



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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TOM BURNS, PLANNING DIRECTOR

August 9, 2007

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

Agenda Date: September **26, 2007**

Item #: 8

Time: After **9 AM**

APN: **049-561-04**

Subject: Application **07-0355**
A request to extend the approved Tentative Map for Minor Land Division
00-OX04

Members of the Commission:

Project History

Application No. 00-0804 (East Bel Mar four-lot Minor Land Division) was approved by your Commission on July 27, 2005. This permit created a minor land division of four single-family lots and a remainder parcel to be dedicated as a biotic conservation area. The approved tentative parcel map is included as Exhibit A and the original staff report to your Commission, dated July 27, 2005, is included as Exhibit F for project background information only.

The tentative map and improvement plans have been reviewed and accepted by most of the reviewing agencies and County departments, but the applicant has been unable to record the final map due to Conditions of Approval that require management in perpetuity of the conservation area. This extension has been requested to allow further investigation of non-profit management entities that will **be** acceptable to the County as well as an evaluation of costs and finance mechanisms associated with long-term management of the conservation parcel/easement.

Permit Extension Process

County Code Section 18.10.133 (b) allows for the extension of a tentative map for a period or periods not to exceed a total of five years from the date of original expiration, if an application for extension is filed prior to the expiration of the conditionally approved tentative map. This mirrors the language in the Subdivision Map Act, Government Code Section 66452.6 (e). County Code requires that requests to extend tentative maps be processed pursuant to Level VI (Planning Commission) review for Minor Land Divisions. County Code Section 18.10.133(a) allows for the extension of Development Permits (in this case the Roadway Exception and Preliminary Grading Approval) associated with a Tentative Map for the same period as the tentative map.

In the case of the tentative map for Permit 00-0804, the map would have originally expired on August 10, 2007. The request for extension was submitted on July 11, 2007, prior to the expiration date of the map. The applicant is requesting a two-year extension to August 10, 2009, to allow for all required conditions of approval to be implemented prior to filing the final map. The new expiration date could also be extended for three more years (for a total of five years after the original expiration date), if necessary, with proper review and approval.

Environmental Reviews

Although the original subdivision approval was subject to environmental review and required an Initial Study, the action to extend the tentative map is exempt because that action, in itself, has no potential to cause a physical change in the environment. A Notice of Exemption from the Environmental Quality Act is included as Exhibit D.

Staff Recommendation

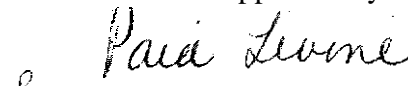
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0355**, extending the Tentative Map for Minor Land Division 00-0804 to August 10, 2009, based on the findings (Exhibit C) and conditions (Exhibit B) for Permit 00-0804.

Sincerely,



Cathy Graves
Development Review Planner

Approved by:


Paula Levine
Assistant Planning Director

Exhibits:

- Tentative Parcel Map for Minor Land Division 00-0804, prepared by Bowman & Williams, Consulting Civil Engineers, dated April 25, 2005
- Conditions of Approval for Permit 00-0804
- Findings for Approval for Permit 00-0804
- Notice of Exemption from the California Environmental Quality Act
- Location Map
- Correspondence from applicant
- Staff report to the Planning Commission, July 27, 2005 (for project background only)

Conditions of Approval

Minor Land Division 00-0804

Exhibit A: Tentative Map and Improvement Plans prepared by Bowman and Williams Consulting Civil Engineers
Sheets CO, C10 and C12, dated July 13, 2003
Sheets C2, C9 and C13-16 dated July 13, 2003 and last revised 10/20/04
Sheets C1, C3-C8 and C11 dated July 13, 2003 and last revised 7/15/05

Exhibit L: Habitat Management Plan – Final, prepared by Biotic Resources Group dated 7/12/05

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

- I. Prior to exercising any rights granted by this Approval, the 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; and
- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
 - A. The Parcel Map shall be in general conformance with the approved tentative map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than four (4) residential lots and one (1) conservation parcel.
 - C. The minimum lot size shall be an average of 20 acres, net developable land
 - D. The following items shall be shown on the Parcel Map:
 1. The approved Building envelopes and Development envelopes, located according to the approved Tentative Map. Building envelopes shall not be placed on slopes of 30% or greater, based on surveyed topography. Building envelopes shall meet the minimum setbacks for the zone district of 40 feet for the front yard and 20 feet for the side and rear yards.

2. Net lot area shall be shown to the nearest hundredth acre
 3. Evidence of review and approval by the local fire agency.
 4. The following statement shall be placed on the Parcel Map for the 125-acre Conservation Parcel and shall be included in any deed conveying that parcel: "The Conservation Parcel contains acreage attributable to Lots 1, 2, 3 and 4 of Minor Land Division 00-0804 and contains acreage attributable to APN 049-561-02 and 03 for density calculations. The 20 net developable acres in the Conservation Parcel that are not encumbered by this and previous land divisions are dedicated for mitigation of this development. The Conservation Parcel cannot be further subdivided and is not a building site."
 5. The Final Map shall specifically designate that the Conservation Parcel is not a building site.
 6. The Final Map shall note that development as defined in County Code Section 16.32 (Sensitive Habitat Ordinance) including land clearing, tree removal, non-native landscaping or other disturbance is prohibited on the Lots 1-4 outside of the designated development envelopes, with the exception of tree and/or vegetation removal as directed by the Habitat Management Plan.
 7. The Final Map shall show the limits of the conservation easements on Lots 1 and 2 in accordance with the final Habitat Management Plan.
 8. The Final Map shall indicate the groves of trees providing screening for Lots 1, 2 and 4 for the Highway 1 viewshed and that all trees **over** 20 inches in diameter shall be permanently preserved.
- E. The following requirements shall be noted on the Parcel **Map** as items to be completed prior to obtaining a building permit or grading permit on **the** residential lots created by this land division:
1. Lots 1-4 shall obtain a permit from County Environmental Health for a new and/or shared well.
 2. Lots 1-4 shall obtain a permit from County Environmental Health for a new individual sewage disposal system.
 3. The final plans shall meet all requirements of the applicable Urban Wildland Intermix Code with 30 feet of clearance for defensible space. If the fire agency requires increased protection, the individual lots will **be** required to be developed with residences that meet **the** IR1 standard for ignition resistance set forth in the Urban Wildland Intermix Code and Chapter 5 of the Santa **Cruz** County Building Code and to provide increased water storage before addition vegetation is cleared

for fire protection. Additional safety measures such as fire resistant exterior walls may be required by the Fire agency based on the 30-foot defensible space and their fire hazard assessment, which will be completed when the building permit application is submitted. A copy of the Fire Clearance shall be submitted to the Project Planner prior to building permit approval.

4. A written statement must be submitted, signed by an authorized representative of the school district in which the project is located, confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.

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

- A. Pay a Negative Declaration filing fee of \$25 to the **Clerk** of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- B. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcel(s).
- C. Submit a signed agreement between the property owner and the Land Trust of Santa Cruz County (or other qualified Third Party as determined by the Planning Department) to be reviewed and approved by the Planning Department *and/or* County Counsel, regarding the transfer of the Conservation Parcel upon recordation of the Final Map and responsibility for the physical and financial implementation of the Habitat Management Plan, and that these responsibilities shall be performed in perpetuity.
- D. Homeowners Association shall be formed for maintenance **of** all areas under common ownership including access roads, shared driveways, all associated drainage facilities, water lines and the shared well(s) and periodic assessment **of** funds to be used by the Land Trust of Santa Cruz County (or other third party owner of the Conservation Parcel) for implementation of the Habitat Management Plan. A copy of the CC&R's for the Homeowner's Association shall be submitted to the Planning Department for review and approval.
- E. Submit a final cost and financing plan for the Habitat Management Plan, which includes the assessment of individual lot owners, the description **of** assessments, management responsibilities, conservation easements. The language in these documents shall be reviewed and approved by the Planning Department. This language shall be recorded on the property deeds as part of the CC&Rs for the Homeowner's Association.
- F. Submit an estimate of the cost of the implementation of the initial tasks assigned to the developer in the Habitat Management Plan for review and approval. The applicant/owner and his successor(s) in interest, shall, from the date of signature hereof to the date of a Notice of Completion of all of the developer's habitat management responsibilities, obtain and maintain the following securities, in the form of Letters of

Credit or Certificates of Deposit for "Faithful Performance", the amount of 100percent of the cost of implementation, determined by the project's biologist and accepted by the Planning Director, to guarantee faithful completion of **the** work to the reasonable discretion of the Planning Director.

- G. Submit a report from a certified arborist for review and approval by Environmental Planning staff. The report shall evaluate the native trees that may be affected by road construction and improvements. The arborist shall specify methods to protect trees that are in proximity to disturbance but will not be removed, including the 55 *oak* trees for which there is disturbance within the dripline. All recommendations of the approved arborist's report shall become conditions of the permit.
- H. Submit and secure approval of engineered improvement plans from the Department of Public Works for all access roads serving two or more parcels, all drainage facilities associated with the roads, erosion control and grading plans, tree replacement, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and /or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements) per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
1. All improvements shall meet the requirements of *the* County of Santa **Cruz** Department of Public Works Design Criteria Manual except **as** modified in these conditions of approval.
 2. The improvement plans shall note that a pre-construction meeting is required prior to commencement of **any** work with the following parties: grading contractor supervisor, Department of Public Works Grading Inspector, project biologist, project arborist, a representative from the Environmental Planning section of the Planning Department.
 3. The access roads serving three or more residential lots shall be a minimum of eighteen (18) feet wide to allow for two-way access. The access roads serving two or fewer residential lots shall be twelve (12) feet in width with 12-foot by 35-foot turnouts located at a minimum one for every 500 foot length.
 4. Final grading plans for road improvements and drainage systems shall be submitted, including calculations of total grading volume, areas of cut and fill, and plans for disposal of any excess fill.
 - a. Final grading plans shall state that grading is prohibited between October 15 through April 15 and any earthwork for improvements must begin prior to ~~August 1.~~

- b. The access roads and driveways shall be outsloped where there is no outboard fill and where the adjacent slopes allow.
 - c. **All** retaining walls associated with the road improvements shall be engineered and of concrete construction. Wood lagging retaining walls are prohibited.
 - d. The grading plans shall indicate all trees over 8 inches in diameter, which will be removed during the construction of the land division improvements.
 - e. The plan shall specify that **tree** protection fencing shall be placed around all trees in close proximity to the construction site and indicate which trees shall be protected in accordance with the recommendations of the project arborist.
 - f. The project arborist shall review and approve the grading and tree protection plan in writing for conformance with the report recommendations. Three copies of the soils engineer's letter shall be submitted with the Final Map. **A** copy of this letter shall be submitted with **a** copy of the plans to the Environmental Planning and Development Review Section of the Planning Department and to the Department of Public Works.
 - g. **The** final grading plans shall be reviewed and approved by the Environmental Planning Section of the Planning Department and the Department of Public Works.
- 5 **A** final erosion control and restoration plan shall be submitted for review and approval by the Environmental Planning Section of the Planning Department and the Department of Public Works. The final plans shall include measures to be implemented during construction and post construction erosion control and revegetation:
- a. The revegetation plan shall show the locations, sizes and species of all replacement trees. **All** native **trees** that removed for road and/or drainage improvements shall be replaced in accordance with the following formula: a ratio of 3:1 if 5 and 15 gallon size replacement **trees** will be used and a ratio 5:1 if acorns are used.
 - b. The seed mix for all temporary and/or permanent seeding and mulching shall be approved by the project biologist and shall be **free** of non-native, invasive species
 - c. The temporary entrance to the work site shall be covered with rock for the first 50 feet to minimize tracking of soil from **the** site.
- 6 Engineered drainage plans shall be reviewed and approved by the Department of Public Works. The Department of Public Works **shall** review and approve the

drainage calculations. The final drainage improvement plans shall meet the following:

- a. The final drainage plans shall emphasize dispersal methods of control to preserve groundwater recharge in the sandy soil areas. Storm water from all impervious surfaces shall remain on-site so as not to exceed pre-development levels. On-site detention methods shall be utilized only where percolation methods are not feasible.
 - b. The final drainage plans shall meet the requirements of the Department of Public Works Stormwater Management Section's requirements set forth in the drainage comments dated June 1, 2005.
 - c. The access roads and driveways shall be outsloped where there is no outboard fill and where the adjacent slopes allow.
 - d. The fabric lined rock basins and overflow pipes shall be spaced and sized to **serve** small drainage areas.
 - e. Emphasis shall be placed on the **use** of grass-lined swales to achieve maximum recharge of runoff wherever feasible.
 - f. The retention facilities shall be sized based on retention guidelines using a 15-minute pre-development time of concentration and a full analysis submitted.
7. **The** final grading, drainage, erosion and retaining wall plans shall be reviewed and approved in writing by the project soils engineer. The project soils engineer shall prepare a letter of plan review and approval referencing the dates and pages of the final improvement plans and stating that the grading and improvements conform to the recommendations of the accepted soils report. **Three** copies of the soils engineer's letter shall be submitted with the Final Map. A copy of this letter shall be submitted with a copy of the plans to the Environmental Planning and Development Review Section of the Planning Department and to the Department of Public Works.
 8. All new utilities shall be constructed underground. **All** facility relocations, upgrades or installations required for utilities service **to** the project shall be noted on the improvement plans. All preliminary engineering for such utility improvements is the responsibility of the developer.
 9. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
 10. All requirements of the California Department of Forestry Fire Protection District shall **be** met.

1. The property owner shall record Declarations of Restriction on each property deed for Parcels 1, 2, 3 and 4 that:
 1. On Lots 1, 2 and 4, the removal of any of the trees over 20 inches in diameter at breast height located between the building site and Highway I is prohibited, unless a licensed arborist demonstrates they are diseased, dead or dying and a Minor Variation to the Land Division permit is obtained, or is part of the implementation of the Habitat Management Plan.
 2. Prohibits the keeping of livestock on the residential parcels.
 3. Prohibits the planting of non-native plants that appear on the California Exotic Pest Council list of plants of greatest ecological concern in California.
 4. Specifies that trail building is prohibited and that the use of trails is governed by the Habitat Management Plan on the Conservation Parcel.
 5. Development, as defined in Chapter 16.32 of the County Code, is prohibited outside of the designated development envelopes.
 - J. Park dedication in-lieu fees shall be paid for four single-family dwelling units. As of July 12, 2005, these fees would be \$6,936 (which assumes three bedrooms per unit @ \$578 per bedroom), but these fees are subject to change.
 - K. Child Care Development fees shall be paid for four single-family dwelling units. On July 12, 2005, these fees would be \$1,308 (which assumes three bedrooms per unit @ \$109 per bedroom), but these fees are subject to change.
 - L. The "Small Project In-lieu Affordable Housing fee of \$20,000 shall be paid for the creation of the third and fourth residential parcels.
 - M. Submit one reproducible copy of the Parcel Map to the County Surveyor for distribution and assignment of temporary Assessor's Parcel Numbers and situs address.
- IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition III.G. The construction of the subdivision improvements shall also meet the following conditions:
- A. Prior to any land clearing, earthwork or other site disturbance or site work for the land division improvements, the applicant shall complete the following:
 1. Convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, Department of Public Works Grading Inspector, project biologist, project arborist, a representative from the

Environmental Planning section of the Planning Department. All protection fencing shall be inspected at this time.

2. The project arborist shall clearly mark in the field **all** native trees that shall be removed during the course of construction. The protection fencing shall be placed around all trees with driplines within any areas of site disturbance. The placement and adequacy of this fencing shall be inspected by the project arborist. The arborist shall approve the marking and fencing in writing. A copy of this letter shall be submitted to the Department of Public Works, to the Planning Department's Environmental Planning Section and the Project Planner prior to commencing work.
 3. The project biologist shall supervise placement of temporary construction fencing demarcating the disturbance boundaries near all sensitive areas prior to the pre-construction meeting.
 4. The applicant shall submit documentation that a monitor approved by the Department of Fish and Game and/or the U.S. Fish and Wildlife Service (USFWS) for the Santa Cruz Long-Toed salamander will be onsite during ground clearing activity. If any Santa **Cruz** Long-Toed salamander individuals are found work shall cease and the monitor shall contact USFWS for guidance. This documentation shall be submitted prior to or at the pre-construction meeting. The site monitor shall submit a brief report to the Environmental Planning Section of the Planning Department and to the Department of Public Works Project Inspector.
 5. The applicant shall submit documentation that pre-construction surveys will be performed to identify raptor nests on the site. If nests are identified, no work shall take place within 200 feet until the young have fledged. The 200-foot zone shall be drawn on the improvement plans and fenced against incursion in the field. This documentation shall be submitted and **all** protective fencing installed prior to the pre-construction meeting.
- B. Earthwork, grubbing, land clearing **and/or** grading are prohibited between October 15 through April 15 and any earthwork for the proposed land division improvements must begin prior to August 1.
- C. **All** work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.
- D. The arborist shall provide services and inspection during earthwork of the trees and fencing as needed.

- E. Construction of improvements shall comply with the requirements of the geotechnical report (dated **Sept.** 2001 and Jan. 2002, Exhibit M), Biotic Report (Exhibit K) and Habitat Management Plan (Exhibit L).
 - F. A minimum of 1.1 acres of the conservation lands shall be cleared of non-native species and revegetated and managed to enhance the oak woodland and maritime chaparral, as given in the Habitat Management Plan.
- V All future development on the residential lots created by this land division shall comply with the requirements set forth in Condition II.E, above and the following conditions:
- A. All required land division improvements shall **be** installed and inspected prior to final inspection clearance for any new structure on the new lots.
 - B. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out other work specifically required by another of these conditions).
 - C. No land clearing, grading or excavating shall take place between October 15 and April 15, and any earthwork for the individual lots must begin prior to August 1.
 - D. Site grading for individual lot development shall be minimized
 - E. Prior to building permit approval the applicant shall submit color and material samples, building plans and shall record a Declaration of Restriction that indicates the following:
 - 1. The exterior color(s) of all structures on Lots 1, 2 and 4 shall be non-reflective, earth toned, neutral hues that blend with **the** surrounding colors of the landscape.
 - 2. The maximum height of structures on Lot 1 is 17 feet maximum.
 - 3. A Declaration of Restriction shall be recorded on the deed of Lot 4 that prohibits removal of **trees** outside of the development **envelope** between the structure and Highway 1.
 - F. The applicant shall submit documentation that pre-construction surveys will be performed to identify raptor nests on **the** site. If nests are identified, no work shall take place within 200 feet until the young have fledged. The 200-foot zone shall be drawn on the improvement plans and fenced against incursion in the field.
 - G. The applicant shall submit documentation that a monitor approved by the Department of Fish and Game and/or the U.S. Fish and Wildlife Service (USFWS) for the Santa Cruz Long-Toed salamander will be onsite during ground clearing activity. If any Santa Cruz Long-Toed salamander individuals are found work shall cease and the monitor shall contact USFWS for guidance. The site monitor shall submit a brief **report** to the Environmental Planning Section of the Planning Department.

- H. All future development on each residential lot shall retain and percolate all project related runoff (runoff from roofs paved areas; driveways, etc.) on site.
- I. 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 Department if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- J. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure.

VI. Operational Conditions

- A The Conservation Parcel shall be held, maintained and managed in perpetuity for the enhancement and preservation of the San Andreas Oak woodland and Maritime Chaparral habitats in accordance with the Habitat Management Plan. This parcel shall not be developed and shall not be further subdivided.
 - 1. A minimum of forty acres of woodland and chaparral shall be enhanced during the first forty years of the management of the Conservation parcel.
 - 2. Monitoring reports shall be submitted to the Planning Department in accordance with the approved Habitat Management Plan.
- B Trail building or the use of the existing trails that is inconsistent with Habitat Management Plan are prohibited on the Conservation Parcel.
- C The residential parcels (Lots 1-4) shall be maintained and used in accordance with the following operational conditions:
 - 1. All activities defined as development in County Code Section 16.32 (Sensitive Habitat Ordinance) including land clearing, tree removal, non-native landscaping or other disturbance is prohibited on the residential parcels (Lots 1-4) outside of the designated development envelopes, with the exception of tree and/or vegetation removal as part of the implementation of the Habitat Management Plan.

2. The keeping of livestock on the residential parcels is prohibited
 3. The planting of non-native plants that appear on the California Exotic Pest Council list of plants of greatest ecological concern in California is prohibited
 4. On Lots 1, 2 and 4, the removal of any of the trees over 20 inches in diameter at breast height located between the building site and Highway 1 is prohibited, unless a licensed arborist demonstrates they are diseased, dead or dying and a Minor Variation to the Land Division permit is obtained or the removal for the trees located.
 5. The exterior color(s) of all structures on Lots 1, 2 and 4 shall be non-reflective, earth toned, neutral hues that blend with the surrounding colors of the landscape.
 6. The maximum height of structures on Lot 1 is 17 feet maximum
- D. Modifications to any of the building and/or development envelopes will require a Biotic Report, CEQA Review and an Amendment of this Minor Land Division Permit.
- E. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- VII. 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.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

VII. Mitigation Monitoring Program

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

A. Mitigation Measure A: Conditions IV.A.1. to 5.

Monitoring Program: Department of Public Works Staff will be responsible for convening the meeting prior to commencement of the minor land division's construction project. Public Works will be responsible for not allowing work to begin until all pre-construction requirements have been met. The Environmental Planning staff will be responsible for verifying that the surveys and reports have been submitted and that the correct areas and trees have been protected with temporary fencing.

B. Mitigation Measure B.1: Conditions II.C

Monitoring Program: The applicant has submitted a letter of intent with the Land Trust of Santa Cruz County to acquire and manage the Conservation parcel. A signed agreement between the Land Trust or other third party must be submitted to and accepted by the Planning Department and/or County Counsel before the Final Map can be

recorded. Failure to this agreement will result in no land division.

C. Mitigation Measure B.2: Conditions II.G.4.d.-f., II.G.5.a., and III.C-E.

Monitoring Program: The applicant has submitted a revised Habitat Management Plan and financing plan that has been accepted by Environmental Planning staff. The applicant must submit a revegetation plan for the replacement trees consistent with this mitigation measure. The revegetation plan and the inspection of the replacement trees and the 1.1 acres of habitat restoration will be the responsibility of the Environmental Planning staff. If the applicant failure to complete the required tree replacement and restoration, then Planning staff will not authorize the release of the bonding funds for land division improvements and will not approve any building permit applications for the residential lots.

The applicant must submit CC&Rs for review and approval by the Planning Department that includes the ongoing funding mechanism for the management of the Conservation Parcel before the Final Map can be recorded. Failure to meet this requirement will result in no land division.

D. Mitigation Measure B.3. Completed

E. Mitigation Measure B.4. Condition III.E

Monitoring Program: The California Department of Forestry (CDF) has reviewed the project plans. The Project Planner is responsible for ensuring that the Fire Clearance obtained by the applicant from CDF is consistent with the conditions of approval limiting vegetation removal on the individual parcels. The project planner will not grant zoning approval of the building permit if the fire clearance is inconsistent with the limitations on land clearing to protect the sensitive habitat.

F. Mitigation Measure B.5. Completed.

G. Mitigation Measure B.6. Conditions II.G.4.d-f and IV.A

Monitoring Program: The Planning Department will be responsible for ensuring that the arborist report is submitted and that Environmental Planning staff has reviewed and accepted the report prior to the recordation of the Final Map. Planning staff will also verify that the improvement plans specify the required pre-construction meeting before the Final Map can be recorded. Environmental Planning staff will be responsible for verifying that the required protection fencing has been properly placed during the pre-construction meeting. If the applicant or the applicant's contractors fail to adhere to these restrictions the security bond funds will not be released and building permits approved until the necessary restoration, enhancement or other mitigations are met.

H. Mitigation Measure B.7. Condition II.H., VI.A. and VI.C.

Monitoring Promam: Planning staff will review the Final Map and improvement plans to ensure that these deed restrictions are included. The Final Map cannot be recorded without Planning review and approval. In addition, Planning staff will require and verify that the deed restrictions have been recorded on each property deed before granting zoning approval of the building permits.

- 1. Mitigation Measure C. Condition V.H.

Monitoring Program: The Drainage Section of the Department of Public **Works** will review and approve the building permit plans and is responsible for ensuring that the maximum percolation feasible is met in the drainage plans.

- J. Mitigation Measure D. Condition II.G.4.b. and II.G.6

Monitoring Program: A revised tentative drainage improvement plan addressing these issues has been reviewed and conceptually accepted by the Drainage Section of the Department of Public **Works**. The Department of Public **Works** will review and if consistent with engineering standards for percolation and design will approve the final drainage improvement plans and is responsible for ensuring that the improvements are constructed according to the approved plans. Bonds for the improvements will not be released until all improvements are completed to the satisfaction of the Department of Public **Works**.

- K Mitigation Measure E. Condition II.G.5. **and** II.G.4.a

Monitoring Program: The Project Planner will be responsible for ensuring that the Environmental Planning Section reviews and approves the final erosion control plans and that all of the mitigations have been included in the plans. The Department of Public Works will be responsible for inspections and ensuring that the erosion control plan is properly implemented. Failure to meet standards may result in issuance of a stop work order **or** other correction notice. The required pre-construction meeting discussed previously in *the* mitigations will help ensure that the construction of the improvements are not started too late in the season and will allow the Environmental Planning Section of the Planning Department to track the project, if the improvements are started close to the August 1 deadline and inspect the site prior to October 15 to ensure all necessary erosion control measures are in place.

- L. Mitigation Measure F. Conditions IV.A.4 and V.G.

Monitoring Promam: The Environmental Planning Section of the Planning Department will verify that these conditions have been met at or prior to the pre-construction meeting. If they are not met, Environmental Planning staff shall notify Public **Works** that **the** improvement construction cannot commence. Environmental Planning staff will also be responsible for ensuring that this condition has been met. **prior** to approval of any building permit applications.

M. Mitigation Measure G. Conditions IV.A.5 and V.F.

Monitoring Program: Same as L. above.

N. Mitigation Measure H. Conditions II.H.1., and V.E.

Monitoring Program: Planning staff will review the Final Map and improvement plans to ensure that these deed restrictions are included. The Final Map cannot be recorded without Planning review and approval. In addition, Planning staff will require and verify that the deed restrictions have been recorded on each property deed before granting zoning approval of the building permits. Finally, the Project Planner will check that the building permit application plans are consistent with the minor land division approval prior to approval and will verify that the coloration, landscaping and tree removal conditions have been met at a site inspection prior to the final of the building permit. The building permit will not be finalized unless the development conforms to the conditions of approval.

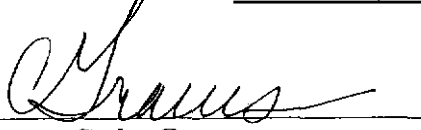
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

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

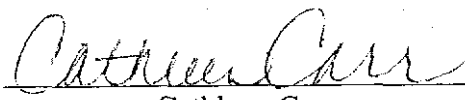
Approval Date: July 27, 2005

Effective Date: August 10, 2005

Expiration Date: August 10, 2007



Cathy Graves
Principal Planner



Cathleen Carr
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 Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

SUBDIVISION FINDINGS

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

The proposed division of land meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the goals of the County General Plan and the Zoning Ordinance as set forth in the findings below.

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

The proposed division of land, its design, and its improvements, are consistent with the goals of the General Plan. The project creates four residential parcels and a conservation parcel and is located in the Rural Residential General Plan designation, which allows development consistent with the Rural Density Matrix and overriding General Plan policies.

Per County Code Section 13.14.060, the rural density matrix indicates that a maximum density of five building sites would be appropriate for this parcel. The required development density set forth by the rural density matrix and overriding policies is one dwelling unit per parcel containing a minimum of 20 net developable acres. The land division will create four residential parcels with 20 net developable acres and one conservation parcel with about 21 net developable acres and 125 total acres. The required development density shall be achieved through parcel averaging consistent with the 1994 General Plan Policy 2.2.3. The acreage of the conservation parcel that is attributable and encumbered by the four residential parcels are as follows: 15.26 acres for Parcel 1, 15.46 acres for Parcel 2, 16.07 acres for Parcel 3 and 17.48 acres for Parcel 4. The proposed average density meets the required density of 20 acres net developable area, which is consistent with the requirements of General Plan policy 2.5.1 for Special Use zoned parcels within the Rural Residential General Plan designation where the proposed access road will be a dead end road over 500 feet from the County maintained road and the subject parcel is located within a mapped "Special Forest". The proposed division of land is also consistent with General Plan Policy 2.2.3, which allows averaging of parcel sizes for rural land divisions in that the project is conditioned to include each parcel for future density calculations. This will ensure that the large conservation parcel is not further subdivided at a density greater than allowed under the original matrix, in violation of current County regulations.

The project is consistent with the General Plan in that access is provided using an access road and driveways that will meet the minimum rural road standards set forth in General Plan policy 6.5.1 of an 18 foot width where serving three or more parcels and a 12-foot width with turnouts every 500 feet for driveways serving two or fewer parcels. The proposed roads require a Roadway Exception from the Santa Cruz County Department of Public Works Design Criteria of 24 foot and 18 foot widths respectively in order to minimize disturbance to the sensitive habitat and minimize grading consistent with General Plan policies 5.1.7(e) and 6.3.9. Water, for domestic use and fire protection;

will be provided by individual wells and the undeveloped parcel has been determined to be suitable for individual septic systems.

The land division is consistent with the General Plan regarding infill development in that the proposed land division will be compatible with the existing low density and intensity of development in the surrounding area. Further, the proposed building envelopes are outside of the environmentally sensitive areas and are not in a hazardous area. The project protects natural resources by allowing development in an area appropriate for residential uses at the proposed density.

The proposal is consistent with the General Plan policies 5.10.2 and 5.10.11 protecting visual resources and views from Rural Scenic Roads (Highway 1) and General Plan policy 8.6.6 protecting ridge tops, in that residential development on Lot 1 is restricted to a height limit of 17 feet to minimize visibility and the other three building sites are screened from view by the existing topography and trees. In addition, all structures must utilize an earth tone coloration to blend in with the surrounding site to avoid visual impacts.

The proposal is consistent with the goal of General Plan Objective 5.1 "to maintain the biological diversity... identification and protection of plant habitat and wildlife corridors and habitats... resource compatible land uses... mitigations on projects and resource extraction to reduce impacts on plant and animal life." Specifically, the land division proposes to place the four building sites outside of the sensitive habitat areas, minimizes the sizes of the residential parcels through parcel averaging and will preserve about 125 acres of sensitive habitat within a conservation parcel which will be managed for the long-term maintenance and improvement of the habitat.

The land division is consistent with General Plan policy 5.1.5(b) which specifies land division and density requirements in special forests as follows: *"Prohibit land divisions within designated Special Forests unless the area to be divided is removed from the mapped special forests habitat area by General Plan-Local Coastal Plan amendment. On parcels with existing mapped special forest areas which contain developable land outside that habitat, allow development at the lowest density of the land use designation and require that development be clustered and located outside of the habitat areas."* The subject parcel is mapped within a Special Forest resource designation. The General Plan Resource and Constraint Maps are not parcel specific and the General Plan allows parcel specific information for evaluating an individual property, which can be used to override the policies relating to the specific resource and constraint without a General Plan Amendment. A Biotic Report prepared by professional biologist has been submitted for evaluating the special forest habitat on the subject parcel and has identified areas that do not contain this resource or that are severely degraded. This report has been reviewed by the County's Consulting Biologist and accepted by the Planning Department as parcel specific overriding information identifying developable areas located outside of the San Andreas Oak woodland (special forest). In addition, the proposed density of the land division is less than the lowest density set forth for the Rural Residential land use designation.

Policy 5.1.5(b) requires that the development be clustered and located outside of the habitat areas. On this property, these are mutually exclusive goals. The non-habitat areas are scattered along the ridgelines of this property and only one area is large enough to support more than one building site (lots 1 and 2). While the building sites are not within close proximity, they have been located to

EXHIBIT C

minimize disturbance of the sensitive habitats and the building and development envelopes have small sizes. In addition, the locations and configuration of the residential lots are designed to maintain the integrity of the large (125 acre) conservation parcel. Through this design, the project meets the intent of clustering development, which is to minimize disturbance of the sensitive habitat and to avoid fragmentation of the habitat. Despite the apparent contradiction within the policy, the design of the project meets the intent of the policy, which is minimization of disturbance to the sensitive habitat and preservation of the maximum area of sensitive habitat, by placing the development envelopes in areas colonized with eucalyptus, which either lack habitat value or are significantly degraded.

General Plan policies 5.1.6 and 5.1.7 requires that "Sensitive habitat shall be protected against any significant disruption or degradation of habitat values and any development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat through site design and use regulations. As discussed previously the building sites have been sited to minimize impacts to the sensitive habitat, development envelopes are delineated to specify location of development and declarations of restrictions recorded on the deeds of the new lots acknowledging the presence of the sensitive habitat and restricting activities such as keeping livestock, driving off road vehicles, limiting vegetation removal and planting invasive species. The existing access road route has been modified to avoid impacts to Monterey Spineflower (*Chorizanthe pungens* var. *pungens*), a federally listed endangered species. Finally, the project proposes to establish a conservation parcel of approximately 125 acres specifically for the preservation and management of the sensitive habitat. This parcel will be owned and managed by a qualified third party, such as a land trust. To this end a management plan has been prepared and accepted for this project that includes a) measures to control and eradicate most of the invasive, non-native species that threaten the oak woodland, maritime chaparral and coastal scrub habitats, including eradication or thinning of 7.2 acres of eucalyptus, b) enhancement of 40 acres of woodland, scrub and chaparral by grazing, manual brush removal, and other methods that may prove successful during the proposed program of test plots and adaptive management, c) revegetation of 1.1 acres of dirt roads scattered across the property which will be converted to pedestrian paths and oak woodland chaparral, d) management of the spineflower population and Hooker's manzanita, and e) control of trespass, which is a significant degrading factor on the property at this time.

The project design in conjunction with the management and preservation of 125 acres of San Andreas Oak woodland and Maritime Chaparral habitats will more than adequately mitigate for the habitat loss associated with the proposed development, and will reduce the impacts to the Special Forest and Maritime Chaparral habitats to a less than significant level. Given the fact that the sensitive habitat would decline if left in its current status, on balance the habitat is benefited rather than degraded by the project. In summary, taken together, the design factors, proposed restrictions and the conservation parcel with an approved habitat management plan will fully meet the goals of the Santa Cruz General Plan policies and County Codes for the protection of this sensitive habitat.

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

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature on the small lots with a large conservation parcel serving as rural open space and habitat conservation. The residential lot sizes meet the minimum parcel size of 20 acres of net developable land, as determined by the rural density matrix, through parcel averaging. The site development standards applicable to the SU zone district with a Rural Residential General Plan designation are the Residential Agriculture (RA) zone district standards. The proposed parcels meet the minimum one acre lot size required for the RA zone district and meet the residential development standards for the required setbacks, frontage and width. Finally, a single family residence is a principal use in the Special Use zone district within the Rural Residential General Plan designation.

The proposed land division is consistent with the zoning ordinances implementing the General Plan policies discussed in Finding #2.

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

The site of the proposed division of land is physically suitable for the type and density of development in that there are no geotechnical or geological constraints, which would preclude the development of residential structures in the locations proposed. The proposed parcels offer an arrangement and shape to preserve a sensitive plant habitat and allow development without the need for site standard exceptions or variances. No environmental constraints exist that require the residential lots remain fully undeveloped, and the proposed building envelopes meet or exceed the required building setbacks to the property lines.

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

The proposed division of land and its improvements has been specifically designed to minimize any potential environmental damage, thus it will not substantially and avoidably injure fish or wildlife or their habitat. Two special status species are present in localized areas of this parcel: Monterey Spineflower (*Chorizanthe pungens* var. *pungens*), a federally listed endangered species which is also considered to be rare by California Department of Fish and Game (CDFG), and Hooker's Manzanita (*Arctostaphylos hookerii*) which is listed as rare by the California Native Plant Society (CNPS List 1B). The project received a mitigated Negative Declaration on April 27, 2005, pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines that determined that all environmental impacts have been reduced to a less than significant level.

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

The proposed land division or its improvements will not cause serious public health problems in that a shared well will serve the four proposed residential parcels, access is provided by a road that will

meet rural road standards and the proposed lots have been determined to be suitable for individual septic systems.

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

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property.

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

The design of the proposed land division provides, to the fullest extent possible, the ability to utilize passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. The proposed building envelope on the residential parcels will meet the minimum setbacks as required by the zone district for the property and County Code.

ROADWAY/ROADSIDE EXCEPTION FINDINGS

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

The site contains a sensitive plant species and habitat and the construction of a 24-foot wide access road and 18-foot wide driveways serving two or fewer lots would require the removal of a substantial number of coastal live *oak* trees within the San Andreas *Oak* woodland and would require loss of two or more additional acres of San Andreas Oak woodland and/or Maritime Chaparral habitats. The minimization of disturbance and development of the sensitive habitat is a key issue in the CEQA initial study prepared for this project. The reduced road widths of 18 feet for the access road serving three or more residential lots and of 12 feet with turnouts meeting the standards specified in the General Plan policy 6.5.1 for access standards and fire hazards will provide adequate access to the site.

2. THE REQUIRED IMPROVEMENTS WOULD ENCROACH ON PRIVATE PROPERTY IN WHICH NEITHER THE DEVELOPER NOR THE COUNTY HAVE AN INTEREST SUFFICIENT TO ALLOW THE IMPROVEMENTS TO BE CONSTRUCTED OR INSTALLED; THE DEVELOPER HAS ATTEMPTED IN GOOD FAITH, BUT BEEN UNABLE TO ACQUIRE SUCH AN INTEREST; AND THE COUNTY HAS NOT ACQUIRED SUCH AN INTEREST THROUGH ITS POWER OF EMINENT DOMAIN PURSUANT TO SECTIONS 14.01.513 OR 18.10.240 OR THE COUNTY CODE.

Not applicable.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa **Cmz** 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: 07-0355

Assessor Parcel Number: 049-561-04

Project Location: **The** eastern terminus of East Bel Mar Drive at approximately ¼ mile east from ~~Mar~~ Monte Drive.

Project Description: Extend the approved Tentative Map for Minor Land Division 0-0804

Person or Agency Proposing Project: Ron Powers for Powers Lan Planning

Contact Phone Number: (831) 426-1663

- A. X 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:

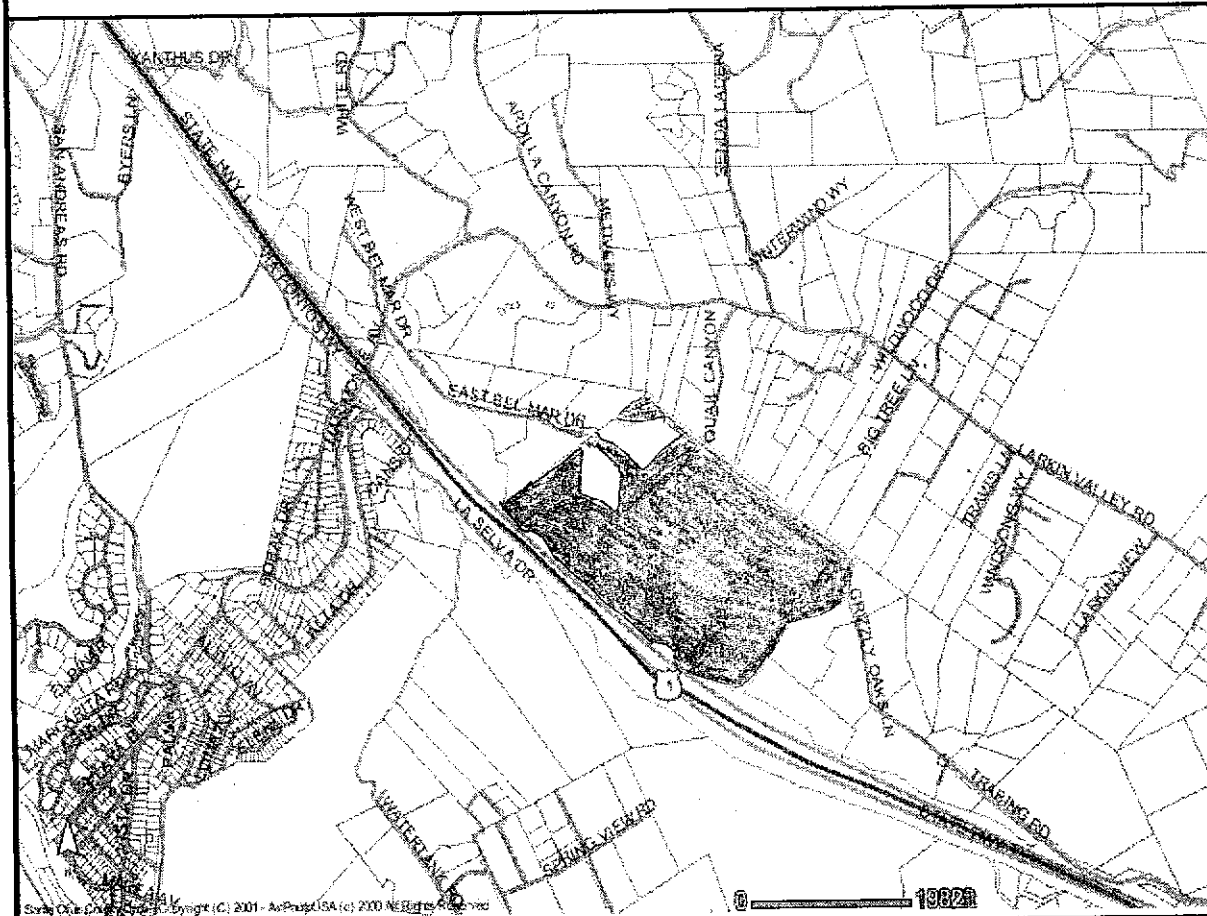
- E. **Categorical Exemption**

Specify type:

Cathy Graves, Project Planner

Date:_____

Parcel 049-561-04



Legend

Legend

- Selected Features
- Parcel (Assessor)0
- State Highways
- County Streets
- City Limits
- Santa Cruz County Boundary


Source: Oracle Corporation, Inc. (C) 2001 - ArcPress/USA (C) 2000 NE EarthLink, Inc.

100 Feet



Powers Land Planning, Inc.

Land Use and
Development Consulting



July 10, 2007

County of Santa Cruz
Planning Department
Attn: Cathy Graves, AICP
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

RE: East Bel Mar minor Land Division 00-0804
APN: 049-561-04

Dear Ms. Graves:

On behalf of East Bel Mar, LLC, I am requesting a two-year time extension for the above MLD. The above permit expires in August 2007 and we have not been able to record the final map due to condition compliance relating to management in perpetuity of the conservation area.

The time extension is requested in order to allow further investigation of non-profit management entities acceptable to the department, as well as evaluation of costs and finance mechanisms associated with the long-term management of the conservation parcel/easement.

Thank you for your consideration.

Sincerely,



Ron Powers, AICP

cc: East Bel Mar, LLC

1607 Ocean Street, Suite 8
Santa Cruz, CA 95060

Phone: 831-426-1663
Fax: 831-426-1679
Email: ran@powersplanning.com



Staff Report to the Planning Commission

Application Number: **00-0804**

Applicant: Holcomb Corporation
Owner: Holcomb Corporation
APN: 049-561-04

Agenda Date: July 27, 2005
Agenda Item #: 9
Time: After 9:00 a.m.

Project Description: Proposal to divide a 145-acre lot into four residential parcels ranging in size from 5 acres to 2.44 acres with an approximately 125-acre remainder parcel to be held and managed by a qualified third party as a conservation area for the benefit of San Andreas Oak Woodland and Maritime Chaparral habitats. Land division improvements will include about 2,243 cubic yards earthwork (1,129 of excavation, 2,243 cubic yards of fill) in order to improve the existing dirt access road and driveways, install a drainage control system, extend underground utilities; construct a shared well and a water distribution system, and a Roadway Exception to allow an 18-foot wide access road serving more than two parcels and a 12-foot wide road with turnouts to serve the furthest two parcels where 24-foot and 18-foot road standards are specified in the Santa Cruz County Department of Public Works Design Criteria.

Location: The property is located at the eastern terminus of East Bel Mar Road at approximately ¼ mile east of the intersection with Mar Monte Avenue, La Selva Beach.

Supervisory District: 2nd District (District Supervisor: Pirie)

Permits Required: A Minor Land Division and a Roadway Exception

Staff Recommendation:

- Approval of Application 00-0804, based on the attached findings and conditions.
- Certification of the mitigated Negative Declaration in accordance with the California Environmental Quality Act

Exhibits

- | | | | |
|----|--|----|--|
| A. | Project plans | G. | Zoning & General Plan Maps |
| B. | Findings | H. | Rural Density Matrix |
| C. | Conditions | I. | Comments & Correspondence |
| D. | Mitigated Negative Declaration and Initial Study | J. | Land Trust Letter |
| E. | Vicinity Map | K. | Biotic Report |
| F. | Assessor's Parcel Map | L. | Habitat Management Plan |
| | | M. | Soils Report (On file with the Planning Dept.) |

Parcel Information

Parcel Size: 145.48 acres
Existing Land Use - Parcel: Vacant rural land
Existing Land Use - Surrounding: Rural residential, residential agriculture
Project Access: East Bel Mar Avenue
Planning Area: Aptos Hills
Land Use Designation: R-R (Rural Residential)
Zone District: SU (Special Use)
Coastal Zone: Inside XX Outside

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Soils Report submitted, reviewed and accepted
Fire Hazard: Portions within the mapped mitigable fire hazard area
Slopes: Varies
Env. Sen. Habitat: San Andreas Oak Woodland, Maritime Chaparral, Coastal Scrub and two Special Status plant species
Grading: Estimated 2,243 cubic yards of fill and 1,129 cubic yards of cut
Tree Removal: Trees will be removed (see Initial Study Section C – Biological Resources)
Scenic: Portion of parcel visible from Hwy 1; building sites not visible from Hwy 1
Drainage: Engineered drainage plan submitted
Traffic: Minor increase in traffic
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: Inside XX Outside
Water Supply: Private well, permit issued
Sewage Disposal: Septic – lot checks completed
Fire District: California Department of Forestry
Drainage District: Out of zone

History

The subject parcel was created from an earlier land division. The main road and the building site of Parcel 4 are those approved for this parcel under Minor Land Division Permit 83-1 152 and Minor Land Division Amendments 86-1279 and 89-0367. Thirty (30) net developable acres of this 145-acre parcel are attributed to Assessor's Parcel Numbers 049-561-02 and 03 through parcel averaging

under Minor Land Division Permit 89-0367. The applicant requests approval to divide the subject parcel into four residential parcels ranging in size from 2.44 to 5 gross acres with a 125 acre common area parcel to be held and managed by a qualified third party as a conservation area for the benefit of the sensitive habitat found on this parcel.

On December 28, 2000, the County Planning Department accepted this application for a Minor Land Division. Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on April 28, 2003, December 20, 2004 and on March 14, 2005. The mandatory public comment period ended on April 20, 2005, with no comments received. The environmental review process focused on the potential impacts of the project in the areas of drainage design, grading, the Highway One viewshed and the key concern of the project's potential affect on Sensitive Habitats and species of concern. The environmental review process generated mitigation measures that will reduce potential impacts from the proposed development and adequately address these issues. Thus, the preliminary determination to issue a Negative Declaration with Mitigations (Exhibit D) was made on April 27, 2005.

Project Setting

The project site is located within the Aptos Hills planning area, on the eastern terminus of East Bel Mar Road, about ¼ mile from the intersection of East Bel Mar and Mar Monte Avenue in La Selva Beach. The parcel is approximately 145 acres in area and consists of variable topography with a series of knolls and ridgelines. The slopes of the ridge are steep on north side and moderate to gently sloping on the south. The ridgelines and hilltops also slope down from west to east. The entire project parcel is mapped as San Andreas Oak Woodland and Maritime Chaparral, sensitive habitats designated in the General Plan and County Code Chapter 16.32. The property actually contains a mosaic of the following habitats: oak woodland, maritime chaparral, coastal scrub (also a sensitive habitat pursuant designated in the General Plan and County Code Chapter 16.32) and degraded areas caused by eucalyptus encroachment, pure eucalyptus stands and small redwood groves. The predominant vegetation on the south facing slopes is oak woodland, coastal scrub and maritime chaparral. The northern slopes are predominantly redwood and eucalyptus groves. There are several stands of dense eucalyptus and areas of mixed oaks, fir and madrone along some of the ridgelines. The east facing and/or northern knolls support mixed grasslands.

Two special status species are present in localized areas of this parcel: Monterey Spineflower (*Chorizanthe pungens* var. *pungens*), a federally listed endangered species, and Hooker's Manzanita (*Arctostaphylos hookerii*) which is listed as rare by the California Native Plant Society (CNPS List 1B).

Analysis and Discussion

Rural Density Matrix and Parcel Averaging

The subject property has a General Plan Designation of Rural Residential or R-R. The purpose of this designation is to provide for low density residential development on lands suitable for rural development which have access from roads maintained to rural road standards, adequate fire

protection and where limited public services and facilities, physical hazards and development constraints and the desire to maintain rural character restrict more intensive development of these areas.

	Lot 1	Lot 2	Lot 3	Lot 4
Net Developable Acres	4.74	4.54	3.92	2.52
Gross Acres	5	5	3.93	2.52
Developable Acres Averaged (conservation parcel)	15.26	15.46	16.07	17.48

	Net Developable Acres	Gross Acres
Subject Parcel	135.4	145.48
Lots 1-4	15.72	16.45
Conservation Parcel	119.68	129.03

Total	119.68
Encumbered land from MLD 89-0367	30
Encumbered land – Proposed Lots 1-4	64.27
Proposed Right-of-ways	3.68
Remaining unencumbered	21.73

Zoning Consistency

The subject parcel is zoned Special Use (SU). The purpose of the SU zone district is defined by Section 13.10.381 of the County Code; to provide for and regulate the use of land for which flexibility of use and regulation are necessary to ensure consistency with the General Plan, and to encourage the planning of large parcels to achieve integrated design of major developments, good land use planning; and protection of open space, resource, and environmental values. Residential development is a principal permitted use in the SU zone district with a residential General Plan land use designation.

The site development standards applicable to the SU zone district with a Rural Residential General Plan designation are the Residential Agriculture (RA) zone district standards. The proposed parcels meet the minimum one acre lot size required for the RA zone district and meet the residential development standards for the required setbacks, frontage and width, which are the following:

RA Zone District Standards	Front Yard Setback	Side Yard Setbacks	Rear Yard Setbacks	Frontage	Parcel Width
Required Minimums	40 feet	20 feet each	20 feet	60 feet	100 feet

Again, the lots meet the minimum net developable area through parcel averaging.

Visual Resources Issues

A portion of the property is mapped within a scenic resource (Attachment 4 of Exhibit D), as it is visible from Highway 1, a County designated scenic road. The proposed development envelopes are located outside of the mapped scenic resource area. There are several homes located on East Bel Mar Drive that are partially visible from Highway 1. The building envelope on proposed Lot 1 is at a similar elevation to the homes that are visible from the highway. Although there are a number of large trees located between the highway and this building site, it is possible that a two-story dwelling would be visible. Consequently, development on this site will be limited to a single-story, 17-foot structure. The building sites for Lots 2 and 3 are blocked from view by a series of knolls. The Lot 4 site is the closest of the building sites to Highway 1. This site is screened from view by large trees (eucalyptus, oak and fir) and topographically by two spur ridges.

Portions of the parcel are also visible from the rest stop and scenic vista point on southbound Highway 1. The vista point allows motorists to walk up a series of stairs to a panoramic view across the hills towards the ocean. People returning to their vehicles look out upon portions of the subject parcel. The existing topography and trees will obscure all of the building sites from the public view. Because Lot 4 is the closest site to the public vista point, a visual simulation was conducted on this building site to determine whether or not a height limitation was warranted to protect this public view. The story poles and balloons were not visible to the naked eye or with the use of binoculars. A declaration of restriction would be required for Lot 4 prohibiting the removal of trees outside of the building envelope between the residence and Highway 1 to preserve the natural screening. Earth tone exterior colors and natural looking materials will be utilized for the homes on Lots 1, 2 and 4 to

reduce potential visibility. Such restrictions are not necessary for Lot 3, which is screened by an extensive ridgeline.

Through height limitation on Lot 1, restrictions on tree removal and the requirement for earth tone coloration of the exterior of the future structures, the project will have minimal to no impact on the scenic resources of Highway 1 and the Highway 1 Vista Point.

The General Plan (policy 8.6.6) discourages development on ridge tops. While the proposed building sites are located on spur ridges, the project is consistent with the General Plan in that the only developable sites are on these spur ridges and the removal of large trees which would affect the ridgeline view will be restricted. In addition, there are ridges and knolls located both in front of and behind the proposed building sites ensuring that the future structures will be screened and not project into the skyline. The exterior colors of the structures will be required to use natural earth tones to blend in with the surroundings, and the building height of Lot 1 is restricted to a 11-foot maximum.

Mitigatable Fire Issues

Portions of the subject parcel are mapped as "Mitigatable Fire Hazard". Because secondary access is not proposed for this site, nor is secondary access available for development, this land division can only be developed at the lowest density specified for the General Plan land use designation (Rural Residential, 20 net developable acres per parcel). The access road serving 3 or more parcels will be 18 feet wide, while the driveways serving no more than two lots will be 12 feet wide and provide turnouts every 500 feet. The proposed roads will provide adequate emergency fire access, while minimizing disturbance and site grading. The future development of the residences will include sprinklers and fire hydrants as specified by the California Department of Forestry Fire Protection District. The development envelopes have been designed for a thirty-foot clear zone around the building envelopes. Some trimming to reduce potential fire ladders may be required beyond this 30-foot clear zone to remove fire ladders. If the fire agency requires increased protection, the individual lots will be required to be developed with residences that meet the **IRI** standard for ignition resistance set forth in the Urban Wildland Intermix Code and Chapter 5 of the Santa Cruz County Building Code in addition to providing increased water storage to minimize the amount of vegetation clearance required for fire protection. These additional safety measures such as fire resistant exterior walls, which may be required by the Fire agency, will be based on the 30-foot defensible space and their fire hazard assessment, which will be completed when the building permit application is submitted.

The chaparral vegetation, which dominates the lower elevation southern slopes, may be associated with increased risk of fire when not periodically burned, grazed, or otherwise managed. The Habitat Management Plan for the conservation parcel will reduce fire risk by replacing acres of vegetation that is old and has a high fuel load with a refreshed landscape that includes younger plants with a lower fuel load.

Sensitive Habitat Issues

The subject parcel is mapped as San Andreas Oak woodland and contains oak woodlands, coastal scrub and maritime chaparral sensitive habitats. In addition, two special status plants are found in

localized areas: Monterey Spineflower which is a federally listed endangered species and Hooker's Manzanita which is listed as rare by the California Native Plant Society. The current status of the sensitive habitat on this parcel is that it is substantially degraded in some areas by invasion of non-native plants, trespass, and fire suppression. 'Eventhe more robust habitats are expected to degrade over time as natural succession takes place in the absence of grazing, fire: or other activities that periodically refresh a habitat that is in a natural setting.

The San Andreas Oak woodland is designated as a "Special Forest" in the General Plan and the Sensitive Habitat Protection Ordinance (County Code Chapter 16.32), and the entire parcel is mapped as Special Forest. **As** your Commission is aware, the General Plan Resources and Constraints maps for resources such as the Special Forest designation are not parcel specific in nature. Furthermore, the General Plan does allow for parcel specific overriding information based on a Biotic Report prepared by a qualified biologist. The General Plan specifies in Chapter 1, *"Individual reports prepared under the criteria [for Parcel Specific Overriding Information] do not change the overall maps, but may "override" the policies relating to the specific resources or constraint"*. Indeed, portions of the subject parcel either do not contain this habitat or have such severely degraded habitat as to have marginal value. This has been confirmed by a Biotic Report (Attachment 8 of Exhibit D), which has been reviewed and accepted by the Environmental Planning Section of the Planning Department.

The General Plan, however, also contains conflicting policies with respect to Special Forests, residential development density and land divisions. Specifically, General Plan Figure 1-7 "Special Land Division and Density Requirements for Special Forests sets forth the "Density Requirements (minimum average site area per residential unit)" as the "lowest density in the range allowable by the applicable General Plan designation for land outside mapped habitat area. Otherwise 1 unit per parcel". In accordance with this policy, the subject parcel has building sites outside of the habitat area, has 104 net developable acres and could therefore construct a five unit residential dwelling group using the lowest density of the General Plan (20 acres/unit). On the other hand, "Land Division Requirements" for Special Forests in Figure 1-7 states "no division of mapped special forest habitat". Thus, *it* appears that residential dwelling groups or organized camps are allowed at the lowest General Plan density, but land divisions are not.

General Plan policy 5.1.5(b) contradicts Figure 1-7 as it specifies land division and density requirements in special forests as follows: *"Prohibit land divisions within designated Special Forests unless the area to be divided is removed from the mapped special forests habitat area by General Plan-Local Coastal Plan amendment. On parcels with existing mapped special forest areas which contain developable land outside that habitat, allow development at the lowest density of the land use designation and require that development be clustered and located outside of the habitat areas."* Therefore, while Figure 2-2 indicates that no land divisions are allowed in Special Forest, it is staffs interpretation based on the specific Sensitive Habitat Protection General Plan policies that land divisions are allowed within mapped Special Forests in the case where either there is a General Plan Amendment based on biotic information that removes the parcel in question from this resource designation, or in the case where there is parcel specific overriding information that indicates that there is developable land outside of the habitat area, the land division must be developed at the lowest density of the land use designation. The latter policy is applicable to the subject parcel and proposed development. Moreover, the subject parcel's General Plan land use designation is Rural

Residential (R-R), and the lowest density is one dwelling unit per 20 net developable acres. The project proposes a density of one dwelling unit per 26 net developable acres. The proposal therefore complies with this part of the policy.

There is a second part to this policy that requires development be clustered and also located outside the habitat. On this property, these are mutually exclusive goals. The non-habitat areas are scattered along the ridgelines of this property and only one area is large enough to support more than one building site (lots 1 and 2). While the building sites are not within close proximity, they have been located to minimize disturbance of the sensitive habitats and the building and development envelopes have small sizes. In addition, the location and configuration of the residential lots is designed to maintain the integrity of the large (125 acre) conservation parcel. Through this design, the project meets the intent of clustering development, which is to minimize disturbance of the sensitive habitat and to avoid fragmentation of the habitat. Despite the apparent contradiction within the policy, the design of the project meets the intent of the policy, which is minimization of disturbance to the sensitive habitat and preservation of the maximum area of sensitive habitat, by placing the development envelopes in areas colonized with eucalyptus, which either lack habitat value or are significantly degraded.

General Plan policy 5.1.6 "Development within Sensitive Habitats" requires that "*Sensitive habitat shall be protected against any significant disruption or degradation of habitat values and any development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow reasonable use of the land.*" There **will** be some minor loss of habitat and individual Hooker's Manzanita plants associated with the proposed development envelopes. The total amount of sensitive habitat in the four development envelopes, that could potentially be affected, is less than 1.5 acres. The road improvements will affect another two to three acres of habitat, as well as the loss of 39 oak trees of various sizes. This road location, however, serves the existing approved building envelope for the subject parcel and would be constructed in the absence of a land division. A portion of the existing entry road and trails supports a few colonies of Monterey spineflower. The main road will be relocated uphill and east of the spineflower areas to avoid them. There is no indication that there will be any loss of spineflower as a result of the development as long as disturbance along roads and trails is managed so that enough disturbance continues to occur to maintain this plant's necessary habitat conditions.

In the past, the Planning Department has required that conservation or open space areas or parcels be set aside in developments such as this one to preserve sensitive habitat areas. What biologists have found is that over time, the value of these "preserved" habitat areas diminishes, due to fire suppression and/or invasion by exotic species. Indeed, the subject parcel is a case in point in that merely setting the habitat aside as undeveloped and undevelopable area will not stop the natural succession, which is taking place in the absence of grazing, fire, or other activities that refresh a habitat that is in a natural setting. Moreover, in areas such as this parcel where invasive plant species are replacing the sensitive plant species, the sensitive habitat will be lost over time. The San Andreas Oak woodland and Maritime Chaparral habitats must have active management, rather than pure preservation, in order for them to continue in good condition through time. Periodic clearing, trimming, or selective burning to prevent senescence and encourage regeneration is necessary for a

vital system. Given this understanding, a management plan has been prepared that will protect resources and also provide the resources with management through time. Specifically; the management plan for this project proposes establishment of a conservation parcel of approximately 125 acres. The parcel will be owned and managed by a qualified third party, such as a land trust. The plan includes a) measures to eradicate and control most of the invasive, non-native species that threaten the oak woodland, maritime chaparral and coastal scrub habitats, including eradication or thinning of 7.2 acres of eucalyptus, b) enhancement of 40 acres of woodland, scrub and chaparral by grazing, manual brush removal, and other methods that may prove successful during the proposed program of test plots and adaptive management, c) revegetation of 1.1 acres of dirt roads scattered across the property which will be converted to pedestrian paths and oak woodland chaparral, d) management of the spineflower population and Hooker's manzanita, and e) control of trespass, which is a significant degrading factor on the property at this time.

Planning staff and the County's Consulting Biologist have worked with the applicant and project biologist to refine the proposed habitat management plan. It is staff's assertion that the designation and management of the proposed 125-acre conservation parcel, which would be owned and managed for the benefit of the habitat by a qualified third party such as a land trust; will more than adequately mitigate for the habitat loss associated with the proposed development, and will reduce the impacts to the Special Forest and Maritime Chaparral habitats to a less than significant level. Given the fact that the sensitive habitat would continue to decline if left in its current status: on balance the habitat is benefited rather than degraded by the project. In summary, taken together, the design factors, proposed restrictions and the conservation parcel with an approved habitat management plan will fully meet the goals of the Santa Cruz General Plan policies and County Codes for the protection of this sensitive habitat.

A detailed analysis of the Sensitive Habitat Issues can be found in Section C "Biologic Resources" of the Initial Study (Exhibit D).

Conclusion

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

Staff Recommendation

- **APPROVAL** of Application Number **00-0804**, based on the attached findings and conditions.
- Certification of the mitigated Negative Declaration in accordance with 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

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SUBDIVISION FINDINGS

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

The proposed division of land meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the goals of the County General Plan and the Zoning Ordinance as set forth in the findings below.

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

The proposed division of land, its design, and its improvements, are consistent with the goals of the General Plan. The project creates four residential parcels and a conservation parcel and is located in the Rural Residential General Plan designation, which allows development consistent with the Rural Density Matrix and overriding General Plan policies.

Per County Code Section 13.14.060, the rural density matrix indicates that a maximum density of five building sites would be appropriate for this parcel. The required development density set forth by the rural density matrix and overriding policies is one dwelling unit per parcel containing a minimum of 20 net developable acres. The land division will create four residential parcels with 20 net developable acres and one conservation parcel with about 21 net developable acres and 125 total acres. The required development density shall be achieved through parcel averaging consistent with the 1994 General Plan Policy 2.2.3. The acreage of the conservation parcel that is attributable and encumbered by the four residential parcels are as follows: 15.26 acres for Parcel 1, 15.46 acres for Parcel 2, 16.07 acres for Parcel 3 and 17.48 acres for Parcel 4. The proposed average density meets the required density of 20 acres net developable area; which is consistent with the requirements of General Plan policy 2.5.1 for Special Use zoned parcels within the Rural Residential General Plan designation where the proposed access road will be a dead end road over 500 feet from the County maintained road and the subject parcel is located within a mapped "Special Forest". The proposed division of land is also consistent with General Plan Policy 2.2.3, which allows averaging of parcel sizes for rural land divisions in that the project is conditioned to include each parcel for future density calculations. This will ensure that the large conservation parcel is not further subdivided at a density greater than allowed under the original matrix, in violation of current County regulations.

The project is consistent with the General Plan in that access is provided using an access road and driveways that will meet the minimum rural road standards set forth in General Plan policy 6.5.1 of an 18 foot width where serving three or more parcels and a 12-foot width with turnouts every 500 feet for driveways serving two or fewer parcels. The proposed roads require a Roadway Exception from the Santa Cruz County Department of Public Works Design Criteria of 24 foot and 18 foot widths respectively in order to minimize disturbance to the sensitive habitat and minimize grading consistent with General Plan policies 5.1.7(e) and 6.3.9. Water, for domestic use and fire protection,

will be provided by individual wells and the undeveloped parcel has been determined to be suitable for individual septic systems.

The land division is consistent with the General Plan regarding **infill** development in that the proposed land division will be compatible with the existing low density and intensity of development in the surrounding area. Further, the proposed building envelopes are outside of the environmentally sensitive areas and are not in a hazardous area. The project protects natural resources by allowing development in an area appropriate for residential uses at the proposed density.

The proposal is consistent with the General Plan policies 5.10.2 and 5.10.11 protecting visual resources and views from Rural Scenic Roads (Highway 1) and General Plan policy 8.6.6 protecting ridge tops, in that residential development on Lot 1 is restricted to a height limit of 17 feet to minimize visibility and the other three building sites are screened from view by the existing topography and trees. In addition, all structures must utilize an earth tone coloration to blend in with the surrounding site to avoid visual impacts.

The proposal is consistent with the goal of General Plan Objective 5.1 “to maintain the biological diversity... identification and protection of plant habitat and wildlife corridors and habitats... resource compatible land uses... mitigations on projects and resource extraction to reduce impacts on plant and animal life.” Specifically, the land division proposes to place the four building sites outside of the sensitive habitat areas, minimizes the sizes of the residential parcels through parcel averaging and will preserve about 125 acres of sensitive habitat within a conservation parcel which will be managed for the long-term maintenance and improvement of the habitat.

The land division is consistent with General Plan policy 5.1.5(b) which specifies land division and density requirements in special forests as follows: *“Prohibit land divisions within designated Special Forests unless the area to be divided is removed from the mapped special forests habitat area by General Plan-Local Coastal Plan amendment. On parcels **with** existing mapped special forest areas which contain developable land outside that habitat, allow development at the lowest density ~~of~~ the land use designation and require that development be clustered and located outside ~~of~~ the habitat areas.”* The subject parcel is mapped within a Special Forest resource designation. The General Plan Resource and Constraint Maps are not parcel specific and the General Plan allows parcel specific information for evaluating an individual property, which **can** be used to override the policies relating to the specific resource and constraint without a General Plan Amendment. **A** Biotic Report prepared by professional biologist has been submitted for evaluating the special forest habitat on the subject parcel and has identified areas that do not contain this resource or that are severely degraded. This report has been reviewed by the County’s Consulting Biologist and accepted by the Planning Department as parcel specific overriding information identifying developable areas located outside of the San Andreas *Oak* woodland (special forest). In addition, the proposed density of the land division is less than the lowest density set forth for the Rural Residential land use designation.

Policy 5.1.5(b) requires that the development be clustered and located outside of the habitat areas. On this property, these are mutually exclusive goals. The non-habitat **areas** are scattered along the ridgelines of this property and only one area is large enough to support more than one building site (lots 1 and 2). While the building sites are not within close proximity, they have been located to

minimize disturbance of the sensitive habitats and the building and development envelopes have small sizes. In addition, the locations and configuration of the residential lots are designed to maintain the integrity of the large (125 acre) conservation parcel. Through this design, the project meets the intent of clustering development, which is to minimize disturbance of the sensitive habitat and to avoid fragmentation of the habitat. Despite the apparent contradiction within the policy, the design of the project meets the intent of the policy, which is minimization of disturbance to the sensitive habitat and preservation of the maximum area of sensitive habitat, by placing the development envelopes in areas colonized with eucalyptus, which either lack habitat value or are significantly degraded.

General Plan policies 5.1.6 and 5.1.7 requires that "Sensitive habitat shall be protected against any significant disruption or degradation of habitat values and any development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat through site design and use regulations. As discussed previously the building sites have been sited to minimize impacts to the sensitive habitat, development envelopes are delineated to specify location of development and declarations of restrictions recorded on the deeds of the new lots acknowledging the presence of the sensitive habitat and restricting activities such as keeping livestock, driving off road vehicles, limiting vegetation removal and planting invasive species. The existing access road route has been modified to avoid impacts to Monterey Spineflower (*Chorizanthe pungens* var. *pungens*), a federally listed endangered species. Finally, the project proposes to establish a conservation parcel of approximately 125 acres specifically for the preservation and management of the sensitive habitat. This parcel will be owned and managed by a qualified third party, such as a land trust. To this end a management plan has been prepared and accepted for this project that includes a) measures to control and eradicate most of the invasive, non-native species that threaten the oak woodland, maritime chaparral and coastal scrub habitats, including eradication or thinning of 7.2 acres of eucalyptus, b) enhancement of 40 acres of woodland, scrub and chaparral by grazing, manual brush removal, and other methods that may prove successful during the proposed program of test plots and adaptive management, c) revegetation of 1.1 acres of dirt roads scattered across the property which will be converted to pedestrian paths and oak woodland/chaparral, d) management of the spineflower population and Hooker's manzanita, and e) control of trespass, which is a significant degrading factor on the property at this time.

The project design in conjunction with the management and preservation of 125 acres of San Andreas Oak woodland and Maritime Chaparral habitats will more than adequately mitigate for the habitat loss associated with the proposed development, and will reduce the impacts to the Special Forest and Maritime Chaparral habitats to a less than significant level. Given the fact that the sensitive habitat would decline if left in its current status, on balance the habitat is benefited rather than degraded by the project. In summary, taken together, the design factors, proposed restrictions and the conservation parcel with an approved habitat management plan will fully meet the goals of the Santa Cruz General Plan policies and County Codes for the protection of this sensitive habitat.

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

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature on the small lots with a large conservation parcel serving as rural open space and habitat conservation. The residential lot sizes meet the minimum parcel size of 20 acres of net developable land, as determined by the rural density matrix, through parcel averaging. The site development standards applicable to the SU zone district with a Rural Residential General Plan designation are the Residential Agriculture (RA) zone district standards. The proposed parcels meet the minimum one acre lot size required for the RA zone district and meet the residential development standards for the required setbacks, frontage and width. Finally, a single family residence is a principal use in the Special Use zone district within the Rural Residential General Plan designation.

The proposed land division is consistent with the zoning ordinances implementing the General Plan policies discussed in Finding #2.

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

The site of the proposed division of land is physically suitable for the type and density of development in that there are no geotechnical or geological constraints, which would preclude the development of residential structures in the locations proposed. The proposed parcels offer an arrangement and shape to preserve a sensitive plant habitat and allow development without the need for site standard exceptions or variances. No environmental constraints exist that require the residential lots remain fully undeveloped, and the proposed building envelopes meet or exceed the required building setbacks to the property lines.

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

The proposed division of land and its improvements has been specifically designed to minimize any potential environmental damage, thus it will not substantially and avoidably injure fish or wildlife or their habitat. Two special status species are present in localized areas of this parcel: Monterey Spineflower (*Chorizanthe pungens* var. *pungens*), a federally listed endangered species which is also considered to be rare by California Department of Fish and Game (CDFG), and Hooker's Manzanita (*Arctostaphylos hookerii*) which is listed as rare by the California Native Plant Society (CNPS List 1B). The project received a mitigated Negative Declaration on April 27, 2005, pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines that determined that all environmental impacts have been reduced to a less than significant level.

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

The proposed land division or its improvements will not cause serious public health problems in that a shared well will serve the four proposed residential parcels, access is provided by a road that will

meet rural road standards and the proposed lots have been determined to be suitable for individual septic systems.

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

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property.

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

The design of the proposed land division provides, to the fullest extent possible, the ability to utilize passive and natural heating and cooling in that the resulting parcels are oriented in a manner *to* take advantage of solar opportunities. The proposed building envelope on the residential parcels will meet the minimum setbacks as required by the zone district for the property and County Code.

ROADWAY/ROADSIDE EXCEPTION FINDINGS

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

The site contains a sensitive plant species and habitat and the construction of a 24-foot wide access road and 18-foot wide driveways serving two or fewer lots would require the removal of a substantial number of coastal live *oak* trees within the San Andreas *Oak* woodland and would require loss of two or more additional acres of San Andreas *Oak* woodland and/or Maritime Chaparral habitats. The minimization of disturbance and development of the sensitive habitat is a **key** issue in the CEQA initial study prepared for this project. The reduced road widths of 18 feet for the access road serving three or more residential lots and of 12 feet with turnouts meeting the standards specified in the General Plan policy 6.5.1 for access standards and **fire** hazards will provide adequate access to the site.

2. THE REQUIRED IMPROVEMENTS WOULD ENCROACH ON PRIVATE PROPERTY IN WHICH NEITHER THE DEVELOPER NOR THE COUNTY HAVE AN INTEREST SUFFICIENT TO ALLOW THE IMPROVEMENTS TO BE CONSTRUCTED OR INSTALLED; THE DEVELOPER HAS ATTEMPTED IN GOOD FAITH, BUT BEEN UNABLE TO ACQUIRE SUCH AN INTEREST, AND THE COUNTY HAS NOT ACQUIRED SUCH AN INTEREST THROUGH ITS POWER OF EMINENT DOMAIN PURSUANT TO SECTIONS 14.01.513 OR 18.10.240 OR THE COUNTY CODE.

Not applicable

Conditions of Approval

Minor Land Division 00-OS04

Exhibit A: Tentative Map and Improvement Plans prepared by Bowman and Williams Consulting Civil Engineers
Sheets CO, C10 and C12, dated July 13, 2003
Sheets C2, C9 and C13-16 dated July 13, 2003 and last revised 10/20/04
Sheets C1, C3-C8 and C11 dated July 13, 2003 and last revised 7/15/05

Exhibit L: Habitat Management Plan – Final, prepared by Biotic Resources Group dated 7/12/05

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

- I. Prior to exercising any rights granted by this Approval, the 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; and
- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing **of** new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
 - A. The Parcel Map shall be in general conformance with the approved tentative map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, *or* affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than four (4) residential lots and one (1) conservation parcel.
 - C. The minimum lot size shall be an average of 20 acres, net developable land.
 - D. The following items shall be shown on the Parcel Map:
 1. The approved Building envelopes and Development envelopes, located according to the approved Tentative Map. Building envelopes shall not be placed on slopes of 30% or greater, based on surveyed topography. Building envelopes shall meet the minimum setbacks for the zone district of 40 feet for the front yard and 20 feet for the side and rear yards.

2. Net lot area shall be shown to the nearest hundredth acre
 3. Evidence of review and approval by the local fire agency.
 4. The following statement shall be placed on the Parcel Map for the 125-acre Conservation Parcel and shall be included in any deed conveying that parcel: "The Conservation Parcel contains acreage attributable to Lots 1, 2, 3 and 4 of Minor Land Division 00-0804 and contains acreage attributable to APN 049-561-02 and 03 for density calculations. The 20 net developable acres in the Conservation Parcel that are not encumbered by this and previous land divisions are dedicated for mitigation of this development. The Conservation Parcel cannot be further subdivided and is not a building site."
 5. The Final Map shall specifically designate that the Conservation Parcel is not a building site.
 6. The Final Map shall note that development as defined in County Code Section 16.32 (Sensitive Habitat Ordinance) including land clearing, tree removal: non-native landscaping or other disturbance is prohibited on the Lots 1-4 outside of the designated development envelopes.
 7. The Final Map shall show the limits of the conservation easements on Lots 1 and 2 in accordance with the final Habitat Management Plan.
 8. The Final Map shall indicate the groves of trees providing screening for Lots 1, 2 and 4 for the Highway 1 viewshed and that all trees over 20 inches in diameter shall be permanently preserved
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit or grading permit on the residential lots created by this land division:
1. Lots 1-4 shall obtain a permit from County Environmental Health for a new and/or shared well.
 2. Lots 1-4 shall obtain a permit from County Environmental Health for a new individual sewage disposal system.
 3. The final plans shall meet all requirements of the applicable Urban Wildland Intermix Code with 30 feet of clearance for defensible space. If the fire agency requires increased protection, the individual lots will be required to be developed with residences that meet the IR1 standard for ignition resistance set forth in the Urban Wildland Intermix Code and Chapter 5 of the Santa Cruz County Building Code and to provide increased water storage before additional vegetation is cleared for fire protection. Additional safety measures such as fire resistant exterior walls

may be required by the Fire agency based on the 30-foot defensible space and their **fire** hazard assessment, which will be completed when the building permit application is submitted. **A** copy of the Fire Clearance shall be submitted to the Project **Planner** prior to building permit approval.

4. A written statement must be submitted, signed by an authorized representative of the school district in which the project is located, confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.

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

- A. Pay a Negative Declaration filing fee of \$25 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- B. Submit a letter of certification from the Tax Collector's Office that there are no outstanding **tax** liabilities affecting the subject parcel(s).
- C. Submit a signed agreement between the property owner and the Land Trust of Santa Cruz County (or other qualified Third Party as determined by the Environmental Planning Section of the Planning Department) regarding the transfer of the Conservation Parcel upon recordation of the Final Map and responsibility for the physical and financial implementation of the Habitat Management Plan, and that these responsibilities shall be performed in perpetuity.
- D. Homeowners Association shall be formed for maintenance of all areas under common ownership including access roads, shared driveways, all associated drainage facilities, water lines and the shared well(s) and periodic assessment of funds to be used by the Land Trust of Santa Cruz County (or other third party owner of the Conservation Parcel) for implementation of the Habitat Management Plan. A copy of the CC&R's for the Homeowner's Association shall be submitted to the Planning Department for review and approval.
- E. Submit a final cost and financing plan for the Habitat Management Plan, which includes the assessment of individual lot owners, the description of assessments, management responsibilities, conservation easements. The language in these documents shall be reviewed and approved by the Planning Department. This language shall be recorded on the property deeds as part of the CC&Rs for the Homeowner's Association.
- F. Submit an estimate of the cost of the implementation of the initial tasks assigned to the developer in the Habitat Management Plan for review and approval. The **applicant/owner** and his successor(s) in interest, shall, from the date of signature hereof to the date of a Notice of Completion of all of the developer's habitat management responsibilities, obtain and maintain the following securities, in the form of Letters of Credit or Certificates of Deposit for "Faithful Performance", the amount of 100percent

of the cost of implementation, determined by the project's biologist and accepted by the Planning Director, to guarantee faithful completion of the work to the reasonable discretion of the Planning Director.

- G. Submit a report from a certified arborist for review and approval by Environmental Planning staff. The report shall evaluate the native trees that may be affected by road construction and improvements. The arborist shall specify methods to protect trees that are in proximity to disturbance but will not be removed, including the 55 *oak* trees for which there is disturbance within the dripline. All recommendations of the approved arborist's report shall become conditions of the permit,
- H. Submit and secure approval of engineered improvement plans from the Department of Public Works for all access roads serving two or more parcels, all drainage facilities associated with the roads, erosion control and grading plans, tree replacement, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and /or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements) per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
 - 1 All improvements shall meet the requirements of the County of Santa Cruz Department of Public Works Design Criteria Manual except as modified in these conditions of approval.
 - 2 The improvement plans shall note that a pre-construction meeting is required prior to commencement of any work with the following parties: grading contractor supervisor, Department of Public Works Grading Inspector, project biologist, project arborist, a representative from the Environmental Planning section of the Planning Department.
 - 3 The access roads serving three or more residential lots shall be a minimum of eighteen (18) feet wide to allow for two-way access. The access roads serving two or fewer residential lots shall be twelve (12) feet in width with 12-foot by 35-foot turnouts located at a minimum one for every 500 foot length.
 - 4. Final grading plans for road improvements and drainage systems shall be submitted, including calculations of total grading volume, areas of cut and fill, and plans for disposal of any excess fill.
 - a. Final grading plans shall state that grading is prohibited between October 15 through April 15 and any earthwork for improvements must begin prior to August 1
 - b. The access roads and driveways shall be outsloped where there is no outboard fill and where the adjacent slopes allow.

- c. **All** retaining walls associated with the road improvements shall be engineered and of concrete construction. Wood lagging retaining walls are prohibited.
 - d. The grading plans shall indicate all trees over 8 inches in diameter: which will be removed during the construction of the land division improvements.
 - e. The plan shall specify that tree protection fencing shall be placed around all trees in close proximity to the construction site and indicate which trees shall be protected in accordance with the recommendations of the project arborist.
 - f. The project arborist shall review and approve the grading and tree protection plan in writing for conformance with the report recommendations. Three copies of the soils engineer's letter shall be submitted with the Final Map. A copy of this letter shall be submitted with a copy of the plans to the Environmental Planning and Development Review Section of the Planning Department and to the Department of Public Works.
 - g. The final grading plans shall be reviewed and approved by the Environmental Planning Section of the Planning Department and the Department of Public Works.
5. A final erosion control and restoration plan shall be submitted for review and approval by the Environmental Planning Section of the Planning Department and the Department of Public Works. The final plans shall include measures to be implemented during construction and post construction erosion control and revegetation:
- a. The revegetation plan shall show the locations, sizes and species of all replacement trees. **All** native trees that removed for road and/or drainage improvements shall be replaced in accordance with the following formula: a ratio of 3:1 if 5 and 15 gallon size replacement trees will be used and a ratio **5:1** if acorns are used.
 - b. The seed mix for all temporary and/or permanent seeding and mulching shall be approved by the project biologist and shall be free of non-native, invasive species.
 - c. The temporary entrance to the work site shall be covered with rock for the first 50 feet to minimize tracking of soil from the site.
6. Engineered drainage plans shall be reviewed and approved by the Department of Public Works. The Department of Public Works shall review and approve the drainage calculations. The final drainage improvement plans shall meet the following:

- a. The final drainage plans shall emphasize dispersal methods of control to **preserve** groundwater recharge in the sandy soil areas. Storm water from all impervious surfaces shall remain on-site so as not to exceed pre-development levels. On-site detention methods shall be utilized only where percolation methods are not feasible.
 - b. The final drainage plans shall meet the requirements of the Department of Public **Works** Stormwater Management Section's requirements set forth in the drainage comments dated June 1, 2005.
 - c. The access roads and driveways shall be outsloped where there is no outboard fill and where the adjacent slopes allow.
 - d. The fabric lined rock basins and overflow pipes shall be spaced and sized to **serve** small drainage areas.
 - e. Emphasis shall **be** placed on the use of grass-lined swales to achieve maximum recharge of runoff wherever feasible.
 - f. The retention facilities shall be sized based on retention guidelines using a 15-minute pre-development time of concentration and a full analysis submitted.
7. The final grading, drainage, erosion and retaining wall plans shall be reviewed and approved in writing by the project soils engineer. The project soils engineer shall prepare a letter of plan review and approval referencing the dates and pages of the final improvement plans and stating that the grading and improvements conform to the recommendations of the accepted soils report. Three copies of the soils engineer's letter shall be submitted with the Final Map. A copy of this letter shall be submitted with a copy of the plans to the Environmental Planning and Development Review Section of the Planning Department and to the Department of Public Works.
 8. All new utilities shall be constructed underground. **All** facility relocations, upgrades or installations required for utilities service to the project shall be noted on the improvement plans. All preliminary engineering for such utility improvements is the responsibility of the developer.
 9. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
 10. All requirements of the California Department of Forestry Fire Protection District shall be met.

1. The property owner shall record Declarations of Restriction on each property deed for Parcels 1, 2, 3 and 4 that:
 1. On Lots 1, 2 and 4, the removal of any of the trees over 20 inches in diameter at breast height located between the building site and Highway 1 is prohibited, unless a licensed arborist demonstrates they are diseased, dead or dying and a Minor Variation to the Land Division permit is obtained.
 2. Prohibits the keeping of livestock on the residential parcels.
 3. Prohibits the planting of non-native plants that appear on the California Exotic Pest Council list of plants of greatest ecological concern in California.
 4. Specifies that trail building is prohibited and that the use of trails is governed by the Habitat Management Plan on the Conservation Parcel.
 5. Development, as defined in Chapter 16.32 of the County Code, is prohibited outside of the designated development envelopes.
 - J. Park dedication in-lieu fees shall be paid for four single-family dwelling units. As of July 12, 2005, these fees would be \$6,936 (which assumes three bedrooms per unit @ \$578 per bedroom), but these fees are subject to change.
 - K. Child Care Development fees shall be paid for four single-family dwelling units. On July 12, 2005, these fees would be \$1,308 (which assumes three bedrooms per unit @ \$109 per bedroom), but these fees are subject to change.
 - L. The "Small Project In-lieu Affordable Housing fee of \$20,000 shall be paid for the creation of the third and fourth residential parcels.
 - M. Submit one reproducible copy of the Parcel Map to the County Surveyor for distribution and assignment of temporary Assessor's Parcel Numbers and situs address.
- IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition III.G. The construction of the subdivision improvements shall also meet the following conditions:
- A. Prior to any land clearing, earthwork or other site disturbance or site work for the land division improvements, the applicant shall complete the following:
 1. Convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, Department of Public Works Grading Inspector, project biologist, project arborist, a representative from the Environmental Planning section of the Planning Department. All protection fencing shall be inspected at this time.

2. The project arborist shall clearly mark in the field all native trees that shall be removed during the course of construction. The protection fencing shall be placed around all trees with driplines within any areas of site disturbance. The placement and adequacy of this fencing shall be inspected by the project arborist. The arborist shall approve the marking and fencing in writing. A copy of this letter shall be submitted to the Department of Public Works, to the Planning Department's Environmental Planning Section and the Project Planner prior to commencing work.
 3. The project biologist shall supervise placement of temporary construction fencing demarcating the disturbance boundaries near all sensitive areas prior to the pre-construction meeting.
 4. The applicant shall submit documentation that a monitor approved by the Department of Fish and Game and/or the U.S. Fish and Wildlife Service (USFWS) for the Santa Cruz Long-Toed salamander will be onsite during ground clearing activity. If any Santa Cruz Long-Toed salamander individuals are found work shall cease and the monitor shall contact USFWS for guidance. This documentation shall be submitted prior to or at the pre-construction meeting. The site monitor shall submit a brief report to the Environmental Planning Section of the Planning Department and to the Department of Public Works Project Inspector.
 5. The applicant shall submit documentation that pre-construction surveys will be performed to identify raptor nests on the site. If nests are identified, no work shall take place within 200 feet until the young have fledged. The 200-foot zone shall be drawn on the improvement plans and fenced against incursion in the field. This documentation shall be submitted and all protective fencing installed prior to the pre-construction meeting.
- B. Earthwork, grubbing, land clearing and/or grading are prohibited between October 15 through April 15 and any earthwork for the proposed land division improvements must begin prior to August 1.
- C. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.
- D. The arborist shall provide services and inspection during earthwork of the trees and fencing as needed.
- E. Construction of improvements shall comply with the requirements of the geotechnical report (dated Sept. 2001 and Jan. 2002, Exhibit M), Biotic Report (Exhibit K) and Habitat Management Plan (Exhibit L).

- F. A minimum of 1.1 acres of the conservation lands shall be cleared of non-native species and revegetated and managed to enhance the *oak* woodland and maritime chaparral, as given in the Habitat Management Plan.
- V. All future development on the residential lots created by this land division shall comply with the requirements set forth in Condition II.E, above and the following conditions:
- A. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- B. No land disturbance shall *take* place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out other work specifically required by another of these conditions).
- C. No land clearing, grading or excavating shall take place between October 15 and April 15, and any earthwork for the individual lots must begin prior to August 1.
- D. Site grading for individual lot development shall be minimized.
- E. Prior to building permit approval the applicant shall submit color and material samples, building plans and shall record a Declaration of Restriction that indicates the following:
1. The exterior color(s) of all structures on Lots 1, 2 and 4 shall be non-reflective, earth toned, neutral hues that blend with the surrounding colors of the landscape.
 2. The maximum height of structures on Lot 1 is 17 feet maximum
 3. A Declaration of Restriction shall be recorded on the deed of Lot 4 that prohibits removal of trees outside of the development envelope between the structure and Highway 1.
- F. The applicant shall submit documentation that pre-construction surveys will be performed to identify raptor nests on the site. If nests are identified, no work shall take place within 200 feet until the young have fledged. The 200-foot zone shall be drawn on the improvement plans and fenced against incursion in the field.
- G. The applicant shall submit documentation that a monitor approved by the Department of Fish and Game and/or the U.S. Fish and Wildlife Service (USFWS) for the Santa Cruz Long-Toed salamander will be onsite during ground clearing activity. If any Santa Cruz Long-Toed salamander individuals are found work shall cease and the monitor shall contact USFWS for guidance. The site monitor shall submit a brief report to the Environmental Planning Section of the Planning Department.
- H. All future development on each residential lot shall retain and percolate all project related runoff (runoff from roofs paved areas, driveways, etc.) on site.

- I. 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 Department if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- J. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure.

VI. Operational Conditions

- A. The Conservation Parcel shall be held, maintained and managed in perpetuity for the enhancement and preservation of the San Andreas Oak woodland and Maritime Chaparral habitats in accordance with the Habitat Management Plan. This parcel shall not be developed and shall not be further subdivided.
 1. A minimum of forty acres of woodland and chaparral shall be enhanced during the first forty years of the management of the Conservation parcel.
 2. Monitoring reports shall be submitted to the Planning Department in accordance with the approved Habitat Management Plan.
- B. Trail building or the use of the existing trails that is inconsistent with Habitat Management Plan are prohibited on the Conservation Parcel.
- C. The residential parcels (Lots 1-4) shall be maintained and used in accordance with the following operational conditions:
 1. All activities defined as development in County Code Section 16.32 (Sensitive Habitat Ordinance) including land clearing, tree removal, non-native landscaping or other disturbance is prohibited on the residential parcels (Lots 1-4) outside of the designated development envelopes.
 2. The keeping of livestock on the residential parcels is prohibited
 3. The planting of non-native plants that appear on the California Exotic Pest Council list of plants of greatest ecological concern in California is prohibited

4. On Lots 1, 2 and 4, the removal of any of the trees over 20 inches in diameter at breast height located between the building site and Highway 1 is prohibited, unless a licensed arborist demonstrates they are diseased, dead or dying and a Minor Variation to the Land Division permit is obtained or the removal for the trees located.
 5. The exterior color(s) of all structures on Lots 1, 2 and 4 shall be non-reflective, earth toned, neutral hues that blend with the surrounding colors of the landscape.
 6. The maximum height of structures on Lot 1 is 17 feet maximum.
- D Modifications to any of the building and/or development envelopes will require a Biotic Report, CEQA Review and an Amendment of this Minor Land Division Permit.
- E. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions; up to and including permit revocation.
- VII. 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.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

VII. Mitigation Monitoring Program

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

A Mitigation Measure A: Conditions IV.A.1. to 5

Monitoring Program: Department of Public Works Staff will be responsible for convening the meeting prior to commencement of the minor land division's construction project. Public Works will be responsible for not allowing work to begin until all pre-construction requirements have been met. The Environmental Planning staff will be responsible for verifying that the surveys and reports have been submitted and that the correct areas and trees have been protected with temporary fencing.

B. Mitigation Measure B.1: Conditions II.B.

Monitoring Program: The applicant has submitted a letter of intent with the Land Trust of Santa Cruz County to acquire and manage the Conservation parcel. A signed agreement between the Land Trust or other third party must be submitted to and accepted by the Planning Department before the Final Map can be recorded. Failure to this agreement will result in no land division.

C. Mitigation Measure B.2: Conditions II.G.4.d.-f., II.G.5.a., and III.C-E.

Monitoring Program: The applicant has submitted a revised Habitat Management Plan

and financing plan that has been accepted by Environmental Planning staff. The applicant must submit a revegetation plan for the replacement trees consistent with this mitigation measure. The revegetation plan and the inspection of the replacement trees and the 1.1 acres of habitat restoration will be the responsibility of the Environmental Planning staff. If the applicant failure to complete the required tree replacement and restoration, then Planning staff will not authorize the release of the bonding funds for land division improvements and will not approve any building permit applications for the residential lots.

The applicant must submit CC&Rs for review and approval by the Planning Department that includes the ongoing funding mechanism for the management of the Conservation Parcel before the Final Map can be recorded. Failure to meet this requirement will result in no land division.

- D. Mitigation Measure B.3. Completed
- E. Mitigation Measure B.4. Condition III.E.

Monitoring Promam: The California Department of Forestry (CDF) has reviewed the project plans. **The** Project Planner is responsible for ensuring that the Fire Clearance obtained by the applicant from CDF is consistent with the conditions of approval limiting vegetation removal on the individual parcels. The project planner will not grant zoning approval of the building permit if the fire clearance is inconsistent with the limitations on land clearing to protect the sensitive habitat.

- F. Mitigation Measure B.5. Completed.
- G. Mitigation Measure B.6. Conditions II.G.4.d-f and IV.A

Monitoring Promam: The Planning Department will be responsible for ensuring that the arborist report is submitted and that Environmental Planning staff has reviewed and accepted the report prior to the recordation of the Final Map. Planning staff will also verify that the improvement plans specify the required pre-construction meeting before the Final Map can be recorded. Environmental Planning staff will be responsible for verifying that the required protection fencing has been properly placed during the pre-construction, meeting. If the applicant or the applicant's contractors fail to adhere to these restrictions the security bond funds will not be released and building permits approved until the necessary restoration, enhancement or other mitigations are met.

- H. Mitigation Measure B.7. Condition II.H., VI.A. and VI.C.

Monitoring Promam: Planning staff will review the Final Map and improvement plans to ensure that these deed restrictions are included. The Final Map cannot be recorded without Planning review and approval. In addition, Planning staff will **require** and verify that the deed restrictions have been recorded on each property deed before granting zoning approval of the building permits.

I. Mitigation Measure C. Condition V.H

Monitoring Program: The Drainage Section of the Department of Public Works will review and approve the building permit plans and is responsible for ensuring that the maximum percolation feasible is met in the drainage plans.

J. Mitigation Measure D. Condition 11.G.4.b. and 11.G.6

Monitoring Program: A revised tentative drainage improvement plan addressing these issues has been reviewed and conceptually accepted by the Drainage Section of the Department of Public Works. The Department of Public Works will review and if consistent with engineering standards for percolation and design will approve the final drainage improvement plans and is responsible for ensuring that the improvements are constructed according to the approved plans. Bonds for the improvements will not be released until all improvements are completed to the satisfaction of the Department of Public Works.

K. Mitigation Measure E. Condition 11.G.5. and 11.G.4.a

Monitoring Program: The Project Planner will be responsible for ensuring that the Environmental Planning Section reviews and approves the final erosion control plans and that all of the mitigations have been included in the plans. The Department of Public Works will be responsible for inspections and ensuring that the erosion control plan is properly implemented. Failure to meet standards may result in issuance of a stop work order or other correction notice. The required pre-construction meeting discussed previously in the mitigations will help ensure that the construction of the improvements are not started too late in the season and will allow the Environmental Planning Section of the Planning Department to track the project, if the improvements are started close to the August 1 deadline and inspect the site prior to October 15 to ensure all necessary erosion control measures are in place.

L. Mitigation Measure F. Conditions IV.A.4 and V.G

Monitoring Program: The Environmental Planning Section of the Planning Department will verify that these conditions have been met at or prior to the pre-construction meeting. If they are not met, Environmental Planning staff shall notify Public Works that the improvement construction cannot commence. Environmental Planning staff will also be responsible for ensuring that this condition has been met prior to approval of any building permit applications.

M. Mitigation Measure G. Conditions IV.A.5 and V.F.

Monitoring Program: Same as L. above

N. Mitigation Measure H. Conditions 11.H.1., and V.E

Monitoring Program: Planning staff will review the Final Map and improvement plans to ensure that these deed restrictions are included. The Final Map cannot be recorded without Planning review and approval. In addition, Planning staff will require and verify that the deed restrictions have been recorded on each property deed before granting zoning approval of the building permits. Finally, the Project Planner will check that the building permit application plans are consistent with the minor land division approval prior to approval and will verify that the coloration, landscaping and tree removal conditions have been met at a site inspection prior to the final of the building permit. The building permit will not be finalized unless the development conforms to the conditions of approval.

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

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

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Cathy Graves
Principal Planner

Cathleen Carr
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 Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa **Cruz** County Code.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(631)454-2580 FAX (831)454-2131 TDD (831)454-2123
TOM BURNS, PLANNING DIRECTOR

NOTICE OF ENVIRONMENTAL REVIEW PERIOD

SANTA CRUZ COUNTY

APPLICANT: Richard Beale Land Use Planning, for Holcomb Corporation

APPLICATION NO.: 00-0804

APN: 049-011-15 8 049-011-19

The Environmental Coordinator has reviewed the Initial Study for your application and made the following preliminary determination:

XX Negative Declaration

(Your project will not have a significant impact on the environment.)

XX Mitigations will be attached to the Negative Declaration.

_____ No mitigations will be attached.

_____ Environmental Impact Report

(Your project may have a significant effect on the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Paia Levine, Environmental Coordinator at **(831) 454-3178**, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: **April 20, 2005**

Cathleen Carr
Staff Planner

Phone: 454-3225

Date: March 15, 2005

NAME: Richard Beale for Holcomb Corporation
APPLICATION: 00-0804
A.P.N: 049-561-04

NEGATIVE DECLARATION MITIGATIONS

- A. In order to ensure that the mitigation measures B - H (below) are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, project biologist, project arborist, Santa Cruz County grading inspector and /or other Environmental Planning staff. The temporary construction fencing demarcating the disturbance boundary near sensitive areas and tree protection fencing will be inspected at that time. Pre-construction wildlife survey results will also be collected.
- B. In order to mitigate loss of oak woodland and maritime chaparral habitats, including loss of approximately 18 individual Hooker's manzanita and up to approximately 65 individual oak trees of all sizes, the majority of which are less than 14 inches in diameter, and in order to comply with General Plan policies and County Codes pertaining to protection of sensitive habitat, the following shall occur:
1. The applicant shall submit a tentative map that establishes a conservation parcel of approximately 125 acres, to be managed for the benefit of the sensitive habitat according to the prescriptions given in an approved habitat management plan. Prior to public hearing, the applicant shall identify the qualified third party which will become the owner of the conservation parcel and which will be responsible for the implementation of the approved Habitat Management Plan.
 2. Prior to public hearing, the applicant shall prepare a revised habitat management plan, which will be based upon "Habitat Management Plan, East Bel Mar Property, Aptos, California", Biotic Resources Group, October 11, 2004, for review and approval by County staff. The revised plan shall state how the property will be managed in perpetuity for the enhancement of San Andreas Live Oak Woodland, Northern Maritime Chaparral, and special status species *Chorizanthe pungens* var. *pungens* and *Arctostaphylos hookerii*. Native tree replacement shall be added to the plan at a ratio of 3:1 if 5 or 15 gallon trees are used and 5:1 if acorns are used. The plan shall provide for non native invasive plant removal and management, revegetation of 1.1 acres of oak woodland and maritime chaparral, monitoring and enhancement of special status species populations, management of conservation easements over portions of lots 1 and 2, and a minimum of forty acres of woodland and chaparral to be enhanced during the first forty years of the plan. The plan shall have an adaptive management component to allow for flexibility in the methods of management in order to meet the management goals.

The plan shall also include realistic estimates of costs for each activity prescribed in the plan and a proposed system for financing the activities in perpetuity. Certain initial costs shall be the responsibility of the developer with future costs to be paid by individual lot owners. The system shall provide for periodic

assessment of individual lot owners in order to create a fund that is used by the third party to implement the Habitat Management Plan. Description of the assessments, management responsibilities, conservation easements, and restrictions shall be recorded on the deeds of the individual lots simultaneously with the recording of the Tentative Map that creates the lots. Prior to recordation the County shall approve the language in these documents.

- 3 Prior to public hearing, the applicant shall revise the tentative map to include notes that no development, as defined in the Sensitive Habitat Ordinance County Code chapter 16.32, shall occur outside the designated development envelopes, and that areas within conservation easements on Lots 1 and 2 shall be managed as part of the conservation parcel and in accordance with a recorded Declaration of Restriction.
- 4 To increase fire protection and to minimize clearing of vegetation, prior to public hearing, applicant shall:
 - a) Provide a letter to Planning staff from California Department of Forestry (CDF) indicating that CDF has reviewed the tentative map and that the proposed road widths of 18 and 12 feet, and turnouts and turnarounds as shown on the plans (Hiland Engineers dated July 15, 2003) comply with minimum access requirements.
 - b) Add notes to the map indicating that increased water supply and Class 1 ignition resistant construction shall be provided to increase fire protection before consideration is given to increasing the vegetation clearance zone around structures. The vegetation clearance zone shall not be extended in order to reduce other fire protection requirements.
- 5 The proposed septic system on Lot 4 is within oak woodland. Prior to public hearing, the project biologist, in consultation with the project consulting sanitarian and Environmental Planning staff, shall determine whether there is an alternative septic area on Lot 4 where less impact will occur in sensitive habitat. If there is such an alternative area the proposed septic system shall be relocated and the development envelope adjusted accordingly.
- 6 In order to minimize loss of native trees, prior to recordation of the tentative map the applicant shall provide a report from a certified arborist for review and approval by Environmental Planning staff. The report shall evaluate the native trees that may be affected by road construction and improvements. The arborist shall specify methods to protect trees that are in proximity to disturbance but that will not be removed, including the 55 oak trees for which there is disturbance within the dripline. Prior to any **land** disturbance fencing shall be erected to protect the trees from inadvertent damage. The arborist shall provide services and inspection during earthwork and inspection of fencing as needed.
- 7 Simultaneous with the recording of the map that creates the lots, a Declaration of Restriction pursuant to the Sensitive Habitat Protection Ordinance shall be recorded on each lot that specifies that keeping of livestock, use of off road vehicles, planting of non native plants that appear on the California Exotic Pest Plant Council (CalEPCC) list of plants of greatest ecological concern in California,

trail building, and use of trails except as given in Habitat Management Plan, are prohibited, and that development is prohibited outside of the designated development envelope.

- C. In order to prevent loss of water that currently is available to recharge aquifer(s), future development on each of the new lots shall be contingent on the retention and percolation of all project related runoff (runoff from roofs, paved areas, driveways, etc).
- D. In order to prevent erosion, preserve groundwater recharge and to limit disturbance within sensitive habitat, prior to recording of the map the applicant shall revise the proposed drainage plan to emphasize dispersal methods of control rather than collection and concentration methods. Roads shall be outsloped where there is no outboard fill and slope allows. Fabric lined rock basins and overflow pipes shall be spaced and sized to serve small drainage areas and can be simplified in design. Maximum recharge shall be accomplished by emphasizing grass lined swales.
- E. In order to prevent erosion of the sandy soils, prior to recording the Final Map:
 - 1. The applicant shall submit a detailed erosion control plan for review and approval by Environmental Planning staff. The plan shall include a clearing and grading schedule, clearly marked disturbance envelope, revegetation specifications, temporary surfacing and construction entry stabilization, details of temporary drainage control. Seed mix shall be approved by the project biologist and shall be free of non native invasive species.
 - 2. Grading on each of the approved building envelopes shall be minimized. No winter grading will be permitted between October 15 and April 15. Earthwork must begin prior to August 1 of any year in order to ensure adequate time for completion of grading by October 15.
- F. To mitigate any impact on individual Santa Cruz Long Toed salamanders (SCLT), prior to start of work for land division improvements and again prior to building permit approval for individual lots, the applicant shall submit documentation that a monitor approved by the DFG and/or U.S. Fish and Wildlife Service (USFWS) will be onsite during ground clearing activity. If SCLT individuals are found work will cease and the monitor shall contact USFWS for guidance.
- G. To mitigate any impact on breeding raptors during construction, prior to start of work for land division improvements and again prior to building permit approval for individual lots, the applicant shall submit documentation that pre-construction surveys will be performed to identify nests. If nests are identified no work shall take place within 200 feet until young have been fledged. The 200 foot zone shall be drawn on the improvement plans and fenced against incursion in the field.
- H. To mitigate potential impacts to views from Highway 1, a designated scenic corridor, prior to recording of the map the applicant shall:
 - 1. Revise the Tentative Map to indicate the groves of eucalyptus that provide screening to Lots 1 and 4. A note shall be added to the tentative map and to the appropriate figures in the Biotic Management Plan indicating that these trees are

to be preserved for scenic resource protection.

2. Prior to building permit approval the applicant shall submit color and material samples, building plans, and a recorded Declaration of Restriction that indicate the following:
 - a. The exterior color(s) of structures on Lots 1,2 and 4 shall be non reflective, earth toned, neutral hues that blend with the surrounding colors of the landscape.
 - b. Maximum height of structures on Lot 1 is seventeen feet.
 - ~~c. Maximum height of structures on Lot 4 is twenty five feet.~~
 - d. A Declaration of Restriction shall be recorded on the deed of Lot 4 that prohibits removal of trees outside of the development envelope between the structure and Highway 1