



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

January 10, 2006

Agenda Date: January 25, 2006

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

SUBJECT: Agenda Item:

Appeal of Zoning Administrator's Approval
Application #05-0406; Residential Development Permit and Riparian Exception
Assessor's Parcel Number: 051-701-13

Members of the Commission:

BACKGROUND

Application 05-0406, a proposal to construct a garage/boat house on site with an existing single-family dwelling was heard by the Zoning Administrator on October 7 & 14, 2005, and November 18, 2005, and was approved with revised conditions (Exhibit B). **An** appeal was filed on December 2, 2005 by neighbors Stephen & Therese Felder, Frank & Nancy Remde, Mike & Joelle Treanor, and Richard & Candida Yando (Exhibit C).

ANALYSIS AND DISCUSSION

The applicant proposes a split-level garage/boathouse of 1,472 square feet and deck of 164 square feet. The site is developed with an existing single-family dwelling constructed in 1974, and second unit (Application 98-0359, Riparian Exception 98-0371, Geologic Hazards Assessment 97-0089). The proposed project is consistent with the General Plan Residential Urban Low designation (R-UL) and with the implementing zone district, Single-family Residential (R-I-IO-GH) in which it is located. The garage/boat-house is an allowed use, consistent with all development regulations including setbacks, height, lot coverage, floor area ratio and parking. County Code Section 13.10.322 allows non-habitable accessory structures when appurtenant to existing single-family development. An earlier proposal to include a boat ramp into Kelly Lake was removed from consideration.

The project site is 1.14 acres and is located in a developed residential area immediately adjacent to Kelly Lake. The proposed garageboat-house is to be located one foot above *the* 63.5-foot **flood** elevation determined by Mid Coast Engineers (Exhibit A) **as** per County Code Section 16.10.070.f.3.

Issues of the Appeal

Riparian Exception: A Riparian Exception was granted for construction of a boat-house, garage, deck and boat ramp on the parcel by Application 98-0371. Kelly Lake is a recreational lake and the lake frontage is a principal amenity for the residentially zoned properties bordering the lake. There is an expectation that residents will be able to have access to and make some recreational use of their lake frontage. Environmental Planning has required that planting of bulrush along the front of the existing sheet pile wall and completion of an Elevation Certificate certifying sub-floor compliance with flood elevation requirements by a registered professional engineer prior to building permit final inspection. The Riparian Exception was approved, with conditions, by the Zoning Administrator at a noticed public hearing on November 18, 2005 (Exhibit B).

Fair and Impartial Hearing: No exception to any building codes were being considered or approved. The applicant and each interested party was allowed to present testimony, with the applicant allowed time to respond to testimony at the close of the public hearing. The Zoning Administrator considered all information submitted and testimony presented prior to making a decision. Any questions that were asked of staff by the hearing officer were responded to adequately.

Garage/Boat-house Design: The 1,472 square foot size of the structure is characterized as "oversized" by the appellants. The structure is consistent with all development regulations of the R-1-10 zone district. The design is consistent with the existing residence with utilization of hardboard siding and pitched roof, and placement of the access stairway and windows to maximize privacy for all parties. The Residential Development Permit to allow the boat-house was approved, subject to conditions, by the Zoning Administrator at a noticed public hearing on November 18, 2005.

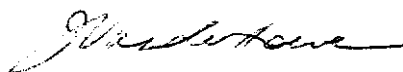
SUMMARY AND RECOMMENDATION

The proposed project is consistent with the County General Plan policies and ordinances, and staff recommends that the Zoning Administrator's approval of Application #02-0311 be upheld.

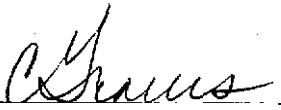
It is therefore, RECOMMENDED, that your Commission:

1. Certify the determination that the project is Categorically Exempt from the California Environmental Quality Act; and
2. Deny the Appeal and uphold the Zoning Administrator's approval of Application #05-0406, subject to the Findings and Conditions as approved by the Zoning Administrator at the November 18, 2005 public hearing.

Sincerely,



Joan Van der Hoeven
Project Planner
Development Review

Reviewed By: 
Cathy Graves
Principal Planner
Development Review

Exhibits:

- 'A. Project plans prepared by Ron Gordon, dated July 15, 2004, revised **August** 15, 2005
- B. Staff Report to Zoning Administrator, dated November 18, 2005
- C. Letter of Appeal by Felder, Treanor, Remde & Yando, received **December** 02, 2005
- D. Memo of Deputy Zoning Administrator, Don Bussey, dated December 07, 2005

APPLICATION NO. 05-0406

STAFF REPORT TO THE PLANNING COMMISSION

EXHIBIT B

Staff Report to the Zoning Administrator,
dated November 18, 2005



COUNTY OF SANTA CRUZ

Planning Department

RESIDENTIAL DEVELOPMENT PERMIT AND RIPARIAN EXCEPTION

Owner: **JOSEPH 8 DOMITILA GUERRERO**
Address: **813 E. LAKE AVENUE**
WATSONVILLE, CA 95076

Permit Number: **05-0406**
Parcel Number(s): **051-701-13**

PROJECT DESCRIPTION AND LOCATION

Permit to construct a garage with a boathouse below and an attached bath, boat ramp, and sheet pile wall. Requires a Residential Development Permit to increase the maximum 1000 square foot size limitation for non-habitable accessory structures and to maintain a bath within a detached accessory structure and a riparian exception. Property located on the west side of a 20 foot right of way, about 200 feet north from Cutter Drive in Watsonville.

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 11/18/05

Effective Date: 12/06/05

Exp. Date (if not exercised): 12/06/07

Coastal Appeal Exp. Date: N/A

Denial Date: _____

Denial Date: _____

— This project requires a Coastal Zone Permit, which is not appealable to the California Coastal Commission. It may be appealed to the Board of Supervisors. The appeal must be filed within 14 calendar days of action by the decision body.

— This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

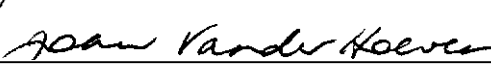
This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. Permittee is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

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

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


Signature of Owner/Agent

11-16-05
Date


Staff Planner

11-18-05
Date

Distribution: Applicant, File, Clerical



Staff Report to the Zoning Administrator

Application Number: **05-0406**

Applicant: Ron Gordon
Owners: Joseph & Tila Guerrero
APN: 051-701-13

Agenda Date: November 18, 2005
Continued Agenda Item #: 1
Time: After 8:30 a.m.

Project Description: Proposal to construct a garage with a boathouse below and an attached $\frac{1}{2}$ bathroom, boat ramp and sheet pile wall. Requires a Residential Development Permit to increase the maximum 1,000 square foot size limitation for non-habitable accessory structures, and to maintain a toilet and sink within a detached accessory structure, and a Riparian Exception.

Location: Property located on the west side of a 20-foot right-of-way, about 200 feet north of Cutter Drive, at **45** Cutter Drive in Watsonville.

Supervisory District: Fourth District (District Supervisor: Campos)

Permits Required Residential Development Permit, Riparian Exception

Staff Recommendation:

- Approval of Application 05-0406, 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 map/General Plan map |
| B. Findings | G. Reviewing agency comments |
| C. Conditions | H. Letter of Tila Guerrero 9-01-05 |
| D. Categorical Exemption (CEQA determination) | I. Site photographs |
| E. Assessor's parcel map/Location map | J. Communications received |

Parcel Information

Parcel Size:	1.14 acres
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family dwellings, Kelly Lake
Project Access:	College Road to Cutter Drive

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

6

EXHIBIT **B**

AFN 051-701-13

Owners: Joseph & Domitila Guerrero

Planning Area:

Pajaro Valley

Land Use Designation:

R-UL (Urban Low Density Residential)

Zone District:

R-1-10 (Single-family Residential/10,000 sq ft min lot)

Coastal Zone:

☐ Inside ☒ Outside

Appealable to Calif. Coastal Comm.

☐ Yes ☒ No**Environmental Information**

Geologic Hazards:

Mapped floodplain north adjacent to Kelly Lake, CFZ

Soils:

Watsonville loam

Fire Hazard:

Not a mapped constraint

Slopes:

2 - 15 percent slopes, rear of lot slopes down to Kelly Lake

Env. Sen. Habitat:

Not mapped/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:

No significant impact

Roads:

Existing roads adequate

Parks:

Existing park facilities adequate

Archeology:

Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:

☒ Inside ☐ Outside

Water Supply:

City of Watsonville

Sewage Disposal:

Salsipuedes Sanitation District

Fire District:

Pajaro Valley Fire Protection District

Drainage District:

Zone 7 Flood Control/Water Conservation District

History

The application was accepted on June 28, 2005 and deemed complete on July 21, 2005. The site is developed with an existing single-family dwelling and garage constructed in 1974, with subsequent conversion of the garage to a second unit under Residential Development Permit 98-0359, with technical reviews for a Riparian Exception and Geologic Hazards Assessment completed under applications 98-0371 and 97-0089.

Project Setting

The project is located at 45 Cutter Drive in Watsonville in the Pajaro Valley Planning Area. The 1.14 acre project site is located in a developed residential area immediately adjacent to Kelly Lake. The proposed garage is located above the 63.5 foot flood elevation determined by Mid Coast Engineers (Exhibit A).

Zoning & General Plan Consistency

The subject property is a 1.14-acre parcel, located in the R-1-10 (Single-family Residential with a 10,000 square foot minimum lot size) zone district, a designation that allows non-habitable accessory uses when appurtenant to existing single-family residential development, as per County Code Section 13.10.322. County Code Section 13.10.611 allows accessory structures in the R-1-10 zone district subject to conditions which restrict the use. A Declaration of Restriction to Maintain the Structure as Non-habitable is required to be recorded. The proposed non-habitable accessory structure is an allowed use within the zone district and the boathouse/garage project is consistent with the site's (R-UL) Urban Low Density Residential, Urban Open Space, Lakes/Reservoirs and Lagoons General Plan designation. The boat ramp and sheet pile wall are consistent with County Code Section 16.30, Riparian Corridor Protection.

Environmental Review

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA) as the project qualifies for a Categorical Exemption as per Section 15303, New construction of Small Structures.

Conclusion

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

Staff Recommendation

- **APPROVAL** of Application Number **05-0406**, based on the attached findings and 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

Report Prepared By: Joan Van der Hoeven, AICP
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060
Phone Number: (831) 454-5174
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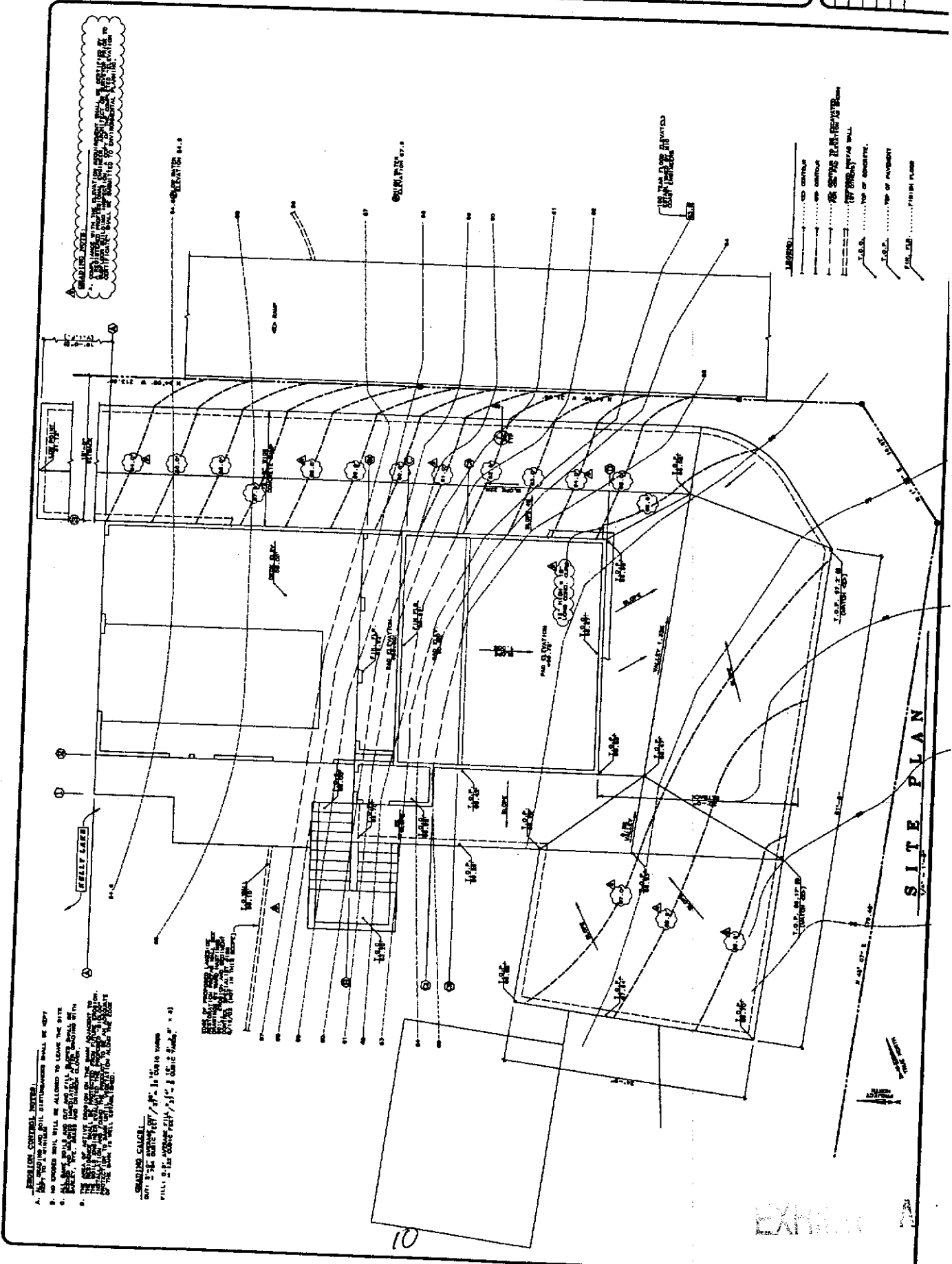
DATE	10/1/77
BY	W. J. GORDON
CHECKED BY	W. J. GORDON
APPROVED BY	W. J. GORDON
SCALE	1" = 10'
PROJECT	BARAGE BOAT HOUSE
LOCATION	45 CUTTER DRIVE MATSONVILLE, CALIFORNIA
APR. 51-141-04	

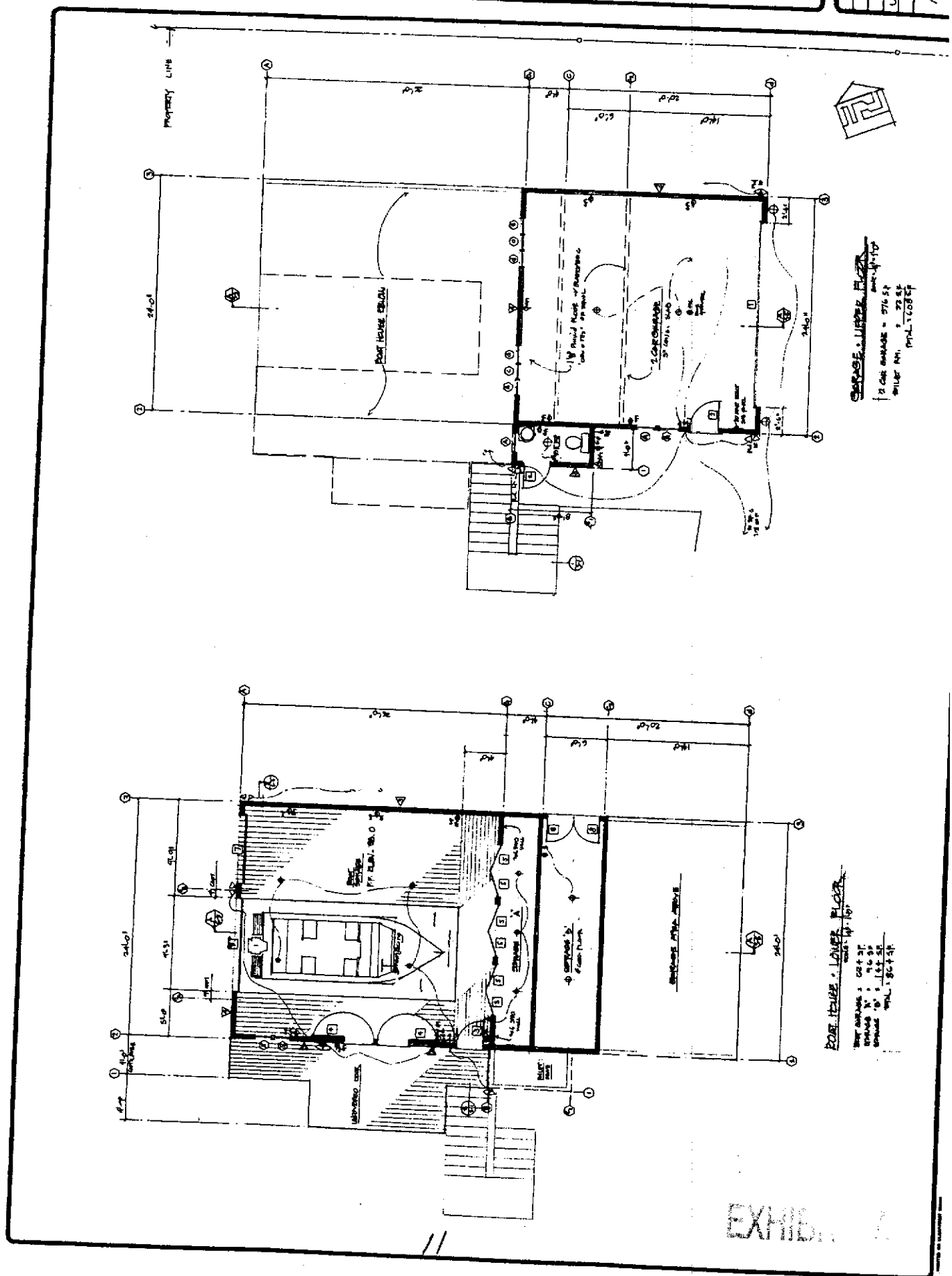
BARAGE BOAT HOUSE
45 CUTTER DRIVE
MATSONVILLE, CALIFORNIA
APR. 51-141-04

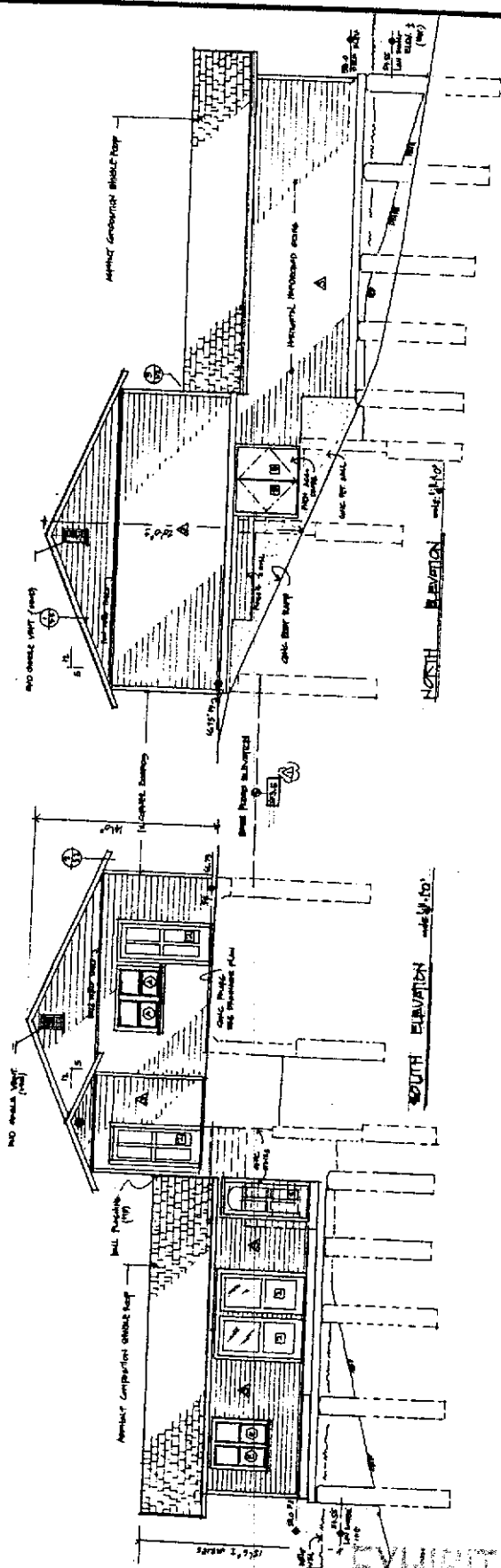
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(213) 482-6400

RON GORDON, AIA
Planning & Building Division
Landscape Consultant
(811) 724-4212

NO.	1
DATE	10/1/77
BY	W. J. GORDON
CHECKED BY	W. J. GORDON
APPROVED BY	W. J. GORDON







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 accessory structures appurtenant to existing residential uses 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. The proposed non-habitable accessory structure, boat ramp and sheet pile wall will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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 proposed location of the non-habitable accessory structure, boat ramp and sheet pile retaining wall and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-10 (Single-family Residential/10,000 sq ft min lot) zone district in that the primary use of the property remains one single-family dwelling and a second unit, with this new proposed non-habitable accessory structure that meets all current site standards for the zone district. The proposed % bath may be granted an exception for approval in that it is 32 square feet in area, below the 70 square foot maximum allowed by 13.10.611, and is required to provide toilet facilities for outdoor boating activities and recreational opportunities on Kelly Lake adjacent to the subject property. The proposed project is consistent with all development regulations of the R-1-10 zone district including the required 10 foot separation between structures, required 20 foot front setback, and required 15 feet side and rear setbacks as per County Code Section 13.10.323. The project does not exceed the 28 foot height limit nor the 30 percent lot coverage.

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 proposed non-habitable structure accessory to the existing residential use is consistent with the use and density requirements specified for the Urban Low Density Residential (R-UL) land use designation in the County General Plan.

The proposed non-habitable accessory structure will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the non-habitable accessory structure will not adversely shade adjacent properties, and will meet current setbacks for the zone

district that ensure access to light, air, and open space in the neighborhood.

The proposed non-habitable accessory structure 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 non-habitable accessory structure will comply with the site standards for the R-1-10 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure 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 proposed non-habitable accessory structure is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit), such an increase 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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed non-habitable accessory structure is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed non-habitable accessory structure will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

RIPARIAN EXCEPTION FINDINGS

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.

Special circumstances exist in that this property is residentially zoned and has frontage on Kelly Lake (a body of water determined by the Planning Commission to be a recreational lake). The lakefrontage is a principal amenity on this property and there is an expectation that residents will be able to have access to and make some recreational use of their lake frontage.

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY.

Any development that is lake related, such as the proposed garage hoathouse and sheet-piling wall would require a riparian exception. The proposed garage hoathouse and PVC sheet-piling wall along the lake edge (an erosion control device) are both permitted uses on the property.

3. THAT THE GRANTING OF THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY DOWNSTREAM OR IN THE AREA IN WHICH THE PROJECT IS LOCATED.

The granting of this exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located. In fact, there will be a net environmental benefit to the site after the approved revegetation plan has been implemented ("Exhibit B").

4. THAT THE GRANTING OF THE EXCEPTION, IN THE COASTAL ZONE, WILL NOT REDUCE OR ADVERSELY IMPACT THE RIPARIAN CORRIDOR, AND THERE IS NO FEASIBLE LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE.

The parcel is located outside the coastal zone.

5. THAT THE GRANTING OF THE EXCEPTION IS IN ACCORDANCE WITH THE PURPOSE OF THIS CHAPTER, AND WITH THE OBJECTIVES OF THE GENERAL PLAN AND ELEMENTS THEREOF, AND THE LOCAL COASTAL PROGRAM LAND USE PLAN.

The purpose of the riparian ordinance is to eliminate or minimize development activities in riparian/wetland areas so as to protect wildlife habitat, water quality, open space and to allow for the conveyance and storage of floodwaters. The garage hoathouse is proposed in an area currently supporting little to no riparian and/or wetland vegetation. As part of this project, a vegetation restoration plan ("Exhibit B") will be implemented that will result in a net environmental benefit to the surrounding area. The vegetation proposed in front of the existing sheet piling wall will provide an adequate screen from the lake.

The water quality and storage of floodwaters within the lake ~~will~~ not be negatively affected by the proposed project and the garage hoathouse has been designed to meet the requirements set forth by the Federal Emergency Management Agency (FEMA).

Conditions of Approval

Exhibit A: Project Plans, 3 sheets by Ron Gordon dated 11-25-03, 1 sheet by Gerald Graebe, Structural Engineer dated October 2003, revised 2-03-04, 7-13-04.

- I. This permit authorizes the construction of a two-story non-habitable accessory structure of 1,636 square feet, consisting of a garage above, storage area, boat deck, and a boathouse below with a ½ bath and recognizes a sheet pile wall. 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 Building Permit 51335G from the Santa Cruz County Building Official.
 - C. Revise plans to delete the boat ramp.
- II. Prior to issuance of the 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 the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
 1. 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.
 2. The non-habitable accessory structure shall not have an electrical meter separate from the main dwelling. No electrical service exceeding 100A/220V/single phase may be installed without a Level V approval.
 3. Drainage and erosion control plans.
 4. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 5. A surveyed plot plan prepared by a licensed engineer is required. Plans shall indicate all property lines and right-of-ways and the water boundary. A minimum 20-foot setback of structures to the edge of the right-of-way shall be maintained.
 - B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - C. Meet all requirements of and pay Zone 7 drainage fees to the County Department

of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.

- D. Meet all requirements and pay any applicable plan check fee of the Pajaro Valley Fire Protection District.
- E. Complete and record a Declaration of Restriction to maintain the garage/boathouse as a non-habitable accessory structure. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- F. A minimum of four (4) parking spaces shall be provided on site.
- G. All Environmental Planning plan requirements shall be met including a grading and re-vegetation plan.

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. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The planting of Bulrush (*Scirpus acutus*) along the entire length of existing PVC sheet piling wall shall be completed as per Sheet A1 by Ron Gordon (Exhibit A).
- D. The project must comply with all recommendations of any required soils reports.
- E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- F. The location of structures shall be consistent with Exhibit A with location confirmed by a civil engineer.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the

County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- B. The non-habitable accessory structure shall not have a kitchen or food preparation facilities and shall not be rented, let or leased ~~as~~ an independent dwelling unit.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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.

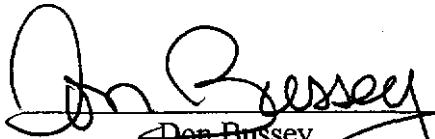
Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.


Application#: 05-0406
APN: 051-701-13
Owners Joseph & Tila Guerrero

Approval Date: 11-18-05

Effective Date: 12-02-05

Expiration Date: 12-02-07


Don Bussey
Deputy Zoning Administrator


Joan Van der Hoeve, AICP
Project Planner

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

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: 05-0406

Assessor Parcel Number: 051-701-13

Project Location: 45 Cutter Dnve, Watsonville CA 95076

Project Description: Proposal to construct a non-habitable accessory dwelling greater than 1,000 square feet on site with an existing single-family dwelling

Person or Agency Proposing Project: Ron Gordon

Contact Phone Number: (831) 724-4673

- 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 3 - New Construction or Conversion of Small Structures (Section 15303)

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

Construction of a small accessory structure

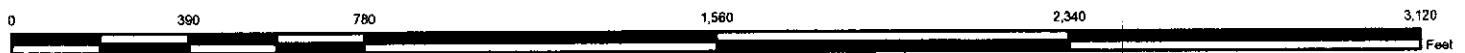
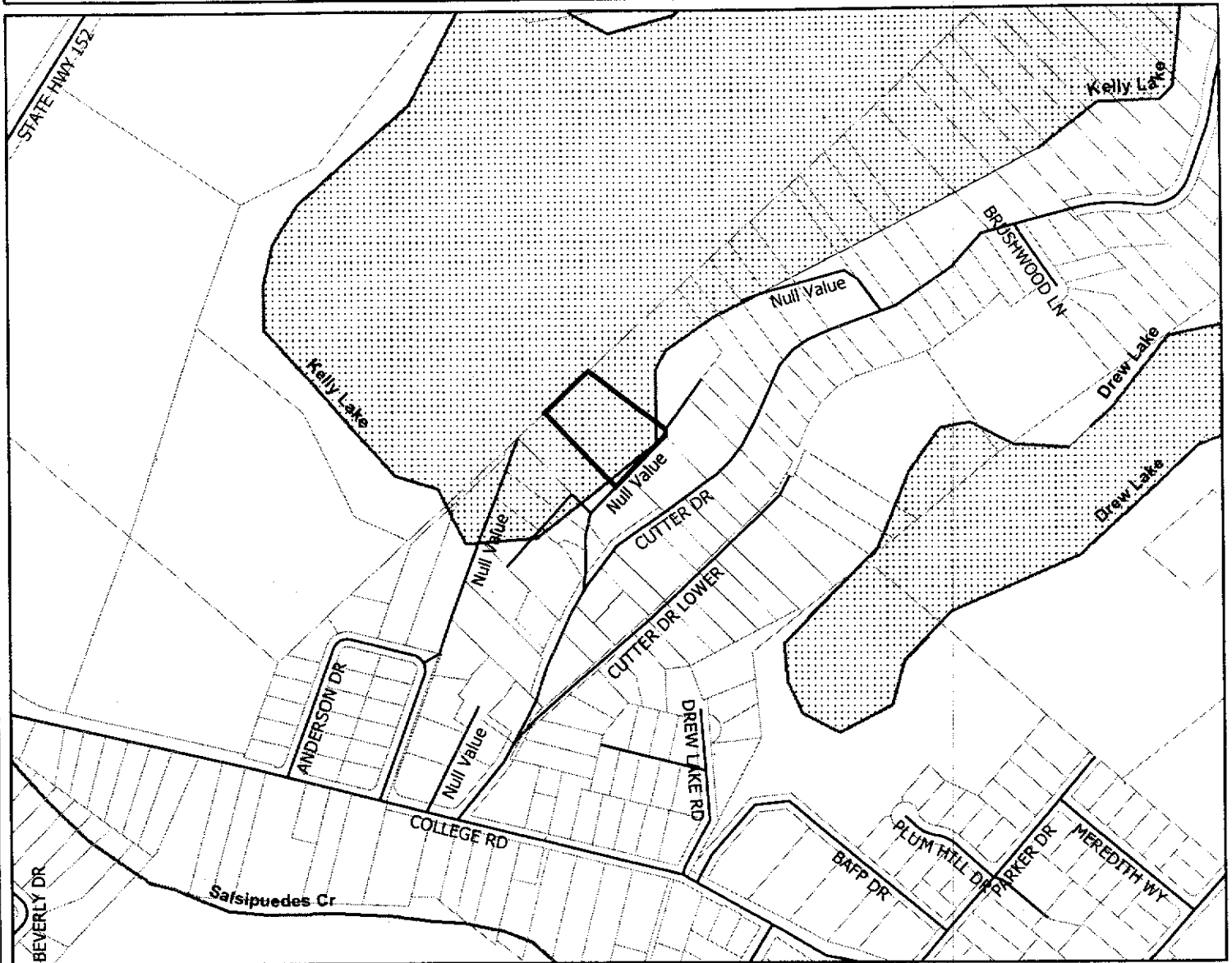
In addition, none of the conditions described in Section 15300.2 apply to this project.


Joan Van der Hoeven, AICP, Project Planner




Date: November 18, 2005

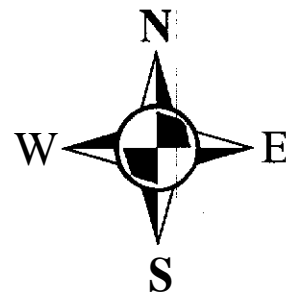


Location Map



Legend

-  Assessors Parcels
-  Streets
-  APN 051--701-13



Map Created by
County of Santa Cruz
Planning Department
July 2005

EXHIBIT E

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 2000

POR, SALISPUEDES RANCHO
 N. 1/2 SEC. 34, T.11S, R.2E., M.D.B. & M.

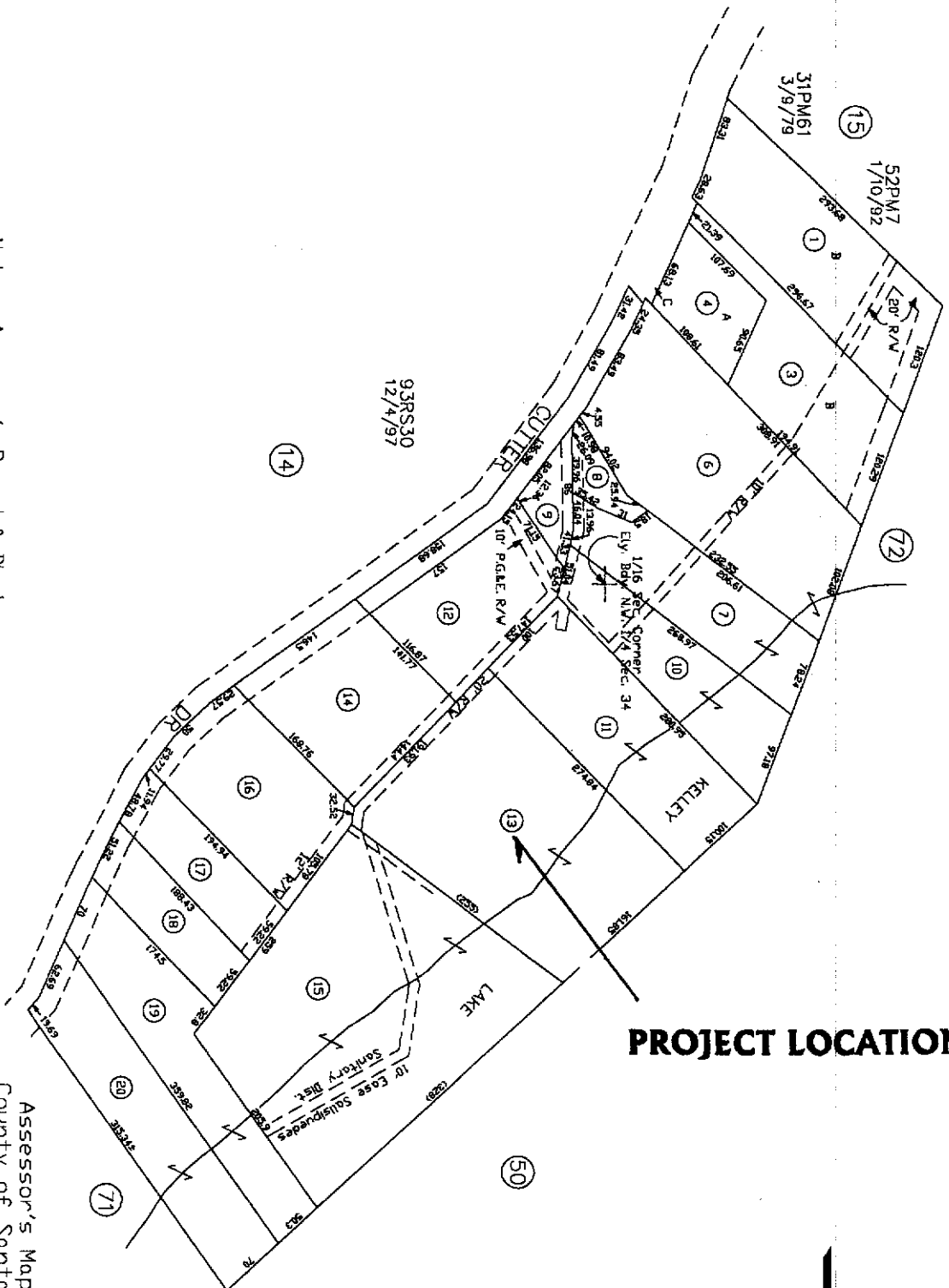
Tax Area Code
 9-253

51-70

electronically redrawn 6/17/00 KSA
 rev. 6/17/00 KSA (from Form Pg. 14)
 rev. 6/7/00 nva (changed page refs.)
 rev. 1/16/02 nva (parcels 2 & 3 accept to street)

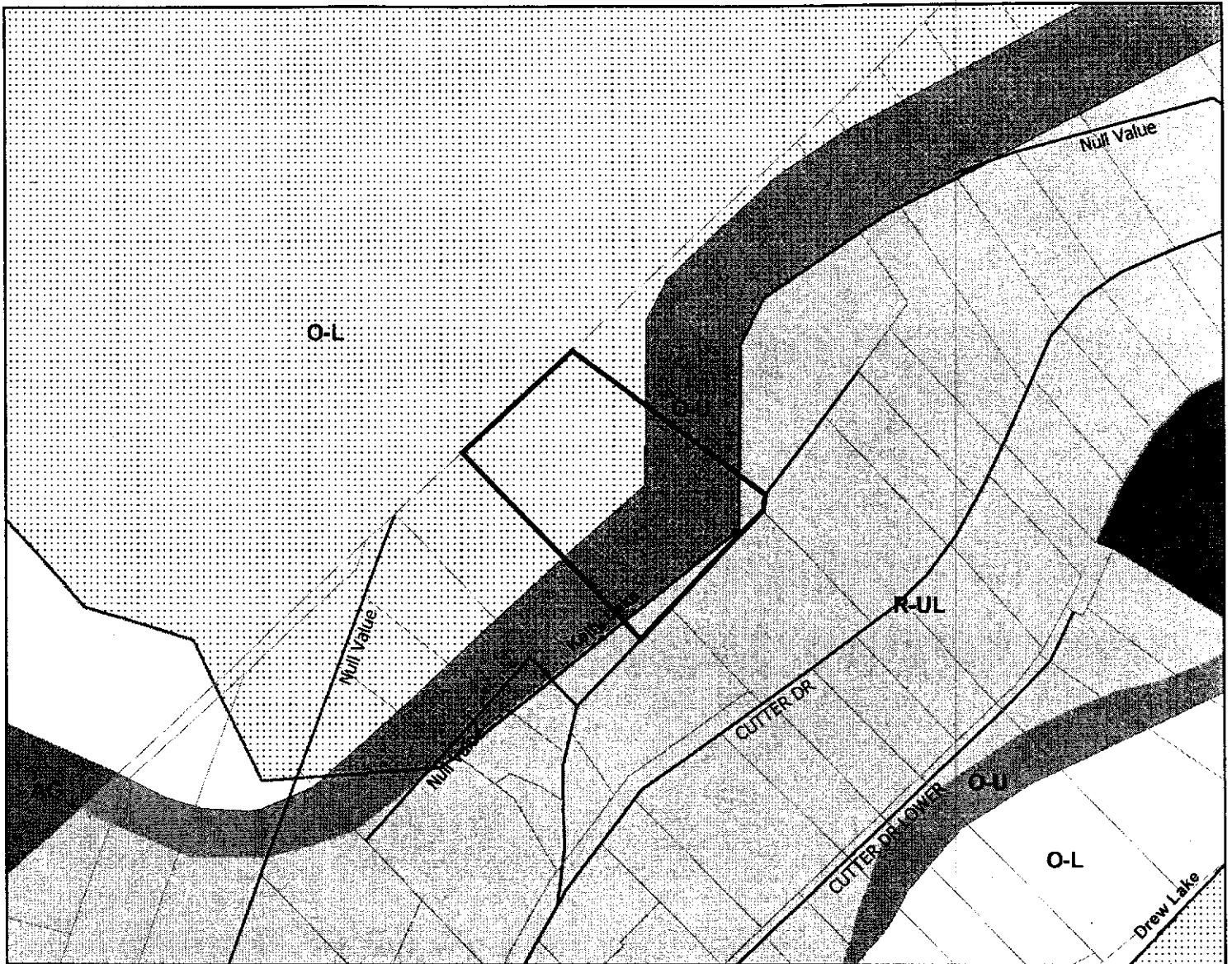
Note - Assessor's Parcel & Block
 Number are shown in blue

Assessor's Map No. 51-70
 County of Santa Cruz, Calif.
 June 2000



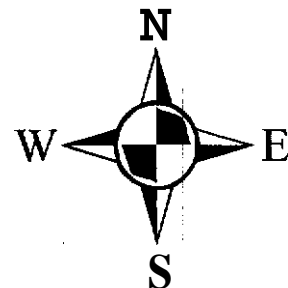


General Plan Designation Map



Legend

- APN 051--701-13
- Assessor's Parcels
- Streets
- Lakes
- Lake (O-L)
- Urban Open Space (O-U)
- Residential - Urban **Low** Density (R-UL)
- Parks and Recreation (O-R)

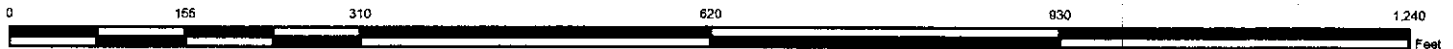
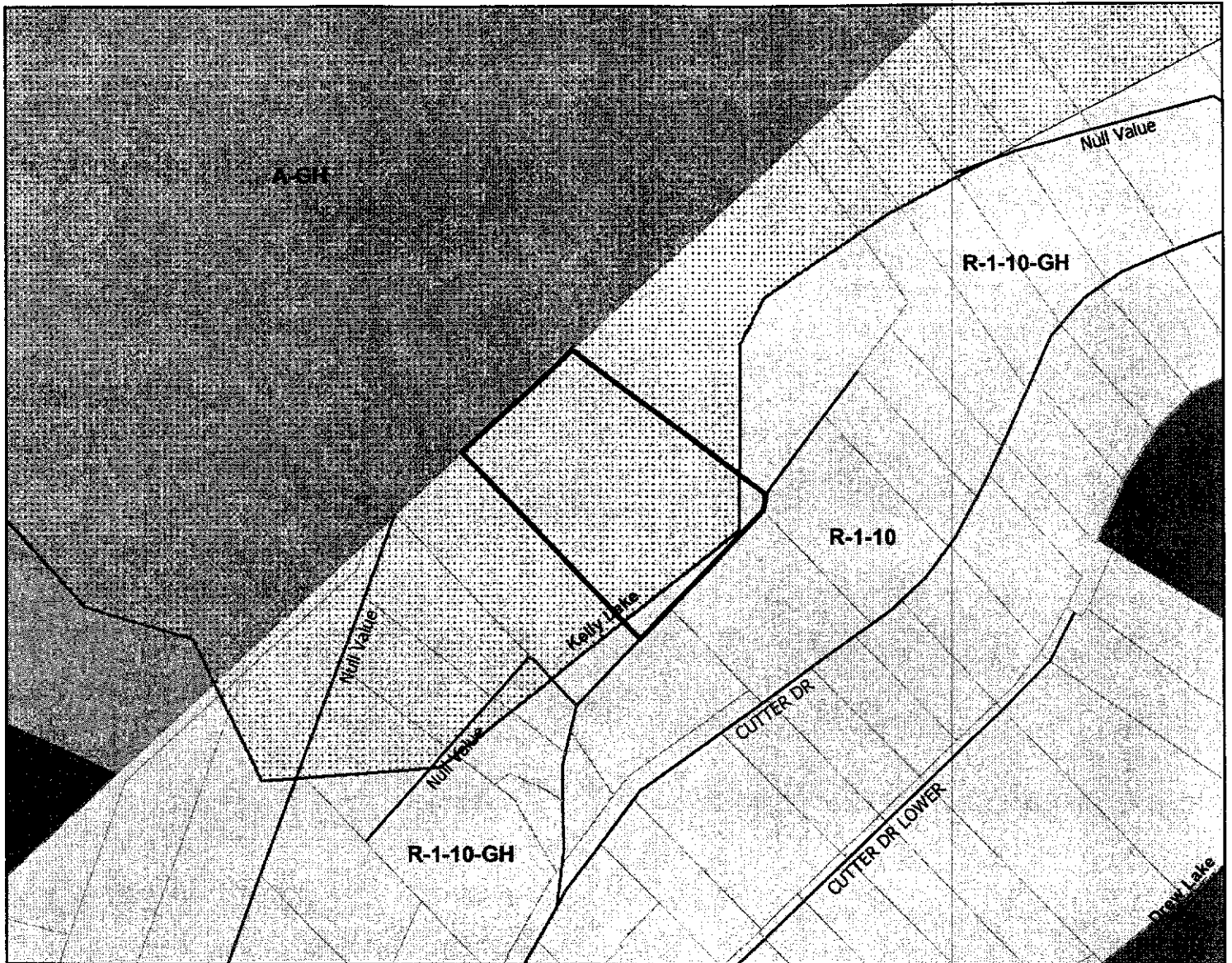


Map Created by
County of Santa Cruz
Planning Department
July 2005









25

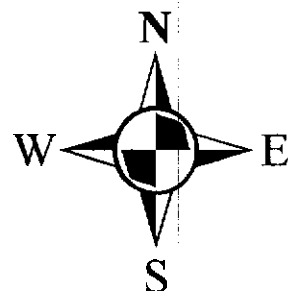


Zoning Map



Legend

-  APN 051-701-13
-  Assessors Parcels
-  Streets
-  Lakes
-  AGRICULTURE (A)
-  AGRICULTURE COMMERCIAL (CA)
-  PARK (PR)
-  RESIDENTIAL-SINGLE FAMILY (R-1)



Map Created by
County of Santa Cruz
Planning Department
July 2005

15:27:43 Thu Sep 08, 2005

09/08/05 BS5

15:26:34

COUNTY OF SANTA CRUZ - 3.0
BROWSE BUILDING APPLICATION REVIEW
REVIEW AGENCY: ENVIRONMENTAL PLANNING

I-ALPBR205

ALSR740

APPL.NO.: 0051335G : REVIEW DATE: 12/08/04 :

DETERMINATION: APPROVED : REVIEW TIME:

ROUTING: 2

REVIEWER: RSL

COMMENTS:-----

1. The submitted soils report is currently in review status.
2. Grading plans must be signed and stamped by a civil engineer or architect.
3. Show proposed contours at boat ramp.
4. Submit a "Plan Review" letter from the project geotechnical engineer. This is a brief building, grading **and** drainage letter stating that the plans and foundation design are in general compliance with the report recommendations.

PF7/8=PREV/NXT AQCY 10/11=PAGE COMM THIS RTNG 12/13=OTHER RTNGS-THIS AQCY
PF19=PREVIOUS SCREEN PA2=EXIT

15:27:58 Thu Sep 08, 2005

09/08/05 BS5
15:26:48

COUNTY OF SANTA CRUZ - 3.0
BROWSE BUILDING APPLICATION REVIEW
REVIEW AGENCY: ENVIRONMENTAL PLANNING

I-ALPBR205
ALPBR740

APPL.NO.: 0051335G : REVIEW DATE: 12/08/04 :
DETERMINATION: APPROVED : REVIEW TIME:

ROOTING: 2
REVIEWER: RSL

COMMENTS:-----

5. The current grading plans show that there will be fill placed below elevation 63.5. No fill is allowed below elevation 63.5. Please revise plans.

6. Show the base flood elevation (63.5) on all building sections (Sheet A4 and S-5).

7. A registered professional engineer or architect must review and certify that floodproofing standards and requirements (e.g. venting, etc.) have been complied with. Please have the engineer or architect submit a letter to Environmental Planning stating

END OF AGENCIES SELECTED FOR THIS APPLICATION.

PF7-BACK

15:28:15 Thu Sep 08, 2005

09/08/05 BSS

15:27:08

COUNTY OF SANTA CRUZ - 3.0
BROWSE BUILDING APPLICATION REVIEW
REVIEW AGENCY: ENVIRONMENTAL **PLANNING**

I-ALPER205

ALSER740

APPL.NO.: 00513356 :

DETERMINATION: APPROVED

REVIEW DATE: 12/08/04 :

: REVIEW TIME:

ROUTING: 2

REVIEWER: RSL

this review has been completed.

8. Place the following note on the site plan:

A. Compliance with the elevation requirement shall be certified by a registered professional engineer, architect or surveyor prior to subfloor building inspection. A copy of the completed "Elevation Certificate. shall be submitted to Environmental Planning.

9.1 have seen erosion control notes on sheet A-3. Identify where the erosion control practice (Bio-Log) is to be installed

PF7/8=PREV/NXT AQCY 10/11=PAGE COMM THIS RTNG 12/13=OTHER RTNGS-THIS AQCY

15:28:31 Thu Sep 08, 2005

09/08/05 BS5

15:27:28

COUNTY OF SANTA CRUZ - 3.0
BROWSE BUILDING APPLICATION REVIEW
REVIEW AGENCY: ENVIRONMENTAL PLANNING

I-ALPBR205
ALSB740

APPL.NO.: 00513350 : REVIEW DATE: 12/08/04 :
DETERMINATION: APPROVED : REVIEW TIME:

ROUTING: 2
REVIEWER: RSL

and provide a construction detail for the practice.

10. A riparian exception was completed and approved for a similar project proposed on this parcel (98-0371). A revegetation plan was submitted and approved as part of this riparian exception. Please submit a copy of this plan for review (Hastings Landscaping, dated 8/16/02). A current review letter from Hastings Landscaping stating the plans are still adequate for the site is required.

11. The staircase proposed on the west side of the garage goes right into the area to be revegetated. Please redesign the

PF7/8=PREV/NXT ANY 10/11=PAGE COM THIS RTNQ 12/13=OTHR RTNGS-THIS AQCY

15:28:47 Thu Sep 08, 2005

09/08/05 BS5

15:27:45

COUNTY OF SANTA CRUZ - 3.0
BROWSE BUILDING APPLICATION REVIEW
REVIEW AGENCY: ENVIRONMENTAL PLANNING

I-ALPBR205

ALSBR740

APPL.NO.: 0051335G : REVIEW DATE: 12/08/04 :

DETERMINATION: APPROVED : REVIEW TIME:

ROUTING: 2

REVIEWER: RSL

COMMENTS:-----

staircase to avoid the revegetated area.

Updated Comment dated 12/8/04:

Comments above have been addressed.

PF7/8=PREV/NXT AQCY 10/11=PAGE COMM THIS RTNG 12/13=OTHER RTNGS-THIS AGCY

RIPARIAN EXCEPTION FINDINGS

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.

Special circumstances exist in that this property is residentially zoned and has frontage on Kelly Lake, a body of water determined by the Planning Commission to be a recreational lake. The lake frontage is a principal amenity on this property and there is an expectation that residents will be able to have access to and make *some* recreational use of their lake frontage.

2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY;

Any development which is lake related, such as the proposed boat ramp and the eventually planned boathouse or deck/dock, would have to be located within 40 feet of the high water mark. Therefore a Riparian Exception would be necessary for proper construction of these improvements. All three structures are permitted uses on the property.

3. THAT THE GRANTING OF THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY DOWNSREAM OR IN THE AREA IN WHICH THE PROJECT IS LOCATED;

The granting of this Exception would not be detrimental to the public welfare in that the habitat along the residential lakeshore frontage has been historically disturbed and revegetation is required as part of the project. Additionally, the project as proposed will create no impact on other properties due to it's location and size.

4. THAT THE GRANTING OF THE EXCEPTION, IN THE COASTAL ZONE, WILL NOT REDUCE OR ADVERSELY IMPACT THE RIPARIAN CORRIDOR, AND THERE IS NO FEASIBLE LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE; AND

N/A, the project site is not in the Coastal Zone.

5. THAT THE GRANTING OF THE EXCEPTION IS IN ACCORDANCE WITH THE PURPOSE OF THIS CHAPTER, AND WITH THE OBJECTIVES OF THE GENERAL PLAN AND ELEMENTS THEREOF, AND THE LOCAL COASTAL PROGRAM LAND USE PLAN.

The purpose of the riparian ordinance is to minimize development development activities in riparian corridors so as to protect habitat, water quality, open space and to allow for the conveyance and storage of floodwaters. This proposal meets those goals because the development activities proposed for the riparian corridor will occur in an already disturbed area along the residential frontage of Kelly Lake, will not decrease the storage or movement of floodwaters in a lake and provide for revegetation of the shoreline.

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: Joan Van Der Hoeven
Application No. : 05-0406
APN: 051-701-13

Date: September 8, 2005
Time: 13:40:36
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON JULY 20, 2005 BY ROBERT S LOVELAND =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON JULY 20, 2005 BY ROBERT S LOVELAND =====

Condition of Approval :

1. The planting of Bulrush (*Scirpus acutus*) along the entire length of existing PVC sheet piling wall shall be shown on Sheet A1 by Ron Gordon. The planting shall be completed prior to building permit final.

Project Review Completeness Comments

===== REVIEW ON JULY 13, 2005 BY JOAN VAN DER HOEVEN =====
See Building Permit 51335g in process.

Project Review Miscellaneous Comments

===== REVIEW ON JULY 13, 2005 BY JOAN VAN DER HOEVEN =====
Project must comply with all floodplain regulations - bathroom not permitted.



45 Cutter Drive
Watsonville, California 95076
(831)768-8331

September 1, 2005

County of Santa Cruz
Planning Department, Room 400
701 Ocean Street
Santa Cruz, California 95060

Attn: Joan Van der Hoeven, A.I.C.P.
Project Planner Development Review

Re: Maintain a toilet within a detached accessory structure with outside access.
Development Review No. 05-0406 A.P.N.: 051-701-13

Dear Ms. Van der Hoeven;

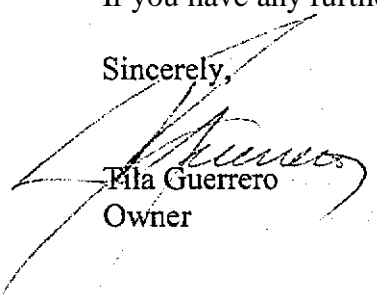
I ~~am~~ hereby requesting that the toilet facilities (toilet and sink only) attached to the garage be allowed with an outside entrance only (~~as~~ shown on the project drawings).

The vehicle garageboat house is within close proximity to Kelly Lake approximately ~~ten~~ feet (10'). The garage/boat house is recreation oriented due to the lake and water sport activities. It would be of great convenience to have the toilet available to myself and my guests enjoying the dock, boathouse and water sports.

The current residence and future garage/boathouse is served by the Salsipuedes Sanitation District. My existing residence has the bathroom located in the rear of the house farther from the dock and recreation area than the proposed toilet in the garage/boat house. I hope this clarifies my position on keeping this toilet ~~as~~ a part of my project.

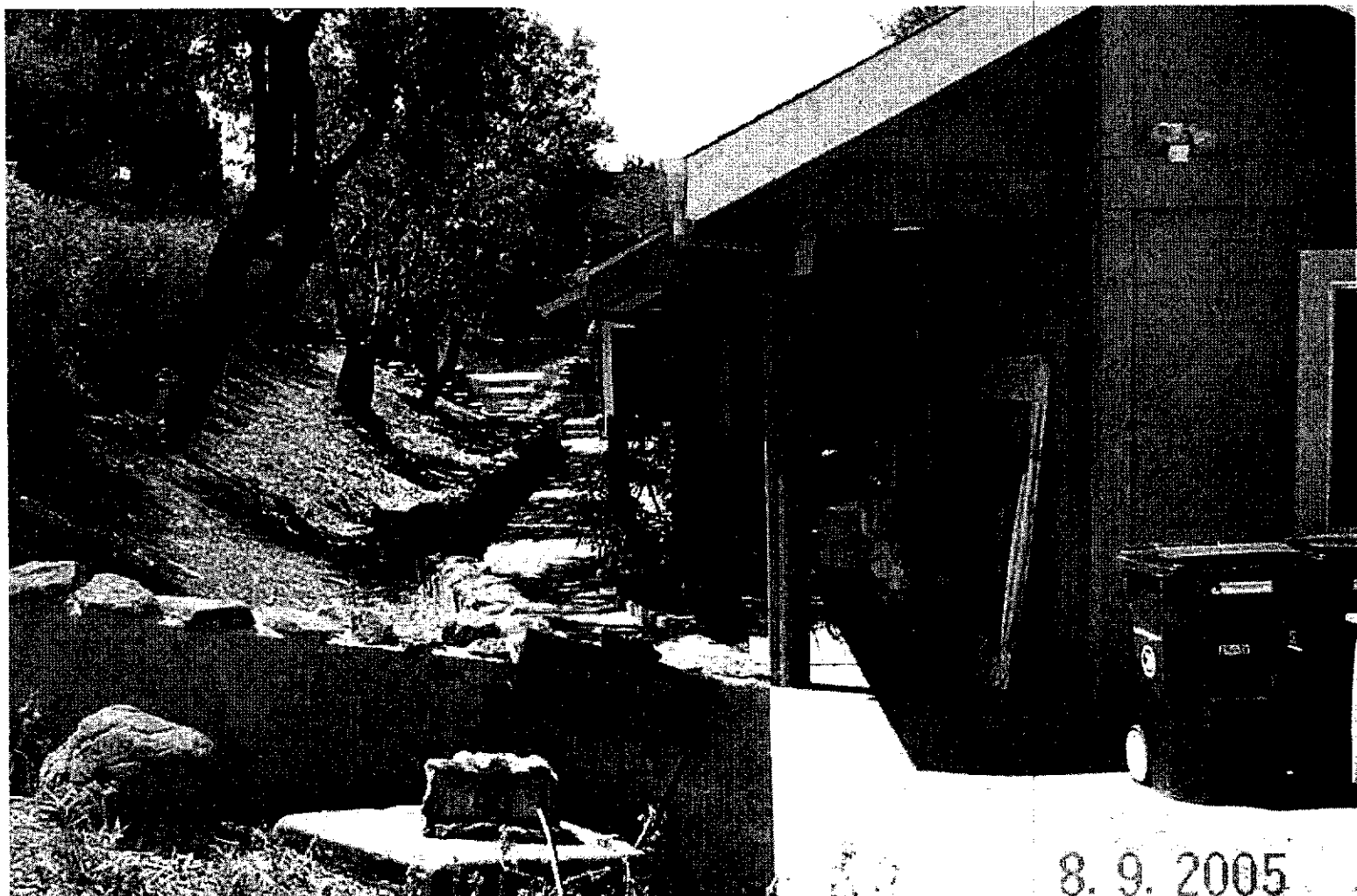
If you have any further questions, please do not hesitate to contact me.

Sincerely,


Tila Guerrero
Owner

34

EXHIBIT H





November 11, 2005

Don Bussey
Zoning Administrator
Santa Cruz County Government Center
701 Ocean St, Room 400
Santa Cruz, CA 95060

Re: App # 05-0406 APN: 051-701-13

Dear Mr. Bussey:

I have been a resident of Cutter Drive on Kelly Lake for over 40 years and have recently become aware of this proposal to build a large garage and boathouse on the shore of Kelly Lake. I have participated in various community service functions with the applicant, and consequently feel somewhat awkward registering a complaint about this project. However, I feel compelled to comment about the large size of this structure because it conflicts greatly with the environmental character of the lake.

Even though it would appear that the 1.14 acre property is of sufficient size to support a structure of this magnitude, most of this land is under water and the existing structures already essentially cover the entire lot. I request that you review the lot coverage ratio as it relates to the above water area and consider limiting this structure to the 1,000 SF maximum allowed for accessory structures, if it is even allowed.

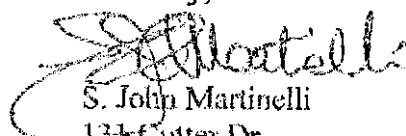
Because the boathouse is built lower than the garage, and sticks out into the lake, the appearance of the entire structure when viewed from the lake will be that of a two-story house built right on the lake. This is completely out of character with the other properties on the lake and will set a precedent that would greatly damage the natural environment if others were to follow suit with similar projects.

The boat ramp is completely unnecessary as there already is a functional boat ramp right next to the proposed one.

Although the soil type listed is Watsonville loam, existing docks build on piers over the water have demonstrated a severe reaction to liquefaction during earthquakes, which would only be exaggerated by the great size and weight of this proposed structure.

Thank you for considering these points as you evaluate this proposal.

Sincerely,



S. John Martinelli
134 Cutter Dr.
Watsonville

Fixed now mailed to:

10-17-05

Don Bussey and Joan VanDer Hoven
701 Ocean St., room 400
Santa Cruz, CA 95060

RE: application # 05-0406, 45 Cutter Dr. Watsonville.

Dear Planners.

We live on the private roadway about 200 feet to the south of this proposed project. We're writing to express our concerns about the effects that this large project **will** have on our home. ~~Our~~ main concern is that there is not enough room for a long wheelbase vehicle to ~~turn~~around at the site, thus requiring vehicles to drive in reverse ~~the~~ long narrow road past our home. It is unsafe for vehicles to have ~~to~~ hack up this road. To prove this, please look at the enclosed CHP collision report. In that report it shows how in 1999 a car could not turn around at 45 Cutter ~~so~~ it backed up the road and collided with my fence and carport, causing over \$7,000 of damage. **By allowing this oversized garagehoathouse to be built, the county is putting my property at additional risk of potential property damage.**

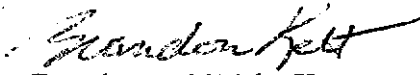
I ask that you please consider the following solutions to this problem:


1. **Require the structure to be 1000 s.f. maximum as per county code. A smaller garage would allow more turn around space.**
2. **Deny approval of the boat ramp construction. The boat ramp would require removal of soil that could be used for turn around space.** (There already is a functioning boat ramp right next to the proposed boat ramp!)

Additionally, this project is 1472 sq. ft.—the size **of** our house. We're concerned that this could be converted into a habitable structure in the future. There currently is a bathroom in the adjacent guesthouse **as** well **as** two more bathrooms in the main house. This should eliminate the need for a 4th bathroom. Currently there is no boathouse of this large size **on** the lake. Its sheer ~~size~~ strikes us as environmentally intrusive to the natural character of the lake. **We strongly urge you to downsize this project to be within the 1000 s.f. county code.**

The owner was nice enough to meet me at her site twice to hear my concerns. She's been a nice neighbor and I hope she forgives us for our complaints.

Sincerely,


Brandon and Trisha Kett
39 Cutter Dr.
Watsonville, CA 95076
818-2139



TRAFFIC COLLISION REPORT

PAGE 1 OF 11

SPECIAL CONDITIONS		NO INJ 0	H&R FEL []	CITY UNINC	JUDICIAL DISTRICT WATSONVILLE		NUMBER 1999090201
		NO KILL 0	H&R MISD []	COUNTY SANTA CRUZ	DIST 902	BEAT 902	C*Stars: 0AMY9103

COLLISION OCCURRED ON: 39 CUTTER WAY	MO	DAY	YEAR	TIME(2400)	NCIC #	OFFICER I.D.
	09	28	99	1505	9720	013786
	DAY OF WEEK TUESDAY			TOW AWAY [] YES [X] NO	PHOTOGRAPHS BY:	
	STATE HWY REL [] YES [X] NO			[X] NONE		

OR: 136 feet N of CUTTER DR.							
------------------------------	--	--	--	--	--	--	--

PARTY 1	DRIVER'S LICENSE NUMBER S0108656	STATE CA	CLASS C	SAFETY G	VEH YR 87	MAKE/MODEL/COLOR BMW 325 GRY	LICENSE NUMBER 3EUM950	STATE CA
DRIVER [X]	NAME(FIRST,MIDDLE,LAST) MICHAEL JOSEPH BARCELLS				OWNER'S NAME [X] SAME AS DRIVER			
PEDES- TRIAN []	STREET ADDRESS 4455 ESTA LN				OWNER'S ADDRESS [X] SAME AS DRIVER			
PARKED VEHICLE []	CITY/STATE/ZIP SOQUEL CA 95073				DISPO OF VEHICLE ON ORDERS OF: [] OFFICER [X] DRIVER [] OTHER			
BICY- CLIST []	SEX M	HAIR BLK	EYES BRN	HEIGHT 5-11	WEIGHT 185	BIRTHDATE 12/20/50	RACE	PARKED AT SCENE
OTHER []	HOME PHONE (831) 464-8344		BUSINESS PHONE () NONE		PRIOR MECHANICAL DEFECTS: NONE APPARENT [X] REFER TO NARRATIVE []			
	INSURANCE CARRIER MERCURY		POLICY NUMBER AP 03160625		VEHICLE IDENTIFICATION NUMBER:			
	DIR TRV ON STREET OR HIGHWAY N PRIVATE ROADWAY		SPEED LIMIT —		CHP USE ONLY VEHICLE TYPE 01			
					DESCRIBE VEHICLE DAMAGE [] UNK [] NONE [X] MINOR [] MOD. [] MAJOR [] ROLL-OVER			
					SHADE IN DAMAGED AREA			

PARTY 2	DRIVER'S LICENSE NUMBER	STATE	CLASS	SAFETY	VEH YR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
DRIVER []	NAME(FIRST,MIDDLE,LAST)				OWNER'S NAME [] SAME AS DRIVER			
PEDES- TRIAN []	STREET ADDRESS				OWNER'S ADDRESS [] SAME AS DRIVER			
PARKED VEHICLE []	CITY/STATE/ZIP				DISPO OF VEHICLE ON ORDERS OF: [] OFFICER [] DRIVER [] OTHER			
BICY- CLIST []	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE	PRIOR MECHANICAL DEFECTS: NONE APPARENT [] REFER TO NARRATIVE []
OTHER []	HOME PHONE		BUSINESS PHONE		VEHICLE IDENTIFICATION NUMBER:			
	INSURANCE CARRIER		POLICY NUMBER		CHP USE ONLY VEHICLE TYPE			
	DIR TRV ON STREET OR HIGHWAY		SPEED LIMIT		DESCRIBE VEHICLE DAMAGE [] UNK [] NONE [] MINOR [] MOD. [] MAJOR [] ROLL-OVER			
					SHADE IN DAMAGED AREA			

PARTY 3	DRIVER'S LICENSE NUMBER	STATE	CLASS	SAFETY	VEH YR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
DRIVER []	NAME(FIRST,MIDDLE,LAST)				OWNER'S NAME [] SAME AS DRIVER			
PEDES- TRIAN []	STREET ADDRESS				OWNER'S ADDRESS [] SAME AS DRIVER			
PARKED VEHICLE []	CITY/STATE/ZIP				DISPO OF VEHICLE ON ORDERS OF: [] OFFICER [] DRIVER [] OTHER			
BICY- CLIST []	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE	PRIOR MECHANICAL DEFECTS: NONE APPARENT [] REFER TO NARRATIVE []
OTHER []	HOME PHONE		BUSINESS PHONE		VEHICLE IDENTIFICATION NUMBER:			
	INSURANCE CARRIER		POLICY NUMBER		CHP USE ONLY VEHICLE TYPE			
	DIR TRV ON STREET OR HIGHWAY		SPEED LIMIT		DESCRIBE VEHICLE DAMAGE [] UNK [] NONE [] MINOR [] MOD. [] MAJOR [] ROLL-OVER			
					SHADE IN DAMAGED AREA			

PREPARER'S NAME DA SILVA, D	DISPATCH NOTIFIED 013786 [X] Yes [] No [] N/A	REVIEWER'S NAME Det Buty 11933	DATE REVIEWED 9-30-99
--------------------------------	--	-----------------------------------	--------------------------

FORMA
C COLLISION CODING

PAGE 2 OF

OF ORIGINAL INCIDENT 09 - 28 - 99		TIME(2400) 1505	NCIC NUMBER 9720	OFFICER I.D. 013786	NUMBER 1999090201
PROPERTY	OWNERS NAME/ADDRESS BRANDON KETT/39 CUTTER WAY, WATSONVILLE CA 95076 (831) 724-3931				NOTIFIED YES
DAMAGE	DESCRIPTION OF DAMAGE MODERATE DAMAGE TO THE ENTIRE CAR PORT. MINOR DAMAGE TO THE WOOD FENCE				

SEATING POSITION	OCCUPANTS	SAFETY EQUIPMENT	M/C BICYCLE - HELMET	EJECTED FROM VEH
<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">1 2 3</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">4 5 6</div> <div style="border: 1px solid black; padding: 2px;">7</div>	1 - DRIVER 2 to 6 - PASSENGERS 7 - STA. WGN. REAR 8 - RR. OCC. TRK. OR VAN 9 - POSITION UNKNOWN 0 - OTHER	A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SOULDER HARNESS USED H - LAP/SOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED CHILD RESTRAINT Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE	DRIVER V - NO W - YES PASSENGER X - NO Y - YES	0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN

ITEMS MARKED BELOW WHICH ARE FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE

PRIMARY COLLISION FACTOR LIST NUMBER (N) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	1	2	3	TYPE OF VEHICLE	1	2	3	MOVEMENT PRECEDING COLLISION
1 A VC SECTION VIOLATED: CITED 23152 (A) YES	A CONTROLS FUNCTIONING				A PASSENGER CAR/STN. WGN.				A STOPPED
B OTHER IMPROPER DRIVING	B CONTROLS NOT FUNCTIONING*				B PASSENGER CAR W/ TRAILER				B PROCEEDING STRAIGHT
C OTHER THAN DRIVER*	C CONTROLS OBSCURED				C MOTORCYCLE / SCOOTER				C RAN OFF ROAD
D UNKNOWN*	D NO CONTROLS PRESENT/FACTOR				D PICKUP OR PANEL TRUCK				D MAKING RIGHT TURN
E FELL ASLEEP*					E PICKUP/PANEL TRK. W/TLR.				E MAKING LEFT TURN
					F TRUCK OR TRUCK TRACTOR				F MAKING U TURN
					G TRK/TRK TRACTOR W/TLR.	X			G BACKING
					H SCHOOL BUS				H SLOWING / STOPPING
					I OTHER BUS				I PASSING OTHER VEHICLE
					J EMERGENCY VEHICLE				J CHANGING LANES
					K HWY. CONST. EQUIPMENT				K PARKING MANEUVER
					L BICYCLE				L ENTERING TRAFFIC
					M OTHER VEHICLE				M OTHER UNSAFE TURNING
					N PEDESTRIAN				N XING INTO OPPOSING LANE
					O MOPED				O PARKED
									P MERGING
									Q TRAVELING WRONG WAY
									R OTHER*

WEATHER (MARK 1 TO 2 ITEMS)	TYPE OF COLLISION	1	2	3	OTHER ASSOCIATED FACTOR MARK 1 TO 2 ITEMS	1	2	3	SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)
X A CLEAR	A HEAD-ON				A VC SECTION VIOLATION: CITE				A HAD NOT BEEN DRINKING
B CLOUDY	B SIDESWIPE				B VC SECTION VIOLATION: CITE				B HBD - UNDER INFLUENCE
C RAINING	C REAR END				C VC SECTION VIOLATION: CITE				C HBD - NOT UNDER INFLUENCE
D SNOWING	D BROADSIDE								D HBD - IMPAIRMENT UNK*
E FOG / VISIBILITY:	E HIT OBJECT								E UNDER DRUG INFLUENCE*
F OTHER*:	F OVERTURNED								F IMPAIRMENT - PHYSICAL*
G WIND	G VEHICLE / PEDESTRIAN								G IMPAIRMENT NOT KNOWN
	H OTHER*:								H NOT APPLICABLE
									I SLEEPY / FATIGUED

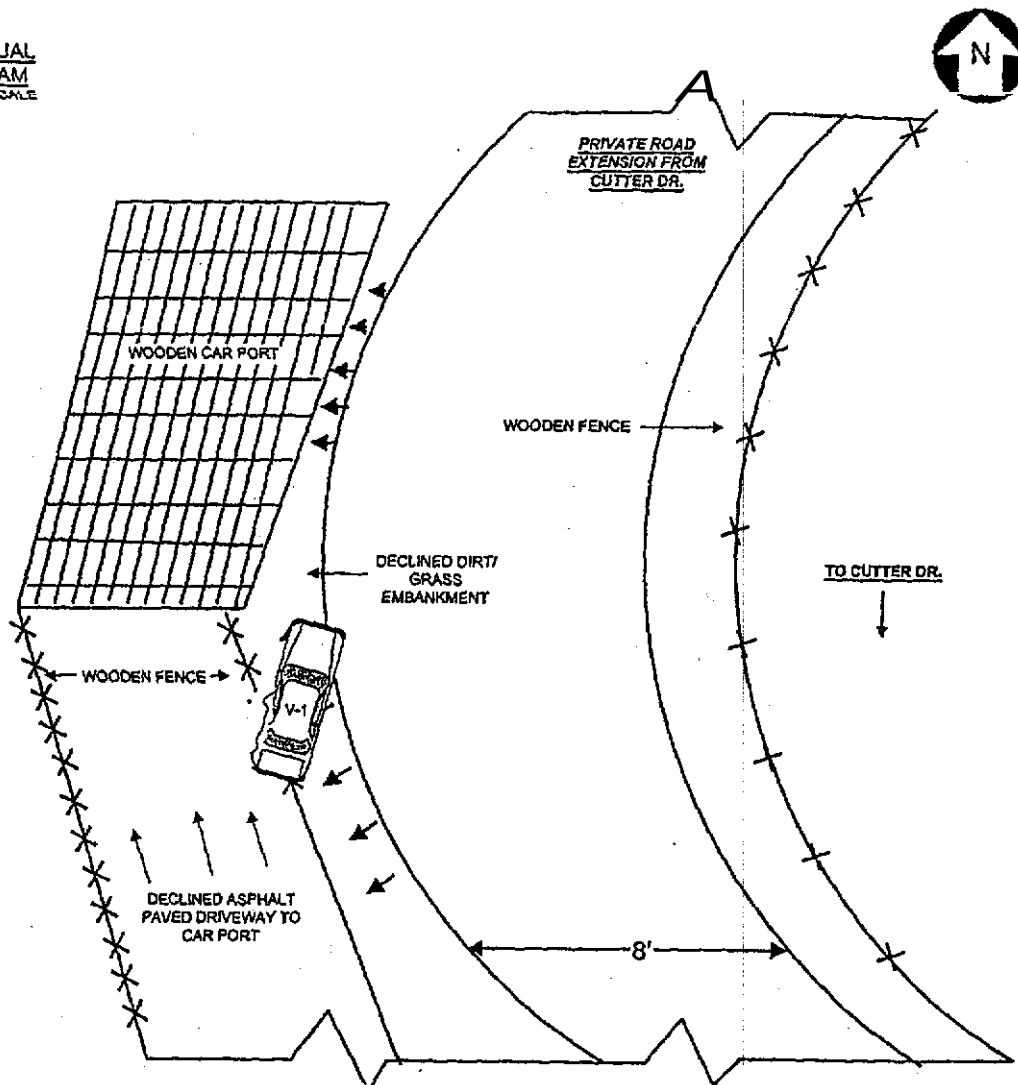
LIGHTING	MOTOR VEHICLE INVOLVED WITH	1	2	3	ROADWAY SURFACE	1	2	3	SPECIAL INFORMATION
X A DAYLIGHT	A NON-COLLISION				A DRY				A HAZARDOUS MATERIAL
B DUSK - DAWN	B PEDESTRIAN				B WET				B SEATBELT FAILURE
C DARK - STREET LIGHTS	C OTHER MOTOR VEHICLE				C SNOWY - ICY				
D DARK - NO STREET LIGHTS	D MOTOR VEH ON OTHER ROADWAY				D SLIPPERY (MUDDY, OILY, ETC.)				
E DARK - STREET LIGHTS NOT FUNCTION	E PARKED MOTOR VEHICLE								
	F TRAIN								
	G BICYCLE								
	H ANIMAL:								
	I FIXED OBJECT:								
	X CAR PORT								
	J OTHER OBJECT:								

ROADWAY CONDITIONS MARK 1 TO 2 ITEMS	PEDESTRIAN'S ACTIONS	1	2	3	ROADWAY SURFACE	1	2	3	SPECIAL INFORMATION
A HOLES, DEEP RUTS*	A NO PEDESTRIAN INVOLVED				A DRY				A HAZARDOUS MATERIAL
B LOOSE MATERIAL ON RDWY*	B CROSSING IN XWALK/INTERSECTION				B WET				B SEATBELT FAILURE
C OBSTRUCTION ON ROADWAY*	C CROSSING IN XWALK NOT AT INTERSECTION				C SNOWY - ICY				
D CONSTRUCTION - REPAIR ZONE	D CROSSING NOT IN CROSSWALK				D SLIPPERY (MUDDY, OILY, ETC.)				
E REDUCED ROADWAY WIDTH	E IN ROAD - INCLUDES SHOULDER								
F FLOODED*	F NOT IN ROAD								
G OTHER*:	G APPROACHING/LEAVING SCHOOL BUS								
X H NO UNUSUAL CONDITIONS									

SKETCH

SEE PAGE 4

MISCELLANEOUS

DATE OF INCIDENT
09/28/99TIME
1505NCIC NUMBER
9720OFFICER I.D.
15160NUMBER
1999090201FACTGUAL
DIAGRAM
NOT TO SCALE1
2
3
4PREPARER'S NAME
D DA SILVAID NUMBER
15160DATE
09/28/99

REVIEWERS NAME

DATE

NARRATIVE/SUPPLEMENTALPAGE **8**

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
09/28/99	1505	9720	15160	1989090201

PARTIES:

PARTY # 1 (P-1 BARCELLS) WAS LOCATED AT THE SCENE ~~OF~~ THE COLLISION STANDING ALONGSIDE VEHICLE #1 (V-1 BMW.) P-1 WAS IDENTIFIED BY A VALID CALIFORNIA DRIVERS LICENSE. P-1 WAS PLACED AS THE DRIVER OF V-1 BY THE FOLLOWING ITEMS:

- WITNESS STATEMENT;
- LOCATION;
- BEING REGISTERED OWNER;
- BEING IN POSSESSION OF THE VEHICLES KEYS;
- THE DRIVERS SEAT ADJUSTMENT POSITION;
- PASSENGER STATEMENT.

VEHICLE #1 (V-1 BMW) WAS FOUND AT ~~IT'S~~ POINT ~~OF~~ REST ~~ON~~ ALL FOUR WHEELS. V-1 SUSTAINED MINOR DAMAGE TO THE LEFT SIDE INCLUDING THE: FENDER, REAR PASSENGER WINDOW WAS BROKEN, AND FRONT AND REAR DOOR.

PHYSICAL EVIDENCE:

NONE.

STATEMENTS:

ALL STATEMENTS PROVIDED ARE RELATED IN ESSENCE AND ARE NOT VERBATIM. THE STATEMENTS ARE READ BACK TO THE PARTIES TO ENSURE ACCURACY.

PARTY #1 (P-1 BARCELLS) WAS CONTACTED AT THE SCENE ~~OF~~ THE COLLISION. P-1 RELATED IN ESSENCE HE WAS DRIVING V-1 ON THE PRIVATE ROAD PRIOR TO THE COLLISION. P-1 WAS BACKING V-1 FROM THE BOTTOM OF THE ROAD, DUE TO A-BOAT TRAILER THAT WAS BLOCKING HIS ABILITY TO TURN V-1 AROUND. P-1 RELATED HE WAS BACKING V-1 5-7 MPH. P-1 APPROACHED THE CURVE IN THE ROAD AND ATTEMPTED TO NEGOTIATE IT WHILE BACKING V-1. P-1 MISJUDGED THE CURVE AND ALLOWED V-1'S LEFT REAR TIRE TO TRAVEL DOWN THE DECLINING DIRT/GRASS EMBANKMENT. P-1 ATTEMPTED TO STOP V-1 APPLYING THE BRAKES. P-1 RELATED ~~HE~~ WAS UNABLE TO **STOP** AND THE MOMENTUM ~~OF~~ V-1 CARRIED HIM DOWN THE EMBANKMENT INTO

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWERS NAME	DATE
D DA SILVA	15160	09/26/99		

October 7, 2005

Joan Van der Hoeven
Santa Cruz County Planning Department

Dear Joan **Van** der Hoeven,

Ref: Hearing for **45 Cutter Drive**, Watsonville

This letter is in response to our phone conversation of 10-4-05. My wife and I continue to request that the County strictly enforce the Riparian Corridor and the 100 foot setback from Kelly Lake. In an attempt to keep both the County Planning Department and the Department of Fish and Game abreast of the construction at 45 Cutter Drive, I have made the following calls:

10-17-02 Phoned Rob **Aaron** - Building Permits - nothing submitted yet.

10-17-02 Left message for Bob Loveland - Environmental Planning Department -
No reply.

12-23-02 Advised Rob Aaron no longer worked there. Assistant stated nothing submitted yet.

7-23-03 Phoned Ken Hart - Head of Environmental Planning - Informed him of property being surveyed. He said **he** will call the owner.

7-23-03 Phoned Bob Loveland - He confirmed that there is a 100 foot setback from Kelly Lake and I should call Code Enforcement if any construction starts.

8-13-03 45 Cutter starts destruction of vegetation along the entire shoreline , installation of a steel wall and backfilling with earth.

8-13-03 Phoned Karen at Code Enforcement - no permits issued.

8-13-03 Phoned Gustavo Gonzales at Code Enforcement - He will look into it.

8-14-03 Phoned Mr. Gonzales - He stated that he is "too busy" to come to look at the construction.

8-14-03 Phoned David Laughlin - supervisor to Mr. Gonzales - He said that there was a file on Ken Hart's desk and he would look into it.

8-15-03 I filed a computer complaint.

8-15-03 Left message for Ken **Hart**.

8-18-03 Left message for Ken Hart.

8-18-03 Phoned David Lee - Assistant Director Planning Department - He Stated that the owner was told that they could replace the existing 20 foot long wooden wall at the west end of their shoreline. He also stated that construction in the Riparian Corridor must be approved by Fish and Game.

8-13-03 Phoned Sandy Brenson - Fish and Game home office in Yountville -
Left message for Lt. Baldwin.

8-20-03 Left message for Sandy or Lt. Baldwin.

8-21-03 Left message for Sandy or Lt. Baldwin.

Steve Schimler called - Local Fish and Game representative - said **he** will stop by Saturday.

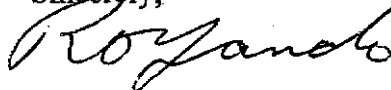
8-24-03 Steve called - said he will check for permits. No further response.

9-24-05 Received Notice of Public Hearing. Owner is requesting to erect a concrete wall in Kelly Lake, back fill, build a garage up to and over the existing shoreline and build a boat house out into Kelly Lake.

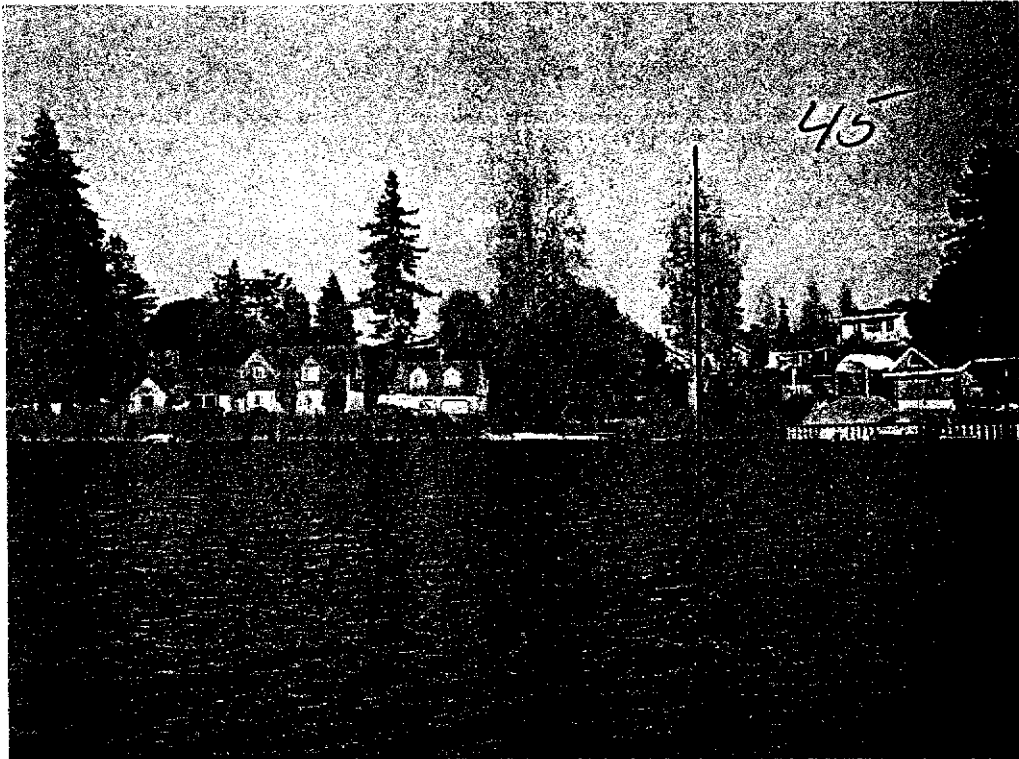
In summary, the request for all of these variances at 45 Cutter clearly shows that this property does not have enough dry land to support a home, separate rental property, detached garage and a boat house. If the owner wishes to have a garage, they can easily convert the original garage back. When we remodeled our 1933 English Tudor at 41 Cutter 10 years ago, we gladly adhered to all County rules and regulations including setbacks and the Riparian Corridor. The law was that we could not touch the shoreline vegetation and no construction any closer to the lake than the existing foundation. We ask that you continue to enforce these rules and regulations to preserve the beauty and wildlife of Kelly Lake.

Thank you for your time and consideration.

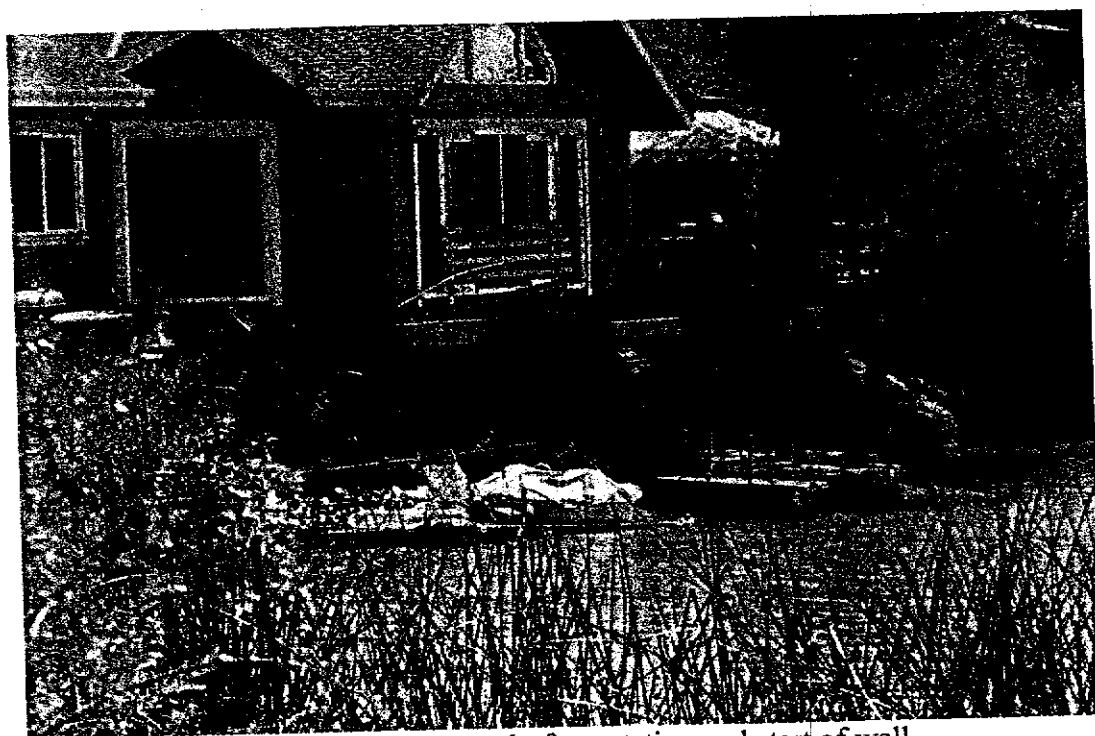
Sincerely,



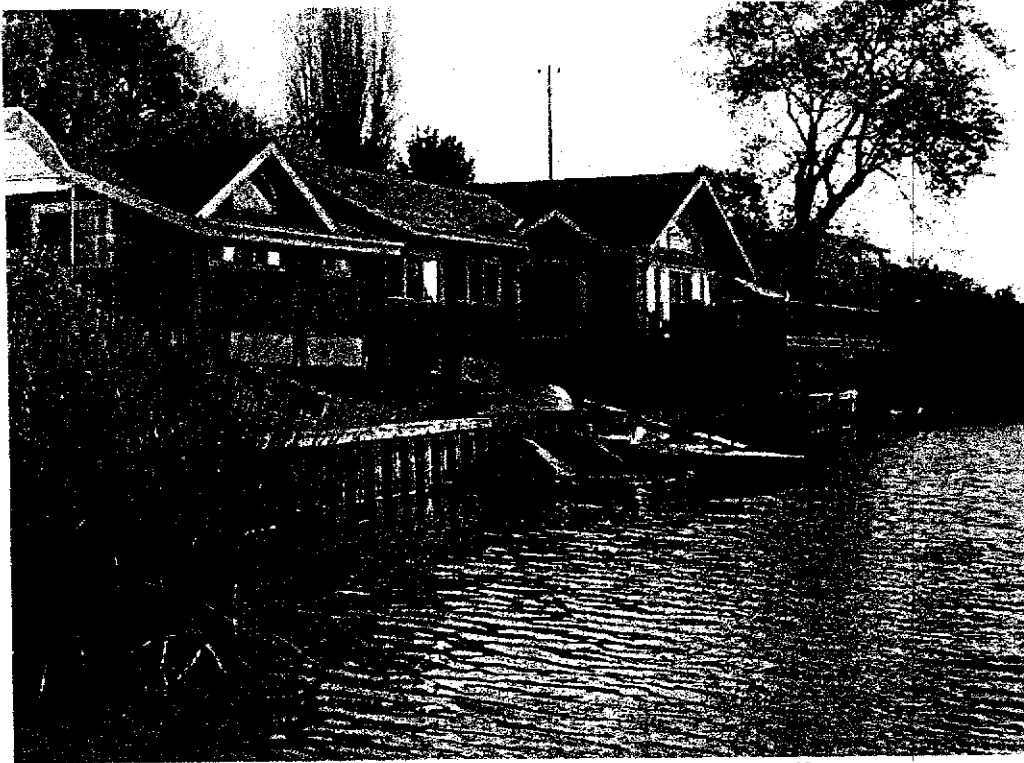
Richard Yando
41 Cutter Drive
Watsonville, CA 95076
(831) 722-3144



October 2005



August 2003 Removal of vegetation and start of wall

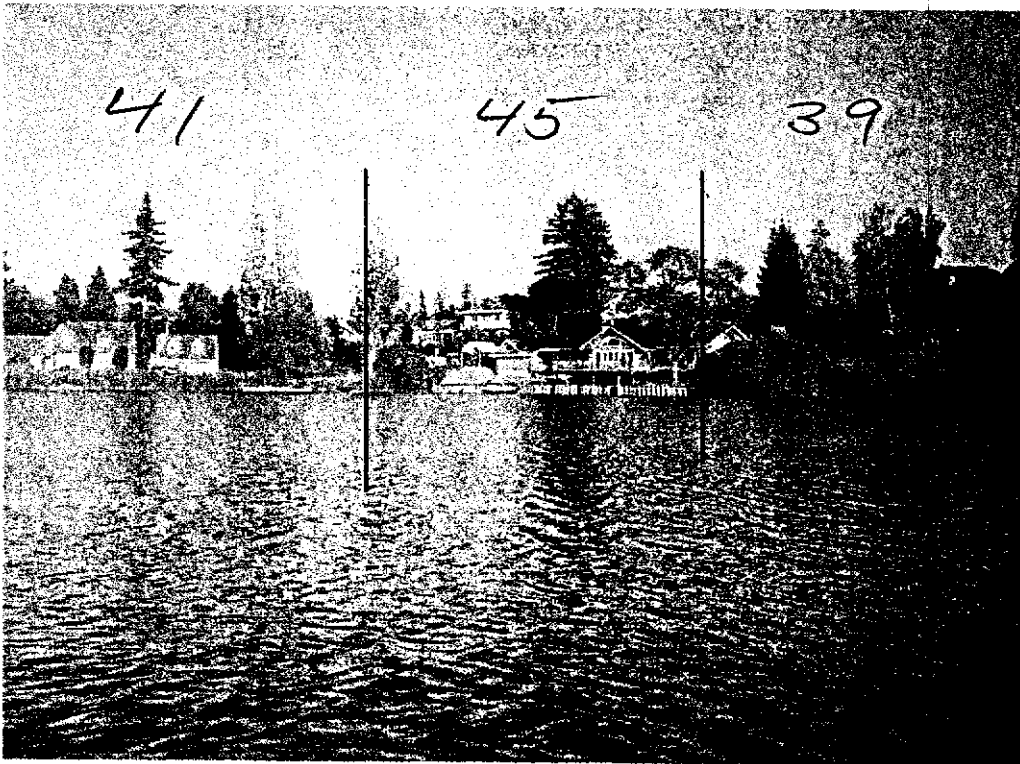


October 2005 45 Cutter Shoreline and Wall



41 Cutter Dr

45 Cutter Drive



October 2005

69 Cutter Drive
Watsonville, CA. 95076

Mr. Donald Russey
County of Santa Cruz
Zoning Administrator
County Government Center
701 Ocean Street
Santa Cruz, CA. 95060

October 7, 2005

Dear Mr. Bussey:

It is my understanding that the hearing for the application No. 05-0-406 submitted by Joseph and Domitila Guerrero for the construction of a garage and boat house at 45 Cutter Drive, in the vicinity of Watsonville, has been rescheduled to the date of October 21st. I assume we will be receiving notification.

My wife and I are opposed to the building of the garage. It is our understanding that the application is being considered on an exception basis. Your records will show that other "exceptions" have been granted for building on the property.

When the previous owner initiated a similar application several years ago, we were also opposed. Since he had converted an existing carport to a weight room, and then to a living unit, all with permits, we saw no reason why he should be permitted to build a new garage, albeit as an "exception".

The house and "accessory dwelling unit" (as described after conversion) on the subject property are built within the riparian area which once encircled Kelly Lake; it appears these buildings do not meet the current setback criteria established by the County. It is our understanding that setback is 100 feet from the high water mark of the Lake, which we understand is 63.5 feet above sea level. Understandably a boat house may not be subject to the same building criteria.

Our residence is in back of and to the Northeast of the subject property. The enclosed photos show the area of the property where the garage would be built as viewed from the first and second levels of our home.

We have lived in our home since 1964. At the time we moved there, the subject property was covered with trees and wildlife habitat. We were dismayed when a building permit was issued to Marge Luthy to build a home there, and that she was allowed to remove the vegetation and add fill dirt to the edge of the Lake. At the time she was issued the permit, shortly after acquiring the property in 1972, we attended a hearing where she was granted a variance (exception) to build the carport also within the riparian area.

cont'd: letter to County Zoning Administrator - 10/6/05

A couple of years ago, the current owners installed a metal buffer wall almost the entire length of the lake front of their property. This was done, we presume, to protect the under pinnings of the house and also to enable more of the lot to back filled and made more usable. All of the protective wildlife habitat in front of the buffer wall was removed or destroyed in the process. No effort has been made to replace the habitat. Similar walls have been built elsewhere on the Lake, and sadly those too resulted in the loss of wildlife habitat. Esthetically, the walls do not acknowledge conservation; they would be more appropriate to a canal than to a lake. Dr. Cutter, who developed the tract known as Interlochen, must have foreseen the shore-water issue for it was noted in the Deed to this property: "Said lot is bounded Northwesterly by the line of ordinary high tide of the lake, hence the boundary line is a constantly changing one and no insurance is made as to the area of land available for use."

An earlier Deed dated July of 1933, a copy of which is enclosed, was presumably filed with the accompanying map (undated), and indicates the subject parcel was part of an 8 acre parcel shown encircling a large part of the shoreline. The lay-out of the parcels would seem to indicate he intended to protect the shoreline, although he erected several Sears and Roebuck mail-order "cottages" along the shoreline; some have have since been converted to houses or boat houses.

And Dr. Cutter had building restrictions too. The Deed states: ". . . Said premises shall be used exclusively for residence purposes. No more than one dwelling-house with outhouses appurtenant thereto shall be built upon any one lot. By "outhouse", he probably meant "toilet" as it was commonly referred to in earlier days. By this restriction an "accessory dwelling unit" probably should not be permitted. Also, there is a restriction in the Deed ". . . there shall never . . . be permitted . . . any . . . lodging-house, flats, apartment house, trade or business or noxious thing..." (Open for interpretation).

There is also a section in the Deed which implies visual access to the lake . Stated: "... No fence, boundary wall or hedge greater than four (4) feet above the finished graded surface of the ground upon which such fence, wall or hedge is situated. This too may be applicable to current development.

Lastly, we enclose correspondence from Cathy Graves in answer to our questions about the previous owner's application. we concluded from her response that a garage proposal would not be permitted thereafter. We are surprised that it is being considered now. We understand the applicant is hoping for a variance or "exception" to the set-back requirement. Rightfully, rules that apply to one are applicable to all. My neighbors have reportedly been affected by the same setback restrictions.

Cont: Letter to Zoning Administrator - 10-6-05

My wife and I are hopeful the applicant will reconsider and withdraw the application. We are also hopeful they will make an attempt to restore the wild life habitat to the extent possible. Living beside Kelly Lake imparts stewardship responsibilities, particularly to those living closest to it. We appreciate what the applicants have done to improve the house; they changed a run-down mess of a house into a beautiful home. It will be a challenge , but they may be able to restore the lakescape as well as the landscape surrounding the house too.

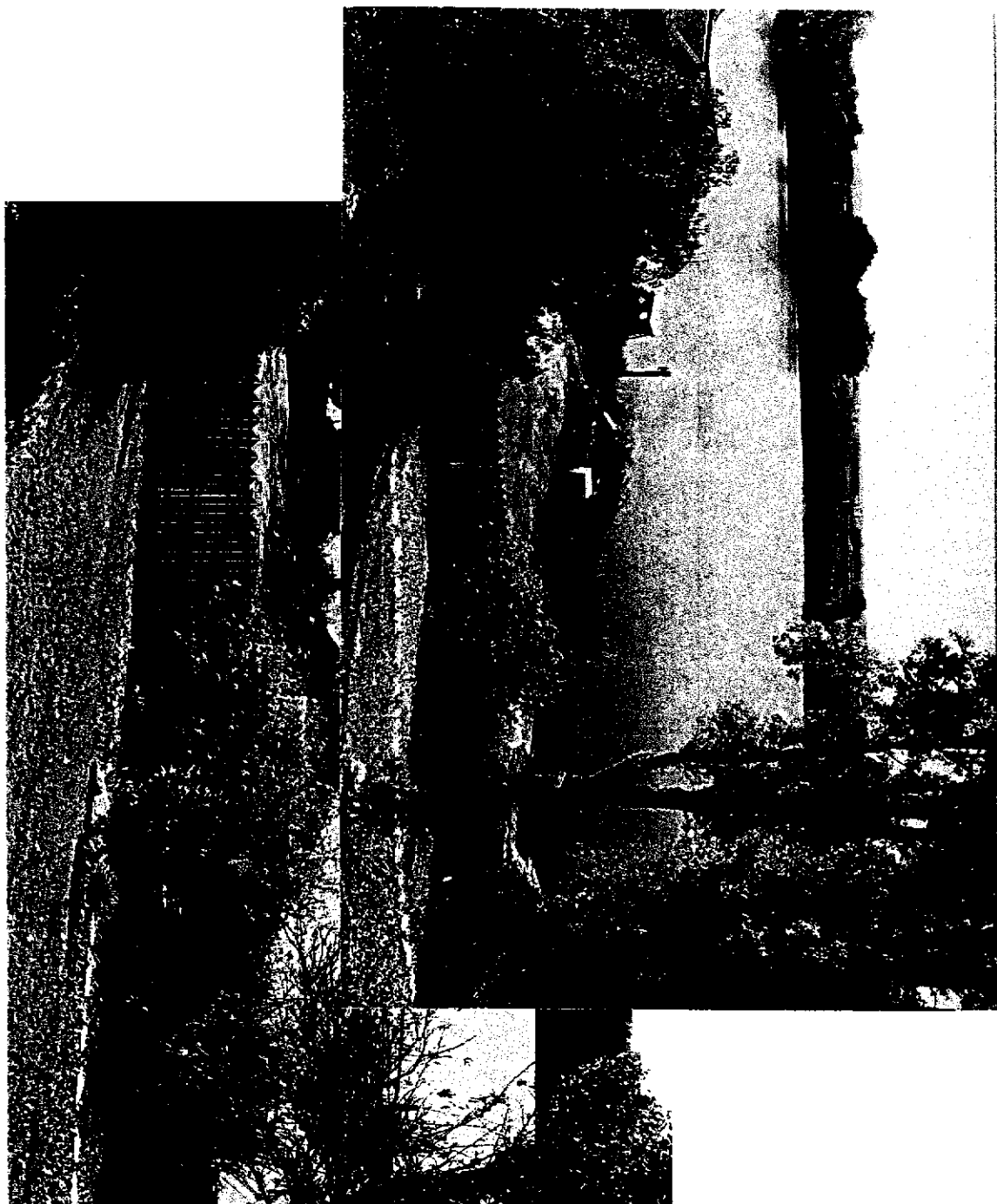
Thank you for your consideration.

Sincerely,

Frank Remde / Nancy Remde

Frank and Nancy Remde

encls.



PLANNING DEPARTMENT

GOVERNMENT CENTER



COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FAX (408) 454-2131 TW (408) 454-2123 PHONE (408) 454-2580

June 16, 1998

Frank Remde
69 Cutter Drive
Watsonville, CA 95076

051-701-43

Subject: Application No. 98-0359; Assessor's Parcel No. 051-141-09
Parcel Address: 45 Cutter Drive, Watsonville
Owner: Larry Ficarra

Dear Mr. Remde,

This letter is in response to your fax dated June 15, 1998, regarding the above development application. In that correspondence, you listed ten questions about the proposed project. The responses to those questions is as follows:

1. Is this application a revision of previous application 97-0089.

No, that application **was** for a Geologic Hazards Assessment and a Riparian Exception, not for the actual use of the building. The garage was converted to a weight room under building permit 114013. **This** is a new application and will be evaluated under existing regulations for this type of use.

2. Is it required that a garage be provided for a single family residence in this zoning area?

No. Sufficient on-site parking is required, but County Codes do not require a garage or carport be provided.

3. What is the buildable area on this lot?

The buildable area for this parcel would be the area defined by the required setbacks for the zone **district**. The proposed project (the accessory dwelling unit) meets required setbacks for the R-1-10 zone district.

4. What are the setback requirements from the lake and right-of-way?

Generally, the setback requirements are 100' **from** the **high** watermark of a lake or other body of water. However, a minor exception can be requested, **as** was done for the conversion of a garage to a weight room, when the proposed project involves **less** than 100 cubic yards of grading and is located in a previously developed or disturbed area. There is no development proposed that would encroach further into the setback from the lake. The front setback requirement is 20' from the road right-of-way.

5. Has an inspection of the property preceded the application?

No inspections are required before an application is submitted. However, in this case, inspections were performed by Code Compliance staff, to address possible violations of the County Code. Any violations will be resolved after action on the unpermitted accessory dwelling unit. After an application is submitted, the Development Review Planner and a Resource Planner both visit the site.

6. Does the zoning allow for the construction of a second dwelling unit?

Accessory dwelling units, which are units of limited size and are subject to occupancy requirements, are permitted on all residentially-zoned parcels, if the gross parcel area meets the requirements specified in the County Code. I have included a copy of that portion of the County Code for your reference.

7. Has the permit for the trailer expired?

Yes the permit has expired, and the property owner will be required to re-apply for a permit after action has been taken on the application for an accessory dwelling unit. The property owner will also be required to apply for the necessary permits to complete the improvements to the main dwelling. For questions relating to building permit regulations, please call John DeCourcy, Building Official, at 454-3195.

8. What is the status of the environmental exception to build a replacement garage?

There is no active application of any type (exception or building permit) to build a replacement garage. No proposed garage is shown on the plans submitted for the accessory dwelling unit application, but one may be proposed in the future.

9. What are the on-site parking requirements?

For single family dwellings, three on-site parking spaces are required for a three bedroom home. For the accessory dwelling unit, with one bedroom, one space is required. Parking which meets those requirements is shown on the plans submitted. No additional parking is required by ordinance for guests or recreational vehicles, with the exception of County Code Section 13.10.554(d) which requires that no more than 50% of the front yard setback may be devoted to parking and circulation.

10. Can the right-of-way be used for parking?

The parking required by County Code cannot be located within a road right-of-way

Sincerely,



Cathy Graves
Project Planner
Development Review



First American Title Company of Santa Cruz County

110 DAKOTA STREET • P O BOX 838 • SANTA CRUZ CALIFORNIA • (408) 426-6500

Please refer to:

1428 Freedom Boulevard
Watsonville, California

Your No.

Our Order No. ~~30166~~

30199

The following is a report of the title to the land described in your application for a Policy of Title Insurance and is made without liability and without obligation to issue such policy. In addition to any exceptions shown herein, and not cleared, the policy, if issued, will contain conditions and stipulations and also exceptions from its coverage as may be embodied by the particular form of policy issued.

Dated at July 18, 1966

at 7:30 a.m.

William J. Morgan
TITLE OFFICER

VESTEE: , GOLDIE F. SARSI, as her sole and separate property

SUBJECT TO:

1. Taxes for the fiscal year 1966-67, a lien, not yet due or payable Assessor's Parcel No. 51-141-09.

Taxes for the fiscal year 1965-66 as follows:

- 1st installment \$67.69 paid in full.
- 2nd installment \$67.69 paid in full.

2. The right of the public to fish and navigate upon said land as provided by the law of the State of California.
3. The right of way over portion of said land for pole lines and incidental purposes as conveyed to Coast Counties Gas & Electric Company, a corporation by Deed recorded June 23, 1937, in Book 328, Page 141, Official Records of Santa Cruz County.
4. A right of way for construction, operation and maintenance of a drain pipe across the herein described lands as granted to Charles G. Holm, et al by Deed recorded March 23, 1936, in Book 306, Page 73, Official Records of Santa Cruz County.

55

1068 (7/65)

Page 2

Application No. 30166

50199

5. The right to use the waters of Kelly Lake for boating, bathing, fishing, etc, as granted by James B. Cutter, et ux to various owners of Lots in the tract known as Interlochen.
6. Conditions, Restrictions, and Covenants as described in the Deed to Harry G. Mozingo recorded September 17, 1936 in Book 313, Page 411, Official Records of Santa Cruz County.
7. A right of way 10 feet in width over the Southeasterly portion of said land as reserved in the Deed to Arno Steven Sarsi and Goldie F. Sarsi, recorded March 2, 1956 in Book 1062, Page 361, Official Records of Santa Cruz County.
8. Said lot is bounded Northwesterly by the line of ordinary high tide of the lake, hence the boundary line is a constantly changing one and no insurance is made as to the area of land available for use.

DEED

JAMES B. CUTTER and EDITH L. CUTTER, his wife,
the first parties, hereby GRANT to

"VETERANS' WELFARE BOARD OF THE STATE OF CALIFORNIA, CREATED UNDER
THE ACT OF THE LEGISLATURE OF THE STATE OF CALIFORNIA, KNOWN AS THE CALIFORNIA VETERANS' WEL-
FARE ACT, APPROVED MAY 30, 1921,"

the second party,

all that real property situated in the County of Santa Cruz, State of California, describ-
ed as follows:

BEING a part of the Rancho Salapuedes, and beginning at a station from which the most
northern corner of lands conveyed by J. B. Cutter, et ux, to Nick J. Lucich by deed recorded
in Volume 800 at page 423 Official Records of Santa Cruz County bears South 81° 11' West 369.41
feet distant; and running thence from said point of beginning along the centerline of a 20 foot
right of way North 36° 0' East 119.01 feet; thence leaving right of way North 3° 4' West 167.06
feet to a steel bar driven flush with the ground near the shoreline of Kelly Lake; thence south
69° 13' West 117.80 feet; thence South 40° 34' West 49.84 feet; thence South 6° 9' West 38.70
feet; thence South 50° 45' East 62.30 feet; thence South 31° 58' East 68.69 feet and thence
South 1° 33' West 86.25 feet to the place of beginning, and containing 0.512 of an acre of land.

EXCEPTING THEREFROM a right of way over strips of land 10 feet wide along the southeastern
side of the first course, and along the western side of the last three courses given in the
above description, and including a right of way over strips of land 10 feet wide opposite them.

TOGETHER with a right of way over a strip of land 20 feet wide described by the center-
line, to-wit:

BEGINNING at the most southern corner of the above described lands, and running thence
South 1° 32' West 80.15 feet; South 43° 7' West 291.93 feet; South 12° 53' West 65 feet; South
1° 14' East 86 feet; South 7° 38' West 43 feet; South 50° 7' West 80 feet; South 24° 20' West
168 feet; South 10° 28' West 149.00 feet; South 28° 33' West 145.75 feet and South 32° 59' West
163.27 feet to the middle of the County Road.

This Deed is expressly conditioned that:-

First. There shall never at any time be erected, permitted, maintained or carried on upon
these premises any hotel, lodging-house, flats, apartment house, trade or business or noxious
thing. Nor shall any cattle, hogs or similar livestock or live poultry be kept, permitted or
maintained upon these premises. Said premises shall be used exclusively for residence purpo-
se. No more than one dwelling-house with outhouses appurtenant thereto shall be built upon any
one lot.

Second. No fence, boundary wall or hedge situated anywhere upon these premises shall have
a height greater than four (4) feet above the finished graded surface of the ground upon which
such fence, wall or hedge is situated.

IN WITNESS WHEREOF, the said first parties have executed this conveyance this 5th day of
July, 1922.

James B. Cutter

Edith L. Cutter

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

On this 5th day of July, in the year of our Lord One Thousand Nine Hundred and Twenty-two,
before me, E. ALVA LUTHER, a Notary Public in and for said County of Los Angeles, State of
California, residing therein, duly commissioned and sworn, personally appeared JAMES B. CUTTER

U. S.
INT. REV.
STAMPS
\$3.00
CANCELLED

1977 Acres.

Steel Bars 34" x 115" x 40"

N43°02'E 291.50'

N12°33'E 65.0'

Deed J.B. Culler et ux to George W. Friedenbach et ux recorded in Volume 370 Page 23 of Official Records.

N1°14'W 85.0'

Deed J.B. Culler et ux to Veterans Welfare Board recorded in Volume 428 Page 254 of Official Records.

N17°38'E 46.0'

N35°47'E 136.98'

N71°07'W 103.7'

2582 Acres

392.20'

N45°41'E 509.11'

Ford Ave

Steel Bar

N49°36'E 189.79'

Agreement J.B. Culler et ux to George W. Friedenbach et ux recorded in Volume 370 Page 23 of Official Records.

Deed J.B. Culler et ux to George W. Friedenbach et ux recorded in Volume 370 Page 23 of Official Records.

10/7/65

To whom it may concern.

I am a resident on Cotton Drive on Kelly Lake. I have received the notice of a public hearing regarding the additions to 45 Cotton Drive. I don't object to the proposed changes except the addition of another bathroom to the already over taxed sewer line in the lake that is part of the falsified sewer district. I have lived at my residence since 1969 and have experienced innumerable problems with leaks from the sewer line into Kelly Lake causing contamination. Therefore, I say no to the proposed added bathroom.

Respectfully Submitted,
Mary Davis



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4th FLOOR, SANTA CRUZ CA 95060
(831) 454-2580 FAX (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

November 6, 2000

Larry Ficarra
P.O. Box 1856
Aptos, CA 95001

Attention: Tila Guerrero

Subject: Time Extension for Permit # 98-0371

Dear Ms. Guerrero:

The purpose of this letter is to document the Planning Department's decision to grant you a time extension for your **Riparian** Exception Permit **#98-0371**. The termination date of that permit, which was originally set to expire if not exercised by November 12, 2000, **has been extended to November 12, 2001.**

As we discussed during our meeting on November 1st, Riparian Exception #98-0371 was limited **to** the placement of piers necessary to support a new boathouse/garage and the existing deck which, **due** to its deteriorated condition, required demolition and reconstruction. The permit file contained correspondence from Jack Nelson of my staff indicating that a proposal by Mr. Ficarra to construct a 5 foot by thirty foot extension to the deck could not be approved. **Based upon my review of the project plans, I have determined that this deck extension can be allowed, and this authorization is hereby added to Riparian Exception Permit #98-0371.**

Please feel free to contact me at 454-3127 if **you** have any questions about any of the various **aspects** of your project. I look forward to working with you and your consultants to complete the work you are proposing on this property.

Sincerely,

Ken Hart
Principal Planner/
Environmental Coordinator

cc: file

60

EXHIBIT

SALSIPUEDES SANITARY DISTRICT
of Santa Cruz County, California
739 East Lake Avenue, Suite 2, Watsonville, California 95076
(831) 722-7760; Fax (831) 722-7487; Cellular (831) 332-2736

October 4, 2005

Mr. and Mrs. Joseph Guerrero
45 Cutter Drive
Watsonville, CA 95076

RE COUNTY OF SANTA CRUZ APPLICATION NO. 51335G
45 CUTTER DRIVE, WATSONVILLE

Dear Property Owners:

The County of Santa Cruz omitted the Salsipuedes Sanitary District from its routing of your plan, and I apologize for any delay that this omission may cause you.

I learned of your proposed construction at the aforesaid address from other sources and called the County Planning Department Friday, September 30, 2005, to inquire why the Sanitary District had not been routed your information. Yesterday, October 3, 2005, I was provided your plan.

Please complete the enclosed sewer permit application and return it to me with a \$500.00 deposit. We will then review your plan and application and advise the next steps. Any unused portion of your deposit will be refunded.

You may mail your executed application and deposit to me or call for an appointment to submit it. I will be away from the office October 6, 7, 10 and will return Tuesday, October 11, 2005.

Very truly yours,

SALSIPUEDES SANITARY DISTRICT

Joanne Turnquist

Joanne Turnquist
District Manager

Copy: Ron Gordon

OK #5150
\$500.00
10-13-05
[Signature]

**SALSIPUEDES SANITARY DISTRICT
OF SANTA CRUZ COUNTY CALIFORNIA**

APPLICATION FOR SEWER PERMIT (RESIDENTIAL)

All fees must be paid prior to the issuance of a sewer permit. APPLICATIONS AND PERMITS ARE NOT TRANSFERABLE TO ANOTHER PARCEL.

Pursuant to Article VIII, Section 802, Salsipuedes Sanitary District Ordinance Number 3, as amended. the undersigned hereby makes application to the District for a sewer permit on the following described property:

Assessor's Parcel Number C51-701-13 Deposit Required Yes ☒ No ☐
Amount of Deposit \$ 500.00
Street Address 45 Cutter Drive Plans and Specifications Required Yes ☒ No ☐
Watsonville, CA 95076 Survey Required Yes ☐ No ☒
Agreement Required Yes ☐ No ☒

Owner of Property

Name TILA GUERRERO
Address 45 CUTTER DR., WATSONVILLE
Telephone (831) 588-7031 cell.
768-8331 home

Applicant for Permit

RON GORDON
Address _____
Telephone _____
(Attach copy of document of proof for authority)

Description of Character of Work Proposed to be Done:

CONSTRUCT GARAGE & BOAT HOUSE w/ ATTACHED BATH
Does property front on a sewer? Yes ☒ No ☐ If not, nearest sewer is approximately how many feet away? _____ feet Location of nearest manhole and manhole number _____
Is property higher or lower in elevation than sewer? Higher ☐ Lower ☐
Date construction scheduled to start _____
Lead agency and compliance with California Environmental Quality Act County of Santa Cruz

List number and type of water-using fixtures (toilets, urinals, sinks, showers, tubs, disposers, dishwashers, clothes washers, etc.)

Permits required from other agencies:
County

Location: _____

occupancy: _____

Number of bedrooms: 1

Number of bathrooms: 1

Signature of Applicant: [Signature]

FOR DISTRICT USE ONLY

Date Application Issued 10-4-05 By Joanne Jurgens
Application Deposit Received: Amount _____ Date _____
Application Approved _____ Not Approved _____ Date _____
Permit Number _____ Date Issued _____ By _____

RECORDING REQUESTED BY
Santa Cruz Title Company
MAIL TAX STATEMENTS TO
AND WHEN RECORDED MAIL
Joseph Guerrero and Domitila Guerrero

Escrow or Loan No. 09533348-MLS

2005-0014464

Recorded	REC FEE	10.00
Official Records	PCOR	20.00
County Of	SURVEY	10.00
SANTA CRUZ		
GARY E. HAZELTON		
Recorder		
CAROL D. SUTHERLAND		
Assistant		
01:05PM 03-Mar-2005	DLA	Page 1 of 2

SPACE ABOVE THIS LINE FOR RECORDERS USE

APN. 051-701-13

GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$No consideration/ removing out of title

- ☐ computed on full value of property conveyed, or
☐ computed on full value less value of liens and encumbrances remaining at time of sale.
☐ Unincorporated area: ☐ City of , and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

Joseph Guerrero and Domitila Guerrero, Co-Trustees of the Guerrero Family Trust dated August 8, 2002

hereby GRANT(S) to Joseph Guerrero and Domitila Guerrero, Husband and Wife, as Joint Tenants

the following described real property in the of , County of Santa Cruz, State of California:

See Exhibit A attached hereto and made a part hereof.

Dated: January 21, 2005

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ

} SS.

On January 21, 2005 before me, the undersigned, a
Notary Public, personally appeared

Joseph Guerrero and Domitila Guerrero
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

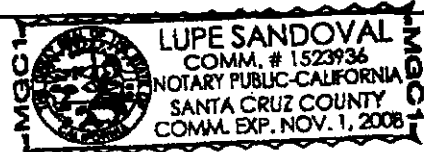
Joseph Guerrero

Domitila Guerrero

WITNESS my hand and official seal.

Signature

MAIL TAX STATEMENT AS DIRECTED ABOVE



This form furnished by **SANTA CRUZ TITLE COMPANY**

PARCEL TWO:

A RIGHT OF WAY **20** FEET IN WIDTH, APPURTENANT TO PARCEL ONE, THE CENTERLINE **OF** WHICH IS DESCRIBED AS BEGINNING **AT** THE NORTHERN CORNER OF THE ABOVE MENTIONED LANDS OF **CHARLES G. HOLM, ET UX,** AND RUNNING THENCE **SOUTH 43 DEGREES 07' WEST 291.93 FEET, SOUTH 12 DEGREES 53' WEST 65.0 FEET, SOUTH 1 DEGREES 14' EAST 86 FEET AND SOUTH 7 DEGREES 38' WEST TO CUTTER DRIVE, AS CONTAINED** IN THE DEED FROM EDITH L. CUTTER TO ARNO SARSI, ET UX, RECORDED MARCH 2, 1956 IN VOLUME 1062, PAGE 361, OFFICIAL RECORDS, **SANTA CRUZ COUNTY.**

APN 051-701-13

November 30, 2005

2005 DEC 2 PM 1 55

Planning Commission
Planning Department
701 Ocean Street, Suite 400
Santa Cruz, CA 95060

Ref: **45** Cutter Drive, Watsonville APN# 051-701-13

We, the undersigned, question and appeal the decision of the Zoning Administrator, Mr. Bussey with reference to Agenda Item No. 05-0406 at the Hearing on November 18, 2005. The accompanying copy of the Agenda of the Hearing denotes other pertinent information requested for this application (attachment 1).

The proposed project is in clear violation of the Riparian Corridor as described in chapter 16.30 of the accompanying County publication (attachment 2). Kelly Lake, a "body of standing water" as defined therein overlays most of the parcel upon which the applicant proposes to build.

There was no justification given at the hearing to allow the proposed construction which is in violation of the setback required by the established Riparian Corridor. Conversely we, whose neighboring properties either border or are in close proximity to the subject property, provided direct evidence of the detrimental effect of the proposed project on the environmentally protected habitat of Kelly Lake.

We feel the decision was without basis. No compelling or supportive justification for the violation of the designated wetland was presented what so ever. **We** welcome the opportunity to present our case to the Planning Commission and challenge the applicant / owners to justify theirs.

In order to further illustrate our lack of understanding of the decision made by Mr. Bussey, we call your attention to the enclosed letter of June 16, 1998 (attachment 3). That Riparian Exemption was to convert the existing garage into a weight lifting room. There was no new construction involved and the structure was 14 feet from the shoreline. This letter clearly states that the "minor exception" granted in 1998 was the third and final exemption. In order for this new planned garage to be the required 20 feet back from the road, it will extend 2 feet into Kelly Lake, well beyond the "high watermark" let alone 100 feet from it.

"WAS THE HEARING FAIR AND IMPARTIAL?" No.

We presumed that since the applicants were asking for an exception to the Building Codes, the burden of proof would be on them. However, throughout the Hearing we found ourselves in the position as defendants, having to protect Kelly Lake. For instance, after our statement of concerns, Mr. Bussey allowed Mrs. Guerrero time for a "rebuttal" to our statements, as if we were involved in a

debate where one is allowed to counter comments by the other. But he gave us no opportunity to respond, even when Mrs. Guerrero accused us of discriminating against her personally. This was particularly disturbing in as much as we were purposefully objective in our presentation. A request to speak by one of our group was promptly denied.

"WAS THERE AN ERROR OR ABUSE OF DISCRETION BY MR. DON BUSSEY?" Yes.

It appeared that Mr. Bussey rushed the testimony of the environmental planner, Mr. Bob Loveland. Mr. Loveland was limited to answer only "yes" and "no" questions, and he was dismissed by Mr. Bussey without any explanation of the basis for his answers. The exemption granted in 1998 should have no bearing on this new proposed construction extending out into the lake. We realize the agenda was at the discretion of Mr. Bussey, but this was a serious oversight on his part.

Additionally, the subject of a non-conforming bathroom was brought up by one of our neighbors. It was pointed out that there are currently three bathrooms existing on the property. A concern was expressed that a forth non-conforming bathroom with the new garage could later be converted to a habitable structure. The concern **was** not addressed at all by Mr. Bussey at the hearing.

"WAS THE DECISION SUPPORTED BY THE FACTS PRESENTED?" No. We came to the Hearing fully expecting that the applicant would provide strong rationale and compelling reasons to justify the issuance of Exceptions to the Building Code Chapter 16.30 Riparian Corridor. What is being asked for is unprecedented; a 1472 square foot structure consisting of an oversized garage running over and into Kelly Lake, an attached bathroom and an oversized two birth boathouse.

The applicant proposed that she considers conversion of the "accessory dwelling unit" back to its original use as a garage as infeasible. She focused on her desire for a new garage/boathouse/bathroom, providing no justification for the Riparian exception other than it would complete her development plans. During the course of the hearing, Mr. Bussey clearly expressed uncertainty about the direction of his decision. He stated that he had a lack of knowledge and familiarity with lakes, boathouses and boats on more than one occasion. The architect, Mr. Ron Gordon, said that he **also** shared these shortcomings. Those in opposition to this project were represented by 8 property owners in contrast to Mrs. Guerrero and Mr. Gordon **as** the sole people speaking in support of granting an exception. In an action that gave the impression that our concerns were going to be seriously addressed, Mr. Bussey called Mr. Gordon and Mrs. Guerrero to enter the gate and approach his table for a private discussion of the building plans. Mr. Bussey asked Mr. Gordon if the project could be scaled down. Mr. Gordon replied that it could be done and gave some specifics as to how that might be done. Thus, we had further reason to believe that Mr. Bussey's final decision would be based on what was presented at the

hearing and come to a fair and impartial conclusion. After hearing that a reduction in size of the project was feasible to the applicant, Mr. Bussey suddenly decided to approve the project as is; citing that he imagined that any changes to the roof line made in order to scale the project back would not be as aesthetically attractive as the existing design. He dismissed our objections as to why this project should not be granted an exception and called Kelly Lake "recreational" rather than a "protected wildlife habitat" as declared by the County and, therefore, somehow different from other lakes. A roof line that may not appeal to Mr. Bussey's personal taste and his designation of Kelly Lake as a recreational lake does not, in our combined opinion, justify his decision.

"HAS SIGNIFICANT NEW EVIDENCE RELATIVE TO THE DECISION BECOME AVAILABLE?" Yes.

There is currently an easement/right of way that exists less than 20' from the proposed structure that is recorded as being solely for the use of 3 of the neighboring property owners making this appeal (attachment 4).

We have learned of the existence of an Environmental Impact Report prepared for the Pajaro Valley School District prior to the construction of Lakeview Middle School. It provides information relative to the protection of Kelly Lake and construction constraints.

Also, we have gained new insight into the purpose and scope of protection provided under Chapter 16.30 and General Plan Policy 5.2.4. This information will enable us to better present our case.

We ask that a representative of the Appeals Board visit the site of the proposed project, and if appropriate, we could meet and discuss our concerns.

With this letter we are asking for the opportunity for a fair and impartial review of the facts which will result in an environmentally responsible decision. Thank you for consideration of our request.

Respectfully submitted:

Mike + Jeane Dean 71 Cutter Drive
Nancy Ramo & Ted Ramo 69 Cutter Drive
Theresa Stark-Johnson & Stephen J. Johnson 59 Cutter Drive
Royanato, C.T. Yards 41 Cutter Dr. WTS.

Appeal submitted by:

Mike and Joelle Treanor 71 Cutter Drive

Frank and Nancy Remde 69 Cutter Drive

Stephen and Therese Felder 59 Cutter Drive

Richard and Candida Yando 41 Cutter Drive

COUNTY OF SANTA CRUZ ZONING ADMINISTRATOR'S AGENDA

Planning Department - 701 Ocean Street - Santa Cruz, CA - Phone (831) 454-2580
www.co.santa-cruz.ca.us



MEETING DATE: FRIDAY, NOVEMBER 18, 2005

10:00 A.M.

**LOCATION: BOARD OF SUPERVISORS CHAMBERS
COUNTY GOVERNMENT CENTER
701 OCEAN STREET, ROOM 525
SANTA CRUZ, CA 95060**

The meeting for *continued items* starts at 8:30 a.m. and proceeds through the items in consecutive order unless otherwise noted. The meeting for *regular agenda items* starts at 10:00 a.m. and proceeds through the items in consecutive order unless otherwise noted. Staff reports on permit applications are available for review or purchase one week before the hearing by calling 454-3156 or free on the web at www.co.santa-cruz.ca.us or www.sccoplanning.com under the Planning Department menu, Agendas link. All items are subject to continuance. No notices of continued or rescheduled hearing dates are mailed. Please contact the project planner for further information on specific applications.

THE FOLLOWING ITEMS WILL BE HEARD STARTING AT 8:30 AM

1. **05-0406** **45 CUTTER DRIVE, WATSONVILLE** **APN(S): 051-701-13**
Proposal to construct a garage with a boathouse below and an attached bath, boat ramp, and sheet pile wall. Requires a Residential Development Permit to increase the maximum 1000 square foot size limitation for non-habitable accessory structures and to maintain a bath within a detached accessory structure and a riparian exception. Property located on the west side of a 20 foot right of way, about 200 feet north from Cutter Drive in Watsonville.
OWNER: JOSEPH & DOMITILA GUERRERO
APPLICANT: RON GORDON
SUPERVISORIAL DIST: 4
PROJECT PLANNER: JOAN VAN DER HOEVEN, 454-5174

2. **04-0650 (**)** **2000 MCGREGOR DRIVE, APTOS** **APN(S): 038-061-07**
Proposal to recognize an existing commercial building and to establish a Master Occupancy Program to allow commercial service uses. Requires a Coastal Development Permit, a Commercial Development Permit, and a Variance to reduce the required 30 foot rear yard to about 5 feet. Property located on the south side of McGregor Drive 200 feet west of the intersection with Estates Drive (2000 McGregor Drive).
OWNER: RANDY ZAR
APPLICANT: ALVIN ZAR, TRUSTEE, ET AL
SUPERVISORIAL DIST: 2
PROJECT PLANNER: RANDALL ADAMS, 454-3218

THE FOLLOWING ITEMS WILL BE HEARD AFTER 10:00 AM

3. **05-0210 (**)** **116 GLEN DRIVE, APTOS** **APN(S): 042-031-14**
Proposal to demolish a carport, remodel the interior and exterior of a single-family dwelling, and construct a second story addition resulting in a single-family dwelling of three bedrooms and two bathrooms. Requires a Coastal Development Permit and a Residential Development Permit to construct a fence greater than six-feet within the side yard setback. Property located on Glen Drive, about 250 feet south of the split between Aptos Creek Road and Glen Drive.
OWNER: SCO'M ACHELIS
APPLICANT: VEVANG DESIGN
SUPERVISORIAL DIST: 2
PROJECT PLANNER: DAVID KEYON, 454-3561
4. **04-0413** **220 APPLE LANE, APTOS** **APN(S): 041-271-69**
Proposal to construct a 154 square foot garage for tractor storage within the front yard setback, demolish an existing significantly non-conforming carport which encroaches over the property line, construct an equipment cabinet for an existing meter, recognize the location of a propane tank within the front yard setback, and recognize a retaining wall of about 5 feet in height within the front yard setback. Requires a Variance to reduce the 40 foot front yard setback to about 15 feet for the garage, a Variance to reduce the front yard setback to about 12 feet for the propane tank and meter, and a Residential Development Permit for a retaining wall between three and six feet in height within the front yard setback. Property located off the end of Apple Lane, at 220 Apple Lane.
OWNER: CHARLES AND KATHIE STARK
APPLICANT: CHARLES AND KATHIE STARK
SUPERVISORIAL DIST: 2
PROJECT PLANNER: DAVID KEYON, 454-3561-

APPEAL INFORMATION

Denial or approval of any permit by the Zoning Administrator is appealable to the Planning Commission. The appeal must be filed with the required appeal fee within 14 calendar days of action by the Zoning Administrator. To file an appeal you must write a letter to the Planning Commission and include the appeal fee. For more information on appeals, please see the "Planning Appeals" brochure located in the Planning Department lobby, or contact the project planner.

APPEALS OF COASTAL PROJECTS

(*) This project requires a Coastal Zone Permit, which is not appealable to the California Coastal Commission. It may be appealed to the Planning Commission; the appeal must be filed within 14 calendar days of action by the Zoning Administrator.

(**) This project requires a Coastal Development Permit. Denial or approval of the Coastal Development Permit is appealable to the Planning Commission; the appeal must be filed within 14 calendar days of action by the Zoning Administrator. Decisions by the Planning Commission are appealable to the Board of Supervisors; the appeal must be filed within 14 calendar days of action by the Planning Commission. After all local appeal periods have ended (grounds for appeal are listed in the County Code Section 13.20.110), approval of a Coastal Development permit is appealable to the California Coastal Commission. The appeal must be **filed** with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of final local action.

Note regarding Public Hearing items: If any person challenges an action taken on the foregoing matter(s) in court, they may be limited to raising only those issues raised at the public hearing described in this notice or in written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.

Agenda documents may be reviewed at the **Planning** Department, Room 420, County Government Center, 701 Ocean Street, Santa Cruz.

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Board of Supervisors chambers is located in an accessible facility. If you require special assistance in order to participate, please contact the ADA Coordinator at 454-3055 (TTD number is 454-2123) at least 72 hours in advance of the meeting to make arrangements. People with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those persons affected, please attend the meeting smoke and scent free.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 Too: (831) 454-2123

Chapter 16.30 RIPARIAN CORRIDOR AND WETLANDS PROTECTION

Sections:

16.30.010	Purpose
16.30.020	Scope
16.30.025	Amendment
16.30.030	Definitions
16.30.040	Protection
16.30.050	Exemptions
16.30.060	Exceptions
16.30.070	Inspection and Compliance
16.30.080	Violations
16.30.110	Appeals

16.30.010 Purpose

The purpose of this chapter is to eliminate or minimize any development activities in the riparian corridor in order to preserve, protect, and restore riparian corridors for: protection of wildlife habitat; protection of water quality; protection of aquatic habitat; protection of open space, cultural, historical, archeological and paleontological, and aesthetic values; transportation and storage of floodwaters; prevention of erosion; and to implement the policies of the General Plan and the Local Coastal Program Land Use Plan. (Ord. 2460, 7/19/77; 3335, 11/23/82)

16.30.020 Scope

This chapter sets forth rules and regulations to limit development activities in riparian corridors; establishes the administrative procedure for the granting of exceptions from such limitations; and establishes a procedure for dealing with violations of this Chapter. This Chapter shall apply to both private and public activities including those of the County and other such government agencies as are not exempted therefrom by state or federal law. Any person doing work in nonconformance with this Chapter must also abide by all other pertinent local, state and federal laws and regulations. (Ord. 2460, 7/19/77; 3335, 11/23/82; 4027, 11/7/89; 4166, 12/10/91)

16.30.025 Amendment

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 of the County Code and shall be subject to approval by the California Coastal Commission.

16.30.030 Definitions

All definitions shall be as defined in the General Plan or Local Coastal Plan glossaries, except as noted below

Agricultural Use. Routine annual agricultural activities such as clearing, planting, harvesting, plowing, harrowing, disking, ridging, listing, land planning and similar operations to prepare a field for a crop.

Arroyo. A gully, ravine or canyon created by a perennial, intermittent or ephemeral stream, with characteristic steep slopes frequently covered with vegetation. An arroyo includes the area between the top of the arroyo banks defined by a discernible break in the slope rising from the arroyo bottom. Where there is no break in slope, the extent of the arroyo may be defined as the edge of the 100 year floodplain.

Body of standing water. Any area designated as standing water on the largest scale U.S. Geological Survey Topographic map most recently published, including, but not limited to, wetlands, estuaries, lakes, marshes, lagoons, and man-made ponds which now support riparian biota.

Buffer. The area abutting an arroyo where development is limited in order to protect riparian corridor or wetland. The width of the buffer is defined in Section 16.30.040(b).

Development activities. Development activities shall include:

1. Grading. Excavating or filling or a combination thereof; dredging or disposal of dredge material; mining; installation of riprap:

2. Land clearing. The removal of vegetation down to bare soil.

3. Building and paving. The construction or alteration of any structure or part thereof, including access to and construction of parking areas, such as to require a building permit.

4. Tree and shrub removal. The topping or felling of any standing vegetation greater than 8 feet in height.

5. The deposition of refuse or debris.

6. The use of herbicides, pesticides, or any toxic chemical substances.

7. Any other activities determined by the Planning Director to have significant impacts on the riparian corridor.

Disturbed area. An area determined by the Planning Director to have experienced significant alteration from its natural condition. Such disturbance may typically consist of clearing, grading, paving, landscaping, construction, etc.

Director. The Planning Director or his or her designee.

Emergency. A sudden unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life; health, property, or essential public services.

Ephemeral stream. A natural watercourse or portion thereof which flows only in direct response to precipitation, as identified through field investigations.

Intermittent stream. Any watercourse designated by a dash-and-dots symbol on the largest scale U.S. Geological Survey Topographic map most recently published, or when it has been field determined that a watercourse either:

1. Has a significant waterflow 30 days after the last significant storm; or

2. Has a well-defined channel, free of soil and debris.

Minor proposal. Building remodels or additions less than 500 square feet or grading less than 100 cubic yards which takes place within a previously developed or disturbed area; tree removal or trimming for the purpose of mitigating hazardous conditions or allowing solar access; drainage structures (e.g., culverts, down drains, etc.); erosion control structures (e.g., retaining walls, riprap, check dams, etc.); emergency measures requiring prompt action; resource management programs carried out under the auspices of a government agency; development activities within buffer zones which do not require a discretionary permit; other projects of similar nature determined by the Planning Director to cause minimal land disturbance and/or benefit the riparian corridor.

Perennial stream. Any watercourse designated by a solid line symbol on the largest scale U.S. Geological Survey Topographic map most recently published or verified by field investigation as a stream that normally flows throughout the year.

Riparian Corridor. Any of the following:

(1) Lands within a stream channel, including the stream and the area between the mean rainy season (bankfull) flowlines;

(2) Lands extending 50 feet (measured horizontally) out from each side of a perennial stream. Distance shall be measured from the mean rainy season (bankfull) flowline;

(3) Lands extending 30 feet (measured horizontally) out from each side of an intermittent stream. Distance shall be measured from the mean rainy season (bankfull) flowline;

(4) Lands extending 100 feet (measured horizontally) from the high watermark of a lake, wetland, estuary, lagoon or natural body of standing water;

(5) Lands within an arroyo located within the Urban Services Line, or the Rural Services Line.

(6) Lands containing a riparian woodland.

Riparian vegetation/woodland. Those plant species that typically occur in wet areas along streams or marshes. A woodland is a plant community that includes these woody plant species that typically occur in wet areas along streams or marshes. Characteristic species are: Black Cottonwood (*Populus trichocarpa*), Red Alder (*Alnus oregona*), White Alder (*Alnus rhombifolia*), Sycamore (*Plantanus racemosa*), Box Elder (*Acer negundo*), Creek Dogwood (*Cornus Californica*), Willow (*Salix*).

Vegetation. Any species of plant. (Ord. 2535, 2/21/78; 2536, 2/21/78; 2800, 10/30/79; 3335, 11/23/82; 3441, 8/23/83; 3601, 11/6/84; 4346, 12/13/94)

16.30.040 Protection

No person shall undertake any development activities other than those allowed through exemptions and exceptions as defined below within the following areas:

- (a) Riparian corridors.
- (b) Areas within the Urban Services Line or Rural Services Line which are within a buffer zone as measured from the top of the arroyo. All projects located on properties abutting an arroyo shall be subject to review by the Planning Director. The width of the buffer shall be determined according to the following criteria:

(Criteria shown in charts on the following pages.)

*

*

*

In addition to the above policies, all development must allow a 10-foot construction buffer for riparian corridors, measured from the edge of the riparian corridor, or, in the urban area, from the landward limit of the arroyo buffer. For example, the 10-foot construction buffer would be added to the 50-foot riparian corridor of a perennial stream outside the urban services line, for a total setback of 60 feet. (The construction buffer setback is mentioned also on the following page of this handout under the arroyo charts.)

This construction buffer is required by the Santa Cruz County General Plan:

General Plan Policy 5.2.4 – Riparian Corridor Buffer Setback

“... Require a 10-foot separation from the edge of the Riparian corridor buffer to any structure.”

CRITERIA FOR DETERMINING BUFFER FROM ARROYOS

CHARACTER OF VEGETATION IN BUFFER						
	Riparian Vegetation			Live Oak or Other Woodland		
Average slope within 30 feet of edge	20—30%	10—20%	0—10%	20—30%	10—20%	0—10%
Buffer distance (feet) from: Perennial Streams, Wetlands, Marshes, Bodies of Water	50	50	50	50	40	30
Buffer distance (feet) from: Intermittent Streams	50	40	30	30	30	20
Buffer distance (feet) from: Ephemeral Streams	30	30	20	20	20	20

The buffers shall always extend fifty (50) feet from the edge of riparian woodland and twenty (20) feet beyond the edge of other woody vegetation as determined by the drip-line, except as provided for in Section 16.30.080. Once the buffer is determined, a ten (10) foot setback from the edge of buffer is required for all structures, to allow for construction equipment and use of yard area.

See allowable density credits within the General Plan.

CRITERIA FOR DETERMINING BUFFER FROM ARROYOS

CHARACTER OF VEGETATION IN BUFFER						
	Grassland or Other			Buffer area is developed or include recent clearing)		
Average slope within 30 feet of edge	20—30%	10—20%	0—10%	20—30%	10—20%	0—10%
Buffer distance (feet) from: Perennial Streams, Wetlands, Marshes, Bodies of Water	50	30	20	30	20	20
Buffer distance (feet) from: Intermittent Streams	30	20	10	20	10	10
Buffer distance (feet) from: Ephemeral Streams	20	10	10	20	10	10

The buffer shall always extend fifty (50) feet from the edge of riparian woodland and twenty (20) feet beyond the edge of other woody vegetation as determined by the drip-line, except as provided for in Section 16.30.060. Once the buffer is determined, a ten (10) foot setback from the edge of the buffer is required for all structures, to allow for construction equipment and use of yard area.

See allowable density credits within the General Plan. (Ord. 2460, 7/19/77; Ord. 3335, 11/23/82; Ord. 4346, 12/13/94)

16.30.050 Exemptions

The following activities shall be exempt from the provisions of this chapter.

(a) The continuance of any preexisting nonagricultural use, provided such use has not lapsed for a period of one year or more. This shall include change of **uses** which do not significantly increase the degree of encroachment into or impact on the riparian corridor as determined by the Planning Director.

(b) The continuance of any pre-existing agricultural use, provided such **use** has been exercised within the last five years.

(c) All activities listed in the California Food and Agricultural Code pursuant to the control and eradication of a pest as defined in Section 5006, Food and Agriculture Code, as required or authorized by the County Agricultural Commissioner.

(d) Drainage, erosion control, or habitat restoration measures required **as** a condition of County approval of a permitted project. Plans for such measures shall be reviewed and approved by the Planning Director.

(e) The Pajaro River Sediment Removal Project, under Army Corps of Engineers Permit No. 21212637, issued May 1995, or **as** amended. (Ord. 2460, 7/19/77; Ord. 2537, 2/21/78; 3335, 11/23/82; Ord. 4374, 6/6/95; Ord. **4474-C**, 5/19/98; Ord. 4577 § 12, 12/14/99)

16.30.060 Exceptions

Exceptions and conditioned exceptions to the provisions of this chapter may be authorized in accordance with the following procedures:

(a) Application. Application for an exception granted pursuant to this chapter shall be made in accordance with the requirements of Chapter 18.10, Level III or V, and shall include the following:

1. Applicant's name, address, and telephone number.

2. Property description: The assessor's parcel number, the location of the property and the street address if any.

3. Project description: A full statement of the activities to be undertaken, mitigation measures which shall be taken, the reasons for granting such an exception, and any other information pertinent to the findings prerequisite to the granting of an exception pursuant to this section.

4. Two sets of plans indicating the nature and extent of the work proposed. The plans shall depict property lines, landmarks and distance to existing watercourse; proposed development activities, alterations to topography and drainage channels; mitigation measures, including details of erosion control or drainage structures, and the extent of areas to be revegetated. Plans shall be a minimum size of **18" x 24"**, except that plans for minor proposals may be a minimum size of **8 1/2" x 11"**.

5. Applicant's property interest or written permission of the owner to make application.

6. Requested Information: Such further information as the Planning Director may require.

7. Fees: The required filing fee, set by resolution of the Board of Supervisors, shall accompany the application.

(b) Notice. Notices of all actions taken pursuant to this chapter shall be in accordance with the requirements of Chapter 18.10.

(c) Action. Proposals for minor riparian exceptions may be acted upon at Level III and proposals for major riparian exceptions may be acted upon at Level V pursuant to chapter 18.10.

(d) Findings. Prior to the approval of any exception, the Approving Body shall make the following findings:

1. That there are special circumstances or conditions affecting the property;

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property;

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;

4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.

(e) Conditions. The granting of an exception may be conditioned by the requirement of certain measures to ensure compliance with the purpose of this chapter. Required measures may include, but are not limited to:

1. Maintenance of a protective strip of vegetation between the activity and a stream, or body of standing water. The strip should have sufficient filter capacity to prevent significant degradation of water quality, and sufficient width to provide value for wildlife habitat, as determined by the Approving Body.

2. Installation and maintenance of water breaks.

3. Surface treatment to prevent erosion or slope instabilities.

4. Installation and maintenance of drainage facilities.

5. Seeding or planting of bare soil.

6. Installation and maintenance of a structure between toe of the fill and the high water mark.

7. Installation and maintenance of sediment catch basins.

(f) Concurrent Processing of Related Permits. An application for exception may be processed concurrently with applications for discretionary permits required for the activity in question. No ministerial permit(s) for the activities in question shall be issued until an exception has been authorized. All discretionary permits for the activity in question shall include all conditions included in the exception. Where associated discretionary permits are authorized by the Planning Commission or Board of Supervisors, that body shall be authorized to act in place of the Zoning Administrator in considering an application for an exception if the applications are considered concurrently.

(g) Expiration. Unless otherwise specified, exceptions issued pursuant to this chapter shall expire one year from the date of issuance if not exercised. Where an exception has been issued in conjunction with a development permit granted pursuant to Chapter 18.10, the exception shall expire in accordance with the provisions of Chapter 18.10. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3441, 8/23/83)

16.30.070 Inspection and Compliance

The Planning Director may conduct inspections to ensure compliance with this chapter.

(a) Inspection. The following inspections may be performed by the Director:

1. A pre-site inspection to determine the suitability of the proposed activity and to develop necessary conditions for an exception.

2. A final inspection to determine compliance with conditions, plans and specifications.

These inspections may take place concurrent with inspection required by any permits necessary for the activities in question.

(b) Notification. The permittee shall notify the Director 24 hours prior to start of the authorized work and also 24 hours prior to the time he or she desires a required inspection.

(c) Right of Entry. The application for exception constitutes a grant of permission for the County to enter the permit area for the purpose of administering this chapter from the date of the application to the termination of any erosion control maintenance period. If necessary, the Director shall be supplied with a key or lock combination or be permitted to install a County lock. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3441, 8/23/83)

16.30.080 Violations

(a) It shall be unlawful for any person to do cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a riparian corridor as defined in Section 16.30.030 unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of Section 16.30.050 of this chapter.

(b) It shall be unlawful for any person to do, cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a buffer zone of an arroyo as defined in Section 16.30.030 and as prescribed by the provisions of subsection 16.30.040(b) unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of Section 16.30.050 of this chapter.

(c) It shall be unlawful for any person to exercise a development permit authorizing development activity as an exception without complying with all of the conditions of such permit.

(d) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Planning Director. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3451-A, 8/23/83)

16.30.110 Appeals

All appeals of actions taken pursuant to the provisions of this Chapter shall be made in conformance to the procedures of Chapter 18.10. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335, 11/23/82; 3451-A, 8/23/83)

PLANNING DEPARTMENT

GOVERNMENTAL CENTER



COUNTY OF SANTA CRUZ

 701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
 FAX (408) 4562131 TDD (408) 454-2123 PHONE (408) 454-2580

June 16, 1998

 Frank Remde
 69 Cutter Drive
 Watsonville, CA 95076

051-141-09

 Subject: Application No. 98-0359; Assessor's Parcel No.: 051-141-09
 Parcel Address: 45 Cutter Drive, Watsonville
 Owner: **Larry** Ficarra

Dear Mr. Remde, .

This letter is in response to your fax dated June 15, 1998, regarding the above development application. In that correspondence, you listed ten questions about the proposed project. The responses to those questions is as follows:

1. Is this application a revision of previous application 97-0089.
 No, that application was for a Geologic Hazards Assessment and a Riparian Exception, not for the actual use of the building. The garage was converted to a weight room under building permit 114013. This is a new application and will be evaluated under existing regulations for this type of use. . .
2. Is it required that a garage be provided for a single family residence in this zoning area?
 No. Sufficient on-site parking is required, but County Codes do not require a garage or carport be provided.
3. What is the buildable area on this lot?
 The buildable area for this parcel would be the area defined by the required setbacks for the zone district. The proposed project (the accessory dwelling unit) meets required setbacks for the R-1-10 zone district.
4. What are the setback requirements from the lake and right-of-way?
 Generally, the setback requirements are 100' from the high watermark of a lake or other body of water. However, a minor exception can be requested, as was done for the conversion of a garage to a weight room, when the proposed project involves less than 100 cubic yards of grading and is located in a previously developed or disturbed area. There is no development proposed that would encroach further into the setback from the lake. The front setback requirement is 20' from the road right-of-way.

5. Has an inspection of the property preceded the application?

No inspections are required before an application is submitted. However, in this case, inspections were performed by Code Compliance staff, to address possible violations of the County Code. Any violations will be resolved after action on the unpermitted accessory dwelling unit. After an application is submitted, the Development Review Planner and a Resource Planner both visit the site.

6. Does the zoning allow for the construction of a second dwelling unit?

Accessory dwelling units, which are units of limited size and are subject to occupancy requirements, are permitted on all residentially-zoned parcels, if the gross parcel area meets the requirements specified in the County Code. I have included a copy of that portion of the County Code for your reference.

7. Has the permit for the trailer expired?

Yes the permit has expired, and the property owner will be required to re-apply for a permit after action has been taken on the application for an accessory dwelling unit. The property owner **will** also be required *to* apply for the necessary permits to complete the improvements to the main dwelling. For questions relating to building permit regulations, please call John DeCourcy, Building Official, at **454-3195**.

8. What is the status of the environmental exception to build a replacement garage?

There is no active application of any type (exception or building permit) to build a replacement garage. No proposed garage is shown on the plans submitted for the accessory dwelling unit application, **but** one may be proposed in the future.

9. What are the on-site parking requirements?

For single family dwellings, three on-site parking spaces are required for a three bedroom home. For the accessory dwelling unit, with one bedroom, one space is required. Parking which meets those requirements is shown on the plans submitted. No additional parking is required by ordinance for guests or recreational vehicles, with the exception of County Code Section 13.10.554(d) which requires that no more than **50%** of the front yard setback **may** be devoted to parking and circulation.

10. Can the right-of-way be used for parking?

The parking required by County Code cannot be located within a road right-of-way.

Sincerely,



Cathy Graves

Project Planner

Development Review

EXCLUSIVE
EASEMENT AGREEMENT

THIS AGREEMENT is made by and between the current recorded owners of four (4) parcels of real property located adjacent to Kelly Lake in the City of Watsonville, County of Santa Cruz, State of California.

THE PURPOSE OF THIS AGREEMENT is to establish an exclusive easement appurtenant to those three (3) parcels of real property bearing the Assessor's Parcel Numbers 51-141-14 (Property B), 51-141-24 (Property C) and, 51-141-25 (Property D), hereinafter known as the "Dominant Tenements" for ingress and egress to Kelly Lake on and over a twenty-two (22) foot wide strip along and parallel to the Southwestern boundary of that lakefront parcel of real property bearing the Assessor's Parcel Number 51-141-06 (Property A) and hereinafter known as the "Servient Tenement".

THE PARTIES TO THIS AGREEMENT are the recorded owners of the parcels of real property described above and are identified as follows:

The owners of record of the Servient Tenement (Property A/ APN 51-141-06) are Richard and Candida Yando.

The owners of record of the Dominant Tenements are Bron Scott Roeder, Property B, APN 51-141-14; Frank and Nancy Remde, Property C, APN 51-141-24; and, Mike and Joelle Treanor, Property D, APN 51-141-25.

WHEREAS the recorded owners of Dominant Tenement Property B, APN 51-141-14 claim an easement/ right of way over the herein described Servient Tenement (Property A, APN 51-141-06) pursuant to that Easement Agreement recorded in the Office of the Santa Cruz County Recorder, on September 9, 1986 as Document Number 051374, in Book 4033, pages 78 et seq. and the Amendment thereto recorded in the Office of the Santa Cruz County Recorder at Volume 4264, page 193;

WHEREAS the recorded owners of Dominant Tenements Property C, APN 51-141-24 and Property D, APN 51-141-25 claim an easement/ right of way over the herein described Servient Tenement pursuant to that Superior Court Judgment in Case Number 72055 recorded in the Office of the Santa Cruz County Recorder on December 21, 1982;

October 7, 2005

Joan Van der Hoeven
Santa Cruz County Planning Department

Dear Joan Van der Hoeven,

Ref: Hearing for **45 Cutter Drive**, Watsonville

This letter is in response to our phone conversation of 10-4-05. My Wife and I continue to request that the County strictly enforce the Riparian Corridor and the 100 foot setback from Kelly Lake. In an attempt to keep both the County Planning Department and the Department of Fish and Game abreast of the construction at 45 Cutter Drive, I have made the following calls:

10-17-02 Phoned Rob Aaron - Building Permits - nothing submitted yet.

10-17-02 Left message for Bob Loveland - Environmental Planning Department -

No reply.

12-23-02 Advised Rob Aaron no longer worked there. Assistant stated nothing submitted yet.

7-23-03 Phoned Ken Hart - Head of Environmental Planning - Informed him of property being surveyed. He said he will call the owner.

7-23-03 Phoned Bob Loveland - He confirmed that there is a 100 foot setback from Kelly Lake and I should call Code Enforcement if any construction starts.

8-13-03 45 Cutter starts destruction of vegetation along the entire shoreline, installation of a steel wall and backfilling with earth.

8-13-03 Phoned Karen at Code Enforcement - no permits issued.

8-13-03 Phoned Gustavo Gonzales at Code Enforcement - He will look into it.

8-14-03 Phoned Mr. Gonzales - He stated that he is "too busy" to come to look at the construction.

8-14-03 Phoned David Laughlin - supervisor to Mr. Gonzales - He said that there was a file on Ken Hart's desk and he would look into it.

8-15-03 I filed a computer complaint.

8-15-03 Left message for Ken Hart.

8-18-03 Left message for Ken Hart.

8-18-03 Phoned David Lee - Assistant Director Planning Department - He Stated that the owner was told that they could replace the existing 20 foot long wooden wall at the west end of their shoreline. He also stated that construction in the Riparian Corridor must be approved by Fish and Game.

8-13-03 Phoned Sandy Brenson - Fish and Game home office in Yountville - Left message for Lt. Baldwin.

8-20-03 Left message for Sandy or Lt. Baldwin.

8-21-03 Left message for Sandy or Lt. Baldwin.

Steve Schimler called - Local Fish and Game representative - said he will stop by Saturday.

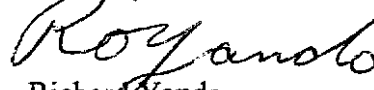
8-24-03 Steve called - said he will check for permits. No further response.

9-24-05 Received Notice of Public Hearing. Owner is requesting to erect a concrete wall in Kelly Lake, back fill, build a garage up to and over the existing shoreline and build a boat house out into Kelly Lake.

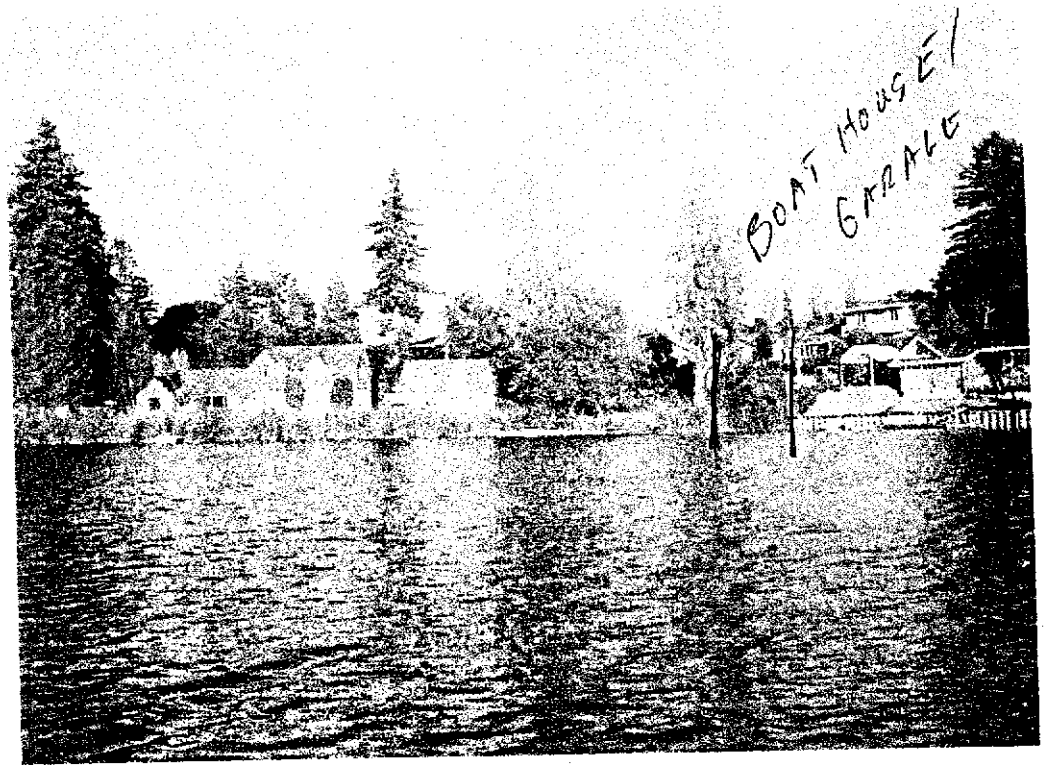
In **summary**, the request for all of these variances at 45 Cutter clearly shows that this property **does** not have enough *dry* land to support a home, separate rental property, detached garage and a boat house. **If** the owner wishes to have a garage, they can easily convert the original garage back. When we remodeled our 1933 English Tudor at 41 Cutter 10 years ago, **we** gladly **adhered to** all County rules **and** regulations including setbacks and the Riparian Corridor. The law was that we could not touch the shoreline vegetation and no construction any closer to the lake than the existing foundation. We ask that you continue to enforce these **rules** and regulations to preserve the beauty and wildlife of Kelly Lake.

Thank you for your time and consideration.

Sincerely,



Richard Yando
41 Cutter Drive
Watsonville, CA 95076
(831) 722-3144



October 2005



August 2003 Removal of vegetation and start of wall



October 2005 45 Cutter Shoreline and Wall



41 Cutter Dr

MEMORANDUM

Date: 12/07/05

To: Joan Van der Hoeven

From: Don Bussey

Re: Appeal of 05-0406

I have been requested to provide some brief responses to comments contained in the letter of appeal dated 11/30/05.

1. Riparian Setback

A riparian exception was considered as part of the action and staff recommended approval of the project including that a riparian exception be granted. As provided for in the Riparian Protection Ordinance, the required findings were made for an exception to the standard setback from the standing body of water.

2. Building Code

No exception to any building codes were being considered or approved. The applicant requested a development approvals for a greater than 1000 square foot non-habitable building, a bathroom in an accessory structure and a riparian exception.

3. Hearing

An impartial hearing was conducted. The applicant and each interested party was allowed to present testimony, with the applicant allowed to rebut at the close of the public hearing. All information submitted and testimony presented was considered prior to the decision.

Any questions that were asked of staff by the hearing officer were responded to adequately.

4. Boathouse

As I stated at the hearing, I have no working knowledge of the operation or needs for a boathouse, however the explanation provided by the owner and their representative justified the structure. Further, the design of the structure would be an issue if it were reduced in size.