Department:  
May 2004

# Zoning Map



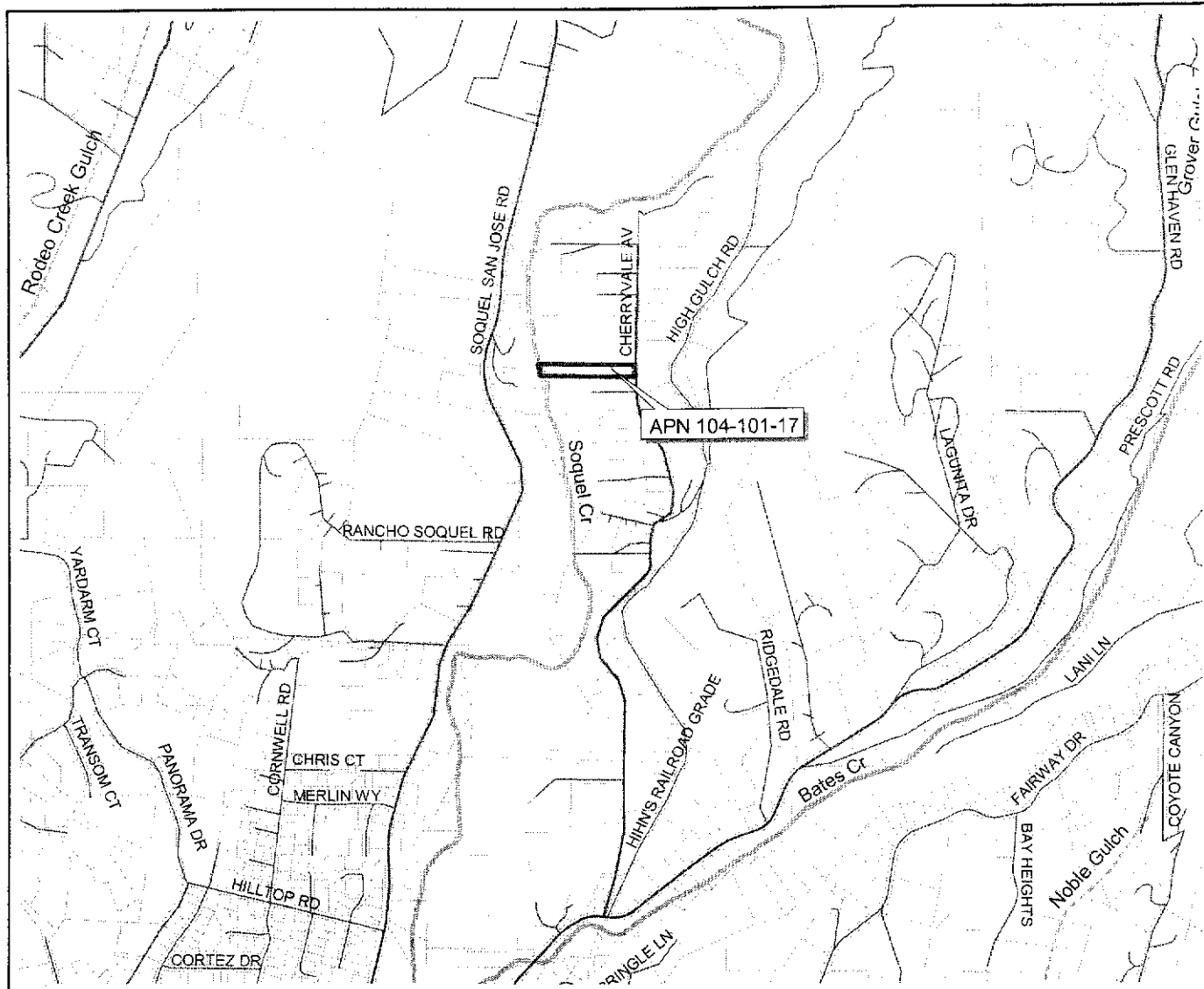
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## Legend



Map created by Santa Cruz County  
Planning Department:  
May 2004

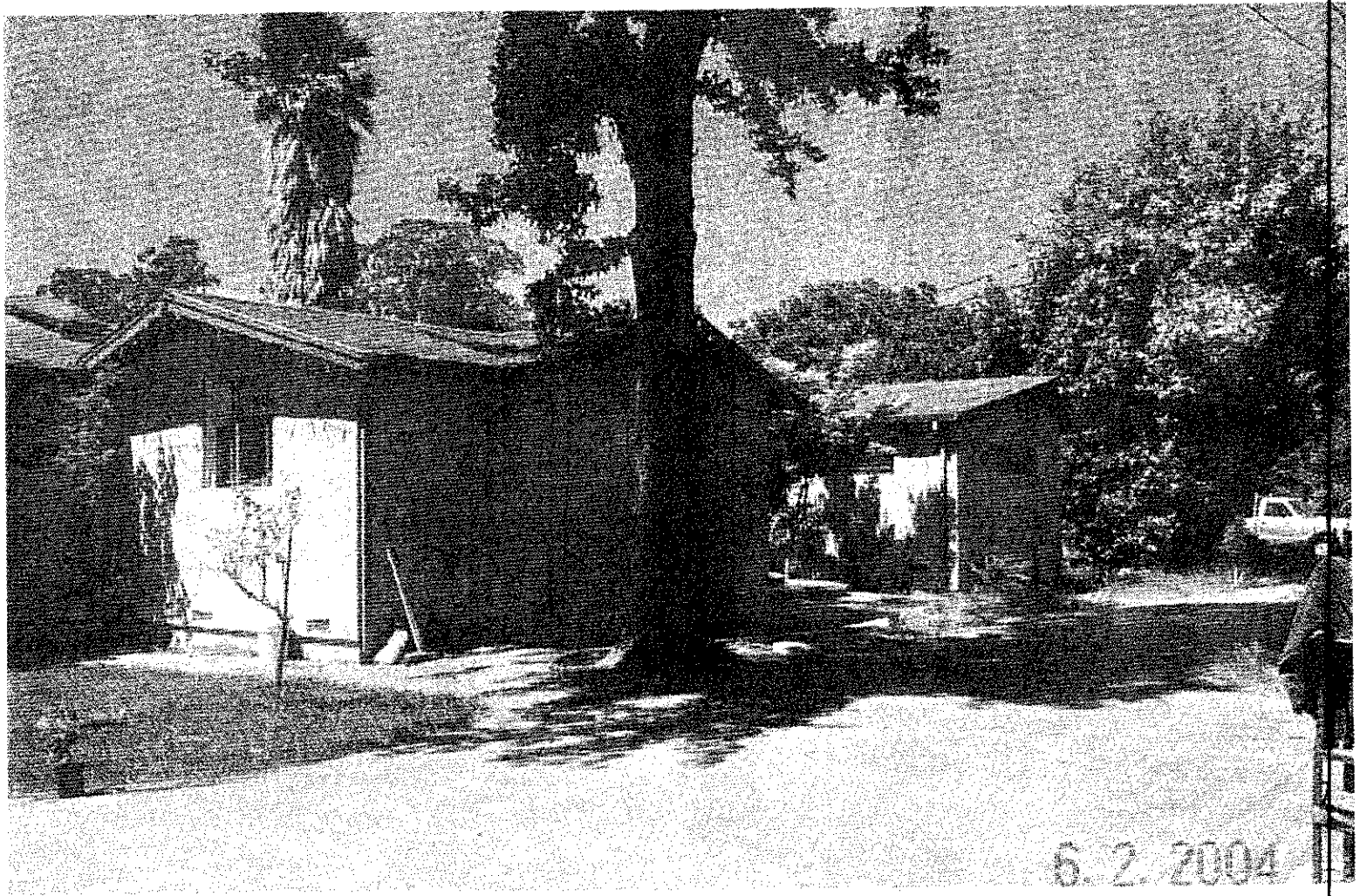
# Location Map



0.25 0 0.25 0.5 0.75 1 Miles

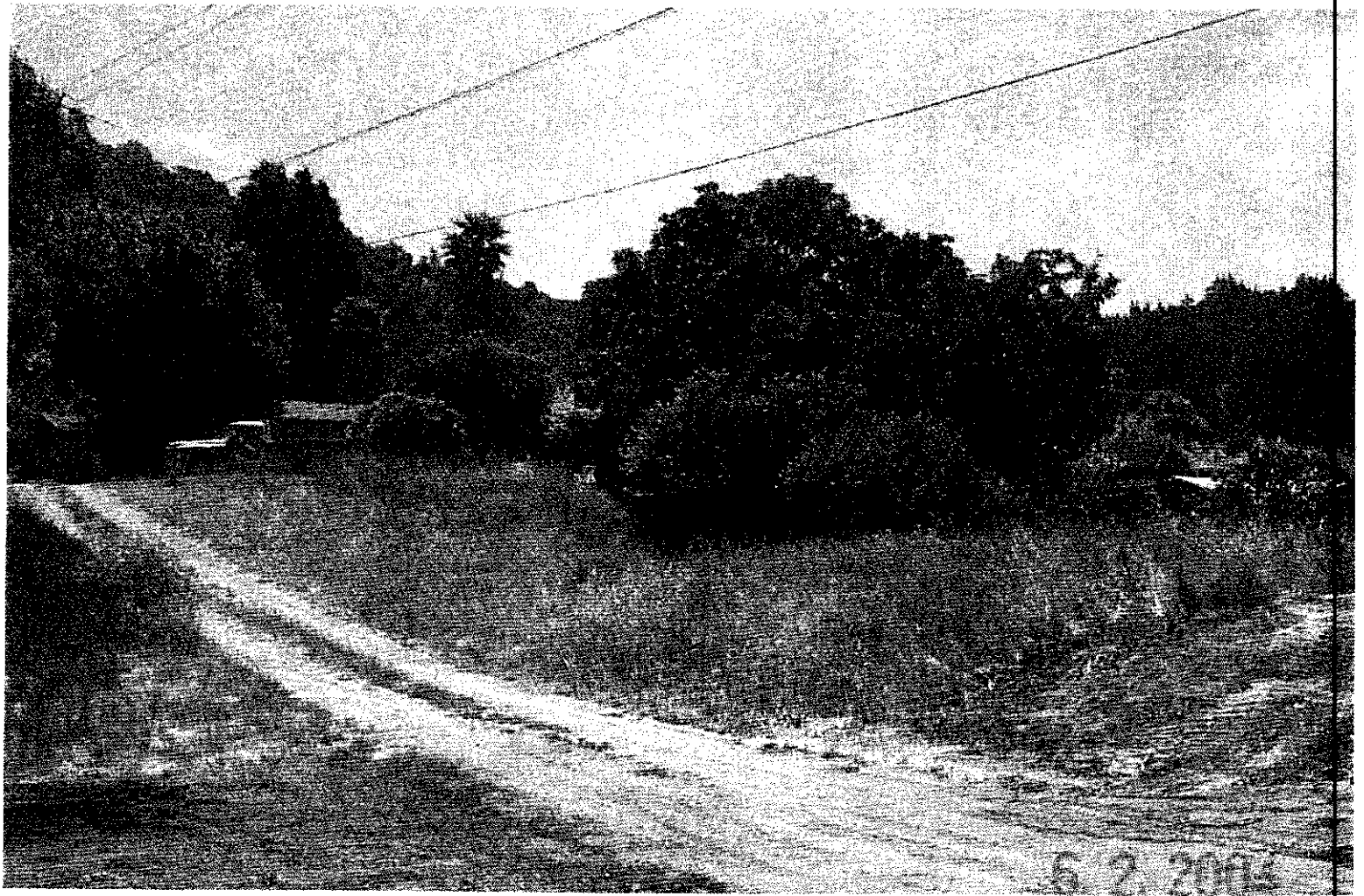
Map created by Santa Cruz County  
Planning Department:  
May 2004



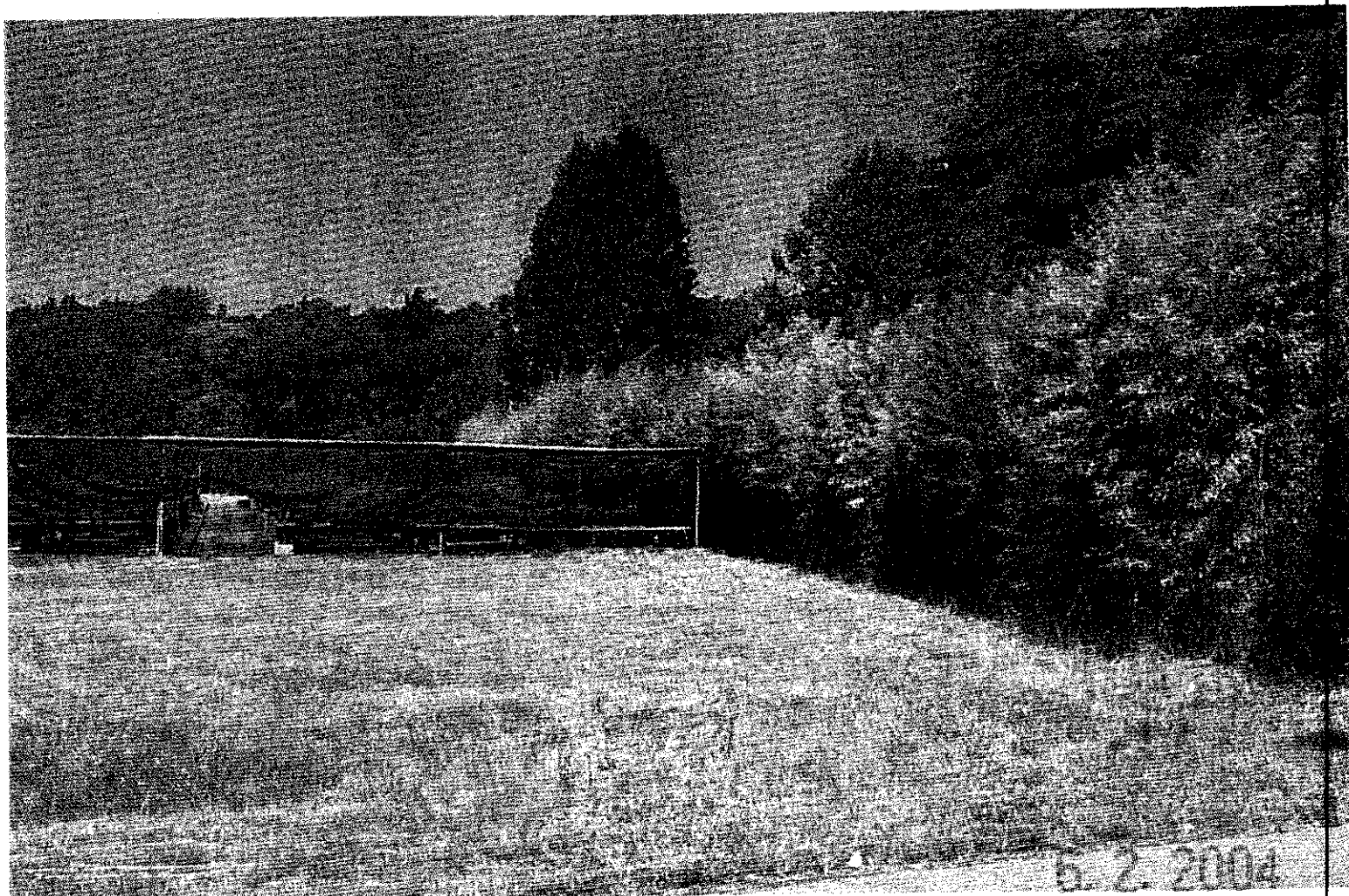


VIEW OF EXISTING  
HOME FROM DRIVEWAY





VIEW OF PROPOSED SITE  
FOR GARAGE; "CA" PARCEL  
BEHIND TREES



VIEW OF EXISTING BAMBOO  
FROM NEIGHBORING "CA"  
PARCEL

C O U N T Y   O F   S A N T A   C R U Z  
D I S C R E T I O N A R Y   A P P L I C A T I O N   C O M M E N T S

Project Planner: Karen Mcconaghy  
Application No.: 04-0218  
APN: 104-101-17

Date: January 31, 2005  
Time: 13:35:47  
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Environmental Planning Completeness Comments

===== REVIEW ON MAY 21, 2004 BY ROBIN M BOLSTER =====

There is no evidence of any protected species in the vicinity of the proposed building site. No additional biotic investigation will be required for this application.

1) The proposed location of the ~~garage/future~~ second unit is within a mapped liquifaction zone. A geotechnical (soils) report must be completed to determine the physical and engineering properties of the underlying soil and analyze the potential for liquifaction and outline foundation design parameters at the proposed building site. Please submit two copies of the soils report to the zoning counter for formal review by the County Civil Engineer.

2) The proposed building site is located within a mapped archaeological resource area. An archaeological assessment is required in order to determine whether archaeological resources exist in the vicinity of the proposed ground disturbance. Please apply for this assessment at the zoning counter.

3) Sheet C2 must be revised to show the 74.2' contour line that corresponds to the FEMA Base Flood Elevation (BFE).

4) Please revise Sheet C1 to include the proposed retaining wall behind the garage

5) Please revise Sheets G3 and G4 to include the BFE of 74.2 feet in cross section

Environmental Planning Miscellaneous Comments

===== REVIEW ON MAY 21, 2004 BY ROBIN M BOLSTER =====

Prior to building application approval the following items must be addressed:

1) Please revise plans to reference the soils report prepared for this site, including contact information.

2) Please submit a plan review letter from the project soils engineer that states that the final plans are in conformance with the recommendations made in the soils report prepared for this project.

3) Please submit a detailed erosion control plan, which includes locations and construction details for all proposed erosion control devices (e.g. silt fences, straw bales, etc.). The plan must be sufficiently detailed as to ensure that no sediment will be allowed to leave the site and enter the adjacent stream, or to be tracked onto the public roadway.

4) Show the subdrain at the retaining wall on the drainage plan.

Additional conditions of permit approval may be forthcoming following the completion and review of the soils report.

Discretionary Comments - Continued

Project Planner: Karen Mcconaghy  
Application No. : 04-0218  
APN: 104-101-17

Date: January 31, 2005  
Time: 13:35:47  
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Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JUNE 1, 2004 BY ALYSON B TOM ===== Application with plans dated 5/10/04 is complete with regards to drainage for the discretionary stage. Please see miscellaneous comments for issues to be addressed prior to building permit issuance.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JUNE 1, 2004 BY ALYSON B TOM ===== The following should be addressed prior to building permit issuance:

- 1) Provide a complete drainage plan that describes how runoff from all proposed impervious areas (roof, driveway, parking, other paved areas) will be routed. Demonstrate that the runoff will not impact adjacent properties. Show downspout locations and runoff paths. Provide drainage details for the proposed driveway areas.
- 2) Provide details for existing and proposed swales. Provide details on the existing recharge area. What is the overflow path for this area?

Note: The area of the site mapped groundwater recharge is not the area of the improvements.

All submittals for this application should be made through the Planning Department. For questions regarding this review Public Works storm water management staff is available from 8-12 Monday through Friday.

===== UPDATED ON JUNE 1, 2004 BY ALYSON B TOM =====

Dpw Road Engineering Completeness Comments

===== REVIEW ON JUNE 2, 2004 BY TIM N NYUGEN =====  
NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JUNE 2, 2004 BY TIM N NYUGEN =====  
Indicate slopes along driveway profile.

Environmental Health Completeness Comments

===== REVIEW ON JUNE 28, 2004 BY JIM G SAFRANEK =====  
NO COMMENT

Environmental Health Miscellaneous Comments

===== REVIEW ON JUNE 28, 2004 BY JIM G SAFRANEK =====  
The proposed project requires that septic system be upgraded to meet current stand-

Discretionary Comments - Continued

Project Planner: Karen Mcconaghy  
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Date: January 31, 2005  
Time: 13:35:47  
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ards. Applicant must obtain an approved sewage disposal permit for an upgrade. Contact the appropriate Land Use staff of Environmental Health at 454-3069 . Also. septic system must be pumped; submit pumper's report to EHS for review.



# County of Santa Cruz

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060-4000  
(831) 454-2580 FAX (831) 454-2131 TDD (831) 454-2123  
TOM BURNS, DIRECTOR

November 12, 2004

Frank Phantom  
4315 Capitola Road  
Capitola, CA 95010

**SUBJECT** Review of **Geotechnical/Engineering** Geology Investigation by UPP  
Geotechnical Inc.  
Dated August 16, 2004, Project No.: **2778.1R1**  
APN: 104-101-17, Application No.: 04-0218 and BP# **51931G**

Dear Owner/Applicant:

Thank you for submitting the subject Report. The Report was reviewed for conformance with County Guidelines for Soils/Geotechnical Reports and also for completeness regarding site-specific hazards and accompanying technical reports. The purpose of this letter is to inform you that the Planning Department has *accepted* the report, and that the following recommendations will become permit conditions:

1. All report recommendations must be followed.
2. The attached GHA indicates that the site is either within or near a Floodplain. Before issuance of the Building Permit, the geotechnical engineer, project civil engineer, or architect must review the project plans, and write a short letter to the County that indicates that the plans comply with the GHA, the County's Geologic Hazards Code, and FEMA requirements.
3. Final plans shall show the drainage system as detailed in the erosion control plan, the approved project plans, and as recommended in the Soils Engineering Report.
4. Final plans shall reference the approved Soils Engineering Report and shall state that all development shall conform to the Report recommendations.
5. Prior to building permit issuance, the Soils Engineer must submit a brief building, grading and drainage plan review letter to Environmental Planning staff stating that the plans and foundation design are in general conformance with the Report recommendations. If, upon plan review, the Engineer requires revisions or additions, the applicant shall submit to Environmental Planning two copies of revised plans and a final plan review letter stating that the plans, as revised, conform to the Report recommendations.

6. The Soils Engineer must inspect all foundation excavations, and a letter of inspection must be submitted to Environmental Planning staff and your building inspector prior to pour of concrete.
7. For all projects, the Soil Engineer must submit a final letter report to Environmental Planning staff regarding conformance with all technical recommendations of the Soils Report prior to final inspection. For all projects with engineered fills, the Soils Engineer must submit a final grading report to Environmental Planning regarding the conformance with all technical recommendations of the Soils Report before final inspection.
8. The attached declaration of geologic hazards must be recorded with County Recorders Office prior to the Issuance of the Building Permit.

This Soils Report acceptance is limited to the technical adequacy of the Report. Other issues, such as planning, building, septic or sewer approvals, may still require resolution.

The Planning Department will check final development plans to verify project consistency with Report recommendations and Permit conditions prior to building permit issuance. If not already done, please submit two copies of the approved Soils Report at the time of building permit application for attachment to your building plans.

Please call 454-3175 if we can be of any assistance.

Sincerely,

Joe Hanna **CEG**  
County Geologist

Cc: Robin Bolster, Resource Planner  
Karen Mc Conaghy, Project Planner  
Building Plan Check

Loren



# COUNTY OF SANTA CRUZ

## 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  
TOM BURNS, PLANNING DIRECTOR

November 5, 2004

Frank Phantom  
4315 Capitola Road  
Capitola, CA 95010

**SUBJECT: Archaeological Reconnaissance Survey for APN 104-101-17**

To Whom It May Concern,

The County's archaeological survey team has completed the Phase 1 archaeological reconnaissance for the parcel referenced above. The research has concluded that pre-historical cultural resources were not evident at the site. A copy of the review documentation is attached for your records. No further archaeological review will be required for the proposed development.

Please contact me at 831-454-3372 if you have any questions regarding this review.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Hayward".

Elizabeth Hayward  
Planning Technician

Enclosure



**'EXHIBIT B**

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

Preliminary Prehistoric Cultural Resource  
Reconnzissance Repoit

Parcel APN: 104-101-17

SCAS Project #: SE-04-995

Planning Permit #: 04-0218

Parcel Size: 1.432 AC

Applicant: Frank Phanton

Nearest Recorded Prehistoric Site: CA-SCR-100 ~.5 mi South

On 10/21/04 (4) members of the **Santa** Cruz Archaeological Society spent a total of (1 3/4) 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.



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## PLANNING DEPARTMENT

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(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
TOM BURNS, DIRECTOR

August 17, 2004

Melvin and Alice Norrbom  
4735 Cherryvale Avenue  
Soquel, CA 95073

RE: Application 04-0218, APN 104-101-17

Dear Mr. and **Mrs.** Norrbom.

I have reviewed your request for a determination on the status of the existing trailer shown on the site plan for the above application. We have been unable to locate conclusive evidence that this trailer was installed prior to 1956, when permits would have been required. To the contrary, a permit approved September 4, 1962 (1284-U), includes a plot plan which does not show the trailer, and the short narrative included as part of the permit indicates that the site is used as a single-family residence, and makes no mention of any additional residences on site.

I have also spoken with Joan Van der Hoeven (formerly Brady) who believes that her comments that the "small trailer was not be used as habitable space" referred to the trailer in question. That is consistent with her comments in her letter of August 27, 1993, relating to Application 93-0648, which was subsequently withdrawn. The trailer is of added concern because of its location and unverified method of sewage disposal. It is located in a riparian corridor and within the floodplain of Soquel Creek. Additionally, there has been no permit issued by County Health Services for a septic tank to serve the trailer, and they have no pumping or maintenance records for such a system. The location within the floodplain and the lack of an approved septic system raise questions about health and safety impacts in that location.

If your application for an Agricultural Buffer Determination and Residential Development Permit is approved, the conditions of approval will require that the trailer be removed from the property; or that it be unhooked from any existing septic system, relocated to an area outside of the floodplain, used exclusively for storage, and that all necessary permits be obtained in the new location. Please let me know if you have any additional questions in *this* matter.

Sincerely,

Cathy Graves  
Principal Planner  
Development Review

cc: Karen McConaghy, Project Planner

Return recorded form to:

Planning Department  
County of Santa Cruz

Attention: Karen McConaghy  
Application #: 04-0218



2004-0056785

Recorded	REC FEE	10.06
Official Records	O R COP	7.06
County Of		
SANTA CRUZ		
GARY E. HAZELTON		
Recorder		
CRRM D. SUTHERLAND		
Assistant	JRS	
10:05AM 05-Aug-2004	Page 1 of 2	

**Regarding the Issuance of a County Building Permit in an Area Determined by the County of Santa Cruz to be Subject to Agricultural-Residential Use Conflicts**

The undersigned Melvin & Alice Frances Norrbom Trustees do hereby certify to be the owner(s) of the real property located in the County of Santa Cruz, State of California, commonly known as 4725 Cherryvale Avenue; legally described in that certain deed recorded in 2003-0124938 of the official records of Santa Cruz County Recorder on 12/26/03; Assessor's Parcel Number 104-101-17

And we do hereby acknowledge that the property described herein is adjacent to land utilized for commercial agricultural purposes and residents of this property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers; and from the pursuit of agricultural operations including plowing, spraying, pruning and harvesting which occasionally generate dust, smoke, noise and odor. And we acknowledge that the County has established an agricultural setback on the herein described property to separate agricultural parcels and non-agricultural uses involving habitable spaces to help mitigate these conflicts. Any development on this property must provide a buffer and setback as specified in County Code. And we further acknowledge the agricultural buffer setbacks and bamers required by Permit 04-0218 .

And we further acknowledge that Santa Cruz County has established agriculture as a priority use on productive agricultural lands, and that residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.

This Statement of Acknowledgment shall be recorded and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs or assignees. The statements contained in this Statement of Acknowledgment are required to be disclosed to prospective purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the property, and in any deed conveying the property.

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL BE ATTACHED**

ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL BE ATTACHED.

Executed on JULY 29, 2004.

Owner: Melvin Norrbom Trustee  
Owner: Alice Frances Norrbom Trustee  
Owner: Alice Frances Norrbom Trustee

ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL BE ATTACHED.

STATE OF CALIFORNIA COUNTY OF SANTA CRUZ

On JULY 29 2004 before me THE UNDERSIGNED personally appeared MELVIN NORRBOM AND ALICE FRANCES NORRBOM 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 F. Wong  
(Notary Public in and for said County and State)



**EXHIBIT "A"**

All the real property situated in the County of Santa Cruz, State of California, conveyed from Melvin & Alice Norrbom WW JT, to Melvin & Alice Frances Norrbom Trustees, by deed recorded in 2003-0124938, Santa Cruz County Official Records Office on 12/26/03, Assessor's Parcel Number: 104-101-17, located in the County of Santa Cruz, State of California commonly known as: 4725 Cherryvale Avenue.

This form must be reviewed and approved by a County Planning Department staff person after notarization and prior to recordation.

Dated: August 5, 2004

COUNTY OF SANTA CRUZ

By: [Signature]  
Planning Department Staff



Return recorded form to:

2004-0056784

Planning Department  
County of Santa Cruz

Attention: Karen McConaghy  
Application #: 04-0218

Recorded  
Official Records  
County Of  
SANTA CRUZ  
GARY E. HAZELTON  
Recorder  
CAROL D. SUTHERLAND  
Assistant  
10:05AM 05-Aug-2004  
REC FEE 10.01  
G R COP 7.01  
JRS  
Page 1 of 2

### **Declaration of Restriction to Construct a Structure as a Non-Habitable Accessory Structure**

This declaration: made in Santa Cruz county, State of California by Melvin & Alice Frances Norrbom Trustees, owners of real property described in Exhibit "A" (attached property description), known as Assessor's Parcel Number 104-101-17, hereby declares that all of the property described below shall be held, sold, and conveyed subject to the following restrictions and conditions, which are for the purpose of meeting the Santa Cruz County Code, and which shall run with the title to the property and be binding on all parties having any right, title or interest in the property or any part thereof, their heirs, successors, and assignees and shall apply to each owner thereof.

#### **Article I**

Declarer intends to construct a two-story garage for non-habitable storage space under a County building permit.

#### **Article II**

**As** conditions for approval of said permit, declarer agrees to the following:

1. Said structures will only contain plumbing features, such as a washer or water heater in a garage, a utility sink in a barn or workshop as defined in the Santa Cruz County Code Section 13.10.700-H.
2. Said structures will only have insulation with uncovered interior walls, **OR** covered interior walls without insulation behind the wall-covering as defined in County Code Section 13.10.700-N.
3. Said structures will not be rented, let or leased as a separate, independent dwelling unit as defined in County Code Section 13.10.700-D.

#### **Article III**

The County of Santa Cruz shall recover reasonable attorney fees and costs in bringing any legal action to enforce this agreement together with recovery of any rents collected for the illegal use of the structure or, in the alternative, for the recovery of the reasonable rental value of the illegally converted structure from the date of conversion. The amount of any recovery of rents or of the reasonable rental value of any illegally converted structure shall be deposited in the County's Affordable Housing Fund. This agreement is binding on all subsequent buyers, heirs, assignees or holders of interest in the subject property herein described.

ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL BE ATTACHED.

Executed on July 28, 2004.

Owner:

MELVIN NORRBOM

Trustee  
TRUSTEE

Owner:

Alice Frances Norrbom, Trustee  
Alice Frances Norrbom, Trustee

Owner:

ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL BE ATTACHED.

STATE OF CALIFORNIA COUNTY OF SANTA CRUZ

On July 29, 2004 before me The undersigned personally appeared Melvin Norrbom and Alice Frances Norrbom 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

F. Wong  
(Notary Public in and for said County and State)



**EXHIBIT "A"**

All the real property situated in the County of Santa Cruz, State of California, conveyed from Melvin & Alice Norrbom H/W JT, to Melvin & Alice Frances Norrbom Trustees, by deed recorded in 2003-0124938, Santa Cruz County Official Records Office on 12/26/03. Assessor's Parcel Number: 104-101-17, located in the County of Santa Cruz, State of California commonly known as: 4725 Cherryvale Avenue.

This form must be reviewed and approved by a County Planning Department staff person after notarization and prior to recordation.

Dated: August 5, 2004

COUNTY OF SANTA CRUZ

By:

[Signature]  
Planning Department Staff

Declaration of Restriction - Non-Habitable Accessory Structure

Page 2

Return recorded form to:

Planning Department  
County of Santa Cruz

Attention: Karen McConaghy  
Application #: 04-0218



2004-0076805

Recorded	REC FEE	10.00
official Records	D R COP	7.00
County Of		
SANTA CRUZ		
GARRY E HAZELTON		
Recorder		
CAROL D. SUTHERLAND		
Assistant	DLA	
03:34PM 27-Oct-2004	Page 1 of 2	

### **Declaration of Restriction to Maintain a Structure as a Non-Habitable Accessory Structure**

This declaration, made in Santa Cruz county, State of California by Melvin & Alice Frances Norrbom Trustees owners of real property described in Exhibit "A" (attached property description), known as Assessor's Parcel Number 104-101-17, hereby declares that all of the property described below shall be held, sold, and conveyed subject to the following restrictions and conditions, which are for the purpose of meeting the Santa Cruz County Code, and which shall run with the title to the property and be binding on all parties having any right, title or interest in the property or any part thereof, their heirs, successors, and assignees and shall apply to each owner thereof.

#### **Article I**

Declarer intends to maintain a trailer as non-habitable storage space.

#### **Article II**

As conditions for approval of said permit, declarer agrees to the following:


1. Said structures will only contain plumbing features, such as a washer or water heater in a garage, a utility sink in a barn or workshop as defined in the Santa Cruz County Code Section 13.10.700-H.
2. Said structures will only have insulation with uncovered interior walls, **OR** covered interior walls without insulation behind the wall-covering as defined in County Code Section 13.10.700-N.
3. Said structures will not be rented, let or leased as a separate, independent dwelling unit as defined in County Code Section 13.10.700-D.

#### **Article III**

The County of Santa Cruz shall recover reasonable attorney fees and costs in bringing any legal action to enforce this agreement together with recovery of any rents collected for the illegal use of the structure or, in the alternative, for the recovery of the reasonable rental value of the illegally converted structure from the date of conversion. The amount of any recovery of rents or of the reasonable rental value of any illegally converted structure shall be deposited in the County's Affordable Housing Fund. This agreement is binding on all subsequent buyers, heirs, assignees or holders of interest in the subject property herein described.

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL BE ATTACHED.**

Executed on July 28, 2004.

Owner:  MELVIN NORRBOM TRUSTEE

Owner: Alice Frances Norrbom, Trustee  
Alice Frances Norrbom, Trustee


Owner: \_\_\_\_\_

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.  
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL  
BE ATTACHED.**

STATE OF CALIFORNIA COUNTY OF SANTA CRUZ

On JULY 29 2004 before me THE UNDERSIGNED personally  
appeared MELVIN NORRBOM AND ALICE F. NORRBOM 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 Public in and for said County and State)



This form must be reviewed and approved by a County Planning Department staff person after  
notarization and prior to recordation.

Dated: \_\_\_\_\_

COUNTY OF SANTA CRUZ

By: \_\_\_\_\_  
Planning Department Staff



view of Soils/Engineering Geologic Report for APN: 104-101-17; 04-0218; BR 51931G  
November 18, 2003 .  
Page 3 of 4

has not  
original

SABTA CRUZ COUNTY RECORDER

RECORDED AT REQUEST OF:  
County of Santa Cruz

WHEN RECORDED MAIL TO:

Santa Cruz County Planning  
701 Ocean St.  
Santa Cruz, CA 95060

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

Note to County Recorder: .

Please return to the staff geologist in the Planning Department when  
completed.

DECLARATION REGARDING THE ISSUANCE OF A DEVELOPMENT PERMIT  
IN AN AREA SUBJECT TO GEOLOGIC HAZARDS

MELVIN NORRBOM

The undersigned ALICE FRANCES NORRBOM (names of property owners) (does)  
(do) hereby certify to be the owner(s) of the real property located in the  
County of Santa Cruz, State of California, commonly known as 4725 Cherryvale  
Road; and, legally described in that certain deed recorded as 2003-0124938  
of the official records of the Santa Cruz County Recorder on 12-26-03 (deed  
recording date); Assessor's Parcel Number 104-101-17 and Application 04-  
0218 and 51931G

And, acknowledge that records and reports, filed with the Santa Cruz County  
Planning Department, indicates that the above described property is located  
within an area that is subject to geologic hazards, to wit:

The subject property is located in or near an area of Flooding and in  
an area that could be subject to liquefaction.

The project engineer or architect has reviewed the plans and has  
determined that the project design complies with the FEMA requirements.

After investigation, the UPP Geotechnical Inc, in their report dated  
August 16, 2004, summarized their assessment of the location for the  
new garage and indicated that the site is unlikely affected by  
liquefaction or other geologic hazards. The report is on file with the  
County Planning Department and should be reviewed to better understand  
the site's geology.

And, having full understanding of said hazards, (I) (We) elect to pursue  
development activities in an area subject to geologic hazards and do hereby  
agree to release the County from any liability and consequences arising from  
the issuance of the development permit.

This declaration shall run with the land and shall be binding upon the undersigned, any future owners, encumbrancers, their successors, heirs, or assignees. This document should be disclosed to the forgoing individuals. This declaration may not **be** altered or removed from the records of the County Recorder without the prior consent of the Planning Director of the County of Santa Cruz.

OWNER:   
signature

OWNER: Alice Frances Norborn  
Signature

ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPATE FORM OF ACKNOWLEDGEMENT SHALL BE USED.