



Staff Report to the Zoning Administrator

Application Number: **181120**

Applicant: Ken Hart, Swift Consulting Services
Owner: Robert and Andrea Mansfield
APN: 062-211-10

Agenda Date: August 3, 2018
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to construct a 1,176 square-foot barn/garage with a 420 square-foot covered area adjacent to an existing 970 square foot barn, for use with an existing single-family dwelling, and to grade approximately 160 cubic yards of material, on a property located in the SU-O zone district. Requires an Amendment to Coastal Development Permit 10-0177, a Residential Development Permit for a detached non-habitable accessory structure of over 1,000 square feet in size, and Preliminary Grading Review. In addition, a determination that the project is exempt from further environmental review under the California Environmental Quality Act (CEQA).

Location: Property located at the southern end of Moore Ranch Road (100 Moore Ranch Road) at the intersection with Lupin Lane.

Supervisory District: 3rd District (District Supervisor: Ryan Coonerty)

Permits Required: Coastal Development Permit, Residential Development Permit, Preliminary Grading review

Technical Reviews: None

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 181120, based on the attached findings and conditions.

Exhibits

- | | |
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| A. Categorical Exemption (CEQA determination) | E. Staff Report to the Open Space Programs Committee and Open Space Easement (OSE) materials |
| B. Findings | F. Assessor's, Location, Zoning and General Plan Maps |
| C. Conditions | G. Comments & Correspondence |
| D. Project plans | |
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Parcel Information

Parcel Size: Approximately 47 acres
Existing Land Use - Parcel: Residential (dwelling under construction)
Existing Land Use - Surrounding: Residential parcels to the south and west, Parcels zoned for timber production to the north and east, one developed with a dwelling.
Project Access: Moore Ranch Road from Smith Grade Road
Planning Area: Bonny Doon
Land Use Designation: R-M (Mountain Residential)
Zone District: SU-O (Special Use with an Open Space Easement Combining District)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: No geologic constraints at the building site, see the combined geologic and soils report review REV10-0177-1
Soils: No constraints at the building site, see the combined geologic and soils report review REV10-0177-1
Fire Hazard: Not a mapped constraint at the building site
Slopes: The building site is roughly level
Env. Sen. Habitat: No physical evidence on site, see Biotic Report REV10-0177-2
Grading: Minor grading (approximately 160 cubic yards)
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource. Building site is in a former quarry and surrounded on all sides by higher ground/mature vegetation
Drainage: Existing drainage adequate
Archeology: No physical evidence at building site, see Archaeologic Report REV10-0177-3

Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside
Water Supply: Private well
Sewage Disposal: Septic system
Fire District: Santa Cruz County Fire Protection District
Drainage District: Not in a drainage district

History

From the late 1800s to about 1917 the subject property was quarried for tar sands. The quarry operation ceased in the early 20th century. As a result of quarry operations the site contains several unpaved access roads along with flat-bottomed quarry floors bordered by steep mudstone cliffs and also numerous talus (debris) piles.

In 1978 an application was made to construct a single-family dwelling with a detached barn and to operate a winery on the property. The application (78-217-U) was approved but the permit was never exercised, and the entitlement lapsed. In 1980 the property owner entered into an Open Space Easement (OSE) contract (Exhibit F), which remains in effect. The OSE contract includes a provision allowing “one single-family dwelling with accessory appurtenant structures” and “light agricultural use” on the parcel. Additionally, the contract stipulates that no use is allowed (other than the uses specified) that will materially alter the landscape or other attractive scenic and open space features of the property. The Open Space Easement is discussed in more detail in a separate section of this staff report.

In May 2010 an application (10-1077) was submitted to construct a large two-story single-family dwelling with a non-habitable basement, seven non-habitable outbuildings and a swimming pool on the parcel, and for a significant amount of grading. During the Environmental Review of this project numerous negative comments and significant concerns were received from residents of the Bonny Doon Planning Area, as well as from the Santa Cruz City Water Department. Eventually, in response to ongoing concerns over the project, the applicant elected to drastically revise the scope of the development, reducing the size and height of the dwelling and eliminating all but one of the accessory structures, as well as relocating the dwelling to reduce its potential visual impact. In addition, the basement was reduced in size and the swimming pool was eliminated, thereby reducing the required earthwork. On December 20, 2013, the revised project was approved by the Zoning Administrator and subsequently Building Permits B-153271 and B-164576 were issued for the construction of a 4,664 square foot dwelling and Building Permit B-153272 was issued for a 970 square foot barn.

The current application for an Amendment to Coastal Development Permit 10-0177 and a Residential Development Permit, for the construction of a second accessory structure on the parcel was submitted on May 16, 2018. A Residential Development Permit is required for a detached non-habitable accessory structure located outside the Urban Services Line, that exceeds 1,000 square feet in size.

Project Setting

The property is located in the community of Bonny Doon, and within the Coastal Zone. Bonny Doon is a loosely defined rural community that lies between Empire Grade to the northeast and the Pacific Ocean to the southwest, from San Vicente Creek on the northwest to the Santa Cruz City border on the east. The larger Bonny Doon area is characterized by rural dwellings and estates set within a landscape that includes redwood forests on the inland slopes, coastal chaparral on hillsides close to the ocean, Zayante Sandhills habitat at higher elevations in the northeast, and a range of agricultural uses from arable crops, mostly on the coastal terraces, as well as vineyards and horse pastures.

The subject parcel is located on an unnamed right of way that is accessed from Moore Ranch Road in the Bonny Doon Planning Area. The site is approximately 47 acres in area and is located along the crest and eastern flank of a south to southwest trending ridge. The ridge is characterized by broad gently sloping ridge crests and terraces flanked by moderately to steeply sloping natural, quarried and talus slopes.

As a result of the historic quarrying activities on the site, the landscape has been substantially altered

from its native configuration. Over-steepened mudstone cliffs, flat-bottom quarry floors and numerous small to very large talus (debris) piles have been left throughout the property and the parcel also contains a system of roads that access various areas of the former quarry. One of these former quarry roads provides access to the existing dwelling that is located on a small knoll in the western portion of the parcel, and the existing barn located roughly in the center of the parcel within a flat-bottomed former quarry.

The topography of the site ranges from essentially flat at the proposed building site, to slopes in excess of 1:1. During the review of 10-0177 the consulting engineering geologist for the project established designated building envelopes that avoided the potential instability and geologic hazards associated with steep slopes and quarried materials. The proposed barn/garage is located immediately adjacent to the existing barn, within one of the designated building envelopes.

The project site is vegetated chiefly with Fir, Redwood, Oak and Madrone trees, with sparse underbrush. Although the parcel is mapped as containing Zayante Sandhills habitat, a site assessment that was performed in conjunction with application 10-0177 found that the proposed development area did not support any of the special status species associated with the Santa Cruz Sandhills, nor is there appropriate habitat for them due to the fine texture of the soil. The proposed development site was also found to be inadequate to support habitat for the Mount Hermon June Beetle due to the high silt and clay content of the soils. There are no streams or other wetland areas in the vicinity of the project site.

The site is mapped as potentially containing archaeological resources. However, according to the Archaeological Reconnaissance performed for the site with Coastal Development Permit 10-0177, there is no evidence of cultural resources on the property. The property is not mapped as containing any historic resources and no structures or artifacts on the site are designated as historic on any federal or state inventory. However, during the review of the previous permit, a Review of Historic Resource Potential of the parcel was performed because of concerns expressed by local residents that there may be artifacts on the site related to the former quarrying operations. The consulting historian determined that the ancillary quarrying landforms and isolated artifacts on the site do not constitute elements that would be considered historic resources. It has therefore been shown that there are no archaeological or historical resources on the parcel.

Parcels to the north and west are zoned for Timber Production (TP) and are heavily wooded with steep slopes. Properties to the west and south are zoned Residential Agriculture (RA) and Special Use (SU). The majority of the surrounding properties are developed with single-family dwellings at low, rural densities, and associated residential and agricultural accessory structures.

The current application proposes a 1,176 square foot barn/garage with a 420 square foot covered area to be constructed immediately adjacent to the existing barn and approximately 420 feet northeast of the existing home on the parcel. The structure would be within one of the designated building envelopes identified by the project geologist during review of Coastal Development Permit 10-0177 and would be constructed close to the existing driveway on a roughly level site within a former quarry. The site is not visible from the surrounding area as it is surrounded on all sides by higher ground and/or existing mature woodland, and no trees or other vegetation would be required to be removed. The proposed project will not impact any special status habitat, plant or animal.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 47 acres, located in the SU-O (Special Use - Open Space Combining District) zone district, a designation which allows residential uses. The proposed barn/garage is a principal permitted use within the zone district and the zoning is consistent with the site's R-M (Mountain Residential) General Plan designation. The Open Space Combining District is consistent with the Open space Easement (OSE) that was approved by the Board of Supervisors in 1981. The proposed development is consistent with the restrictions articulated in the OSE contract, which are discussed in greater detail elsewhere in this report. The proposed barn/ garage exceeds 1,000 square feet in size and therefore requires the approval of a Residential Development Permit.

Local Coastal Program Consistency

The proposed barn/garage is in conformance with the County's certified Local Coastal Program, in that the proposed non-habitable accessory structure is a principal permitted use in the SU zone district. The proposed structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings and residential or agricultural outbuildings of various configurations and sizes. The size and architectural styles of structures in the area vary widely, and the design submitted is consistent with the existing range of styles. The proposed development would not be visible from any county-maintained roads and will be invisible from surrounding properties. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Visual Resources

The subject property does not contain any mapped scenic resources, as designated in the County General Plan (1994). The site is approximately half a mile south-southeast of Smith Grade, the nearest mapped scenic resource and is approximately 2.2 miles from State Highway One, also a mapped scenic resource. However, distance, site topography and dense vegetation serve to completely screen the proposed building site in views from the scenic roads.

The proposed barn/garage has been designed to blend into the natural environment, in that the structure will be constructed within a former quarry, where it will be almost entirely surrounded by higher ground and completely encircled by dense mature vegetation. All of the existing trees surrounding the building site will be maintained for natural screening and as a result, the proposed barn/garage will be invisible from surrounding properties. The proposed exterior colors and materials include natural, locally quarried stone, wood shingles and a matte copper roof to match the existing barn and dwelling on the parcel and to further ensure that the proposed structure will not have any impact on the visual resources in the area. The proposed structure is not subject to Design Review as set out in the County Design Review Ordinance.

Open Space Easement

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

In 1980, a previous property owner submitted an application to enter the subject parcel into an Open Space Easement (OSE) contract with the County of Santa Cruz. At the time of the application, the property was unimproved land with a two-acre vineyard. The stated intention of the property owners at that time was to maintain light agriculture, with a plan for a future single-family home and appurtenant accessory structures. The Board of Supervisors approved the contract (80-1062-OSE) in February 1981 (Exhibit F). the contract states that “no buildings or structures as defined in the Santa Cruz County zoning Ordinance will be placed or erected upon the[subject] property, nor shall utility poles or lines be located on or pass through said property.” The contract then provides for “Exceptions” which consist of “one single-family dwelling with accessory appurtenant structures; light agricultural use.” No structural size or location restrictions are included in the language of the contract.

Additional restrictions listed in the contract require all future structures to be adequately screened with the landscaping, building location, exterior finishing materials and colors to be in general harmony with the character of the area. Planting is limited to “normal farming” on areas that have been farmed in the past as well as the planting of native California vegetation, normal landscaping and screening of home sites and farming area. A site plan submitted with 80-1062-OSE shows the location of a two-acre vineyard, a proposed future home site as well as locations for a future corral and stable. The location of the existing home on the parcel is virtually the same location as the proposed future home shown on the 1980 approved site plan and the existing barn and proposed barn garage have been located and designed in accordance with the provisions of the OSE in that the building location, exterior finishing materials and colors are in harmony with the character of the area. No landscaping is required as no existing vegetation is proposed to be removed and the surrounding topography and existing mature vegetation adequately screen the proposed building site from all public and private viewpoints outside the subject parcel.

Another provision of the contract requires all new construction to be reviewed by the Open Space Programs Committee (OSPC). The permit review procedures for properties encumbered by an Open Space Easement are set out in an Administrative Practice Guideline prepared by the Planning Director (Exhibit F). An OSPC consists of the following County staff positions, or their designees:

- Santa Cruz County Assessor
- Santa Cruz County Agricultural Commissioner
- Santa Cruz County Parks and Recreation Director
- Santa Cruz County Planning Deputy Director

A staff report was prepared for the OSPC as well as a copy of the Open Space Easement Contract and a copy of the current project plans. These materials (Exhibit F), together with a copy of the Administrative Practice Guideline, were circulated to all members of the OSPC on June 19, 2018,

with a request for comments to be submitted by July 6, 2018.

No members of the OSPC expressed any concerns about the proposed construction of a barn/garage on the subject parcel, as shown on the project plans, and were in agreement with the Planning Department's recommendation to approve the project as submitted. The OSPC therefore agreed that the proposed construction is allowed by the exceptions under the Easement for this property and that the location of the proposed barn/garage immediately adjacent to the existing approved barn/workshop on the parcel is consistent with all of the terms and conditions of the Easement contract.

Environmental Review

As proposed, the project qualifies for an exemption under the California Environmental Quality Act (CEQA). The proposed dwelling is consistent with CEQA Guidelines section 15303, "New Construction or Conversion of Small Structures" in that the proposed residential accessory structure will be constructed on an existing legal lot of record, located within a residential zone district and is a principally permitted use. In addition, none of the conditions described in Section 15300.2 apply to this project.

Conclusion

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

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 181120, based on the attached findings and conditions.

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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CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 181120

Assessor Parcel Number: 062-211-10

Project Location: 100 Moore Ranch Road

Project Description: Construct a 1,176 square foot barn/garage with an attached 420 square foot covered storage area with approximately 160 cubic yards of associated earthwork.

Person or Agency Proposing Project: Ken Hart, Swift Consulting Services

Contact Phone Number: (831) 459 9992 X 102

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

Specify type: Class 3 - New Construction or Conversion of Small Structures (section 15303)

F. Reasons why the project is exempt:

Construction of an allowed accessory structure in a residential zone in a location that is away from natural resources and/or constraints.

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

Lezanne Jeffs, Project Planner

Date: _____

EXHIBIT A

Coastal Development Permit Findings

- 1. That the project is a use allowed in one of the basic zone districts, listed in section 13.10.170(D) as consistent with the General Plan and Local Coastal Program LUP designation.**

This finding can be made, in that the property is zoned SU-O (Special Use with an Open Space Easement Combining District), a designation that implements all General Plan and Local Coastal Program LUP designations, except Agricultural Resource Lands. The proposed residential accessory structure (barn/garage) is a principal permitted use within the zone district, which is the functional equivalent of the RA (Residential Agricultural) zone district. The zoning is consistent with the site's R-M (Mountain Residential) General Plan designation. The parcel is not designated Agricultural Resource Land.

The Open Space Overlay Designation indicates that the property is restricted by an Open Space Contract. Section one of the Open Space Contract governing the subject parcel contains "exceptions" that allow for the construction of "one single-family dwelling with accessory appurtenant structures; light agricultural use." The proposed construction was reviewed by the Open Space Programs Committee (OSPC) and found to be consistent with the limitations enumerated in the Open Space Contract and the purpose of the Open Space Easement. The OSPC voted unanimously to recommend approval of the proposed project. See finding 2. below for additional discussion of the Open Space Easement.

- 2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.**

This finding can be made in that, while an Open Space Easement exists on the subject parcel, the proposed development complies with the restrictions contained in the Open Space Easement contract approved for the lot. Specifically, the contract allows the construction of "accessory appurtenant structures" Additional restrictions listed in the contract require all future structures to be adequately screened with the landscaping, building location, exterior finishing materials and colors to be in general harmony with the character of the area. Planting is limited to "normal farming" on areas that have been farmed in the past as well as the planting of native California vegetation, normal landscaping and screening of home sites and farming area. The project is conditioned to comply with all the provisions of the Open Space Easement contract, including restrictions on land clearing, tree removal and on any additional development beyond the existing structures and current proposal.

The Board of Supervisors approved the contract (80-1062-OSE) in February 1981. The contract states that "no buildings or structures as defined in the Santa Cruz County zoning Ordinance will be placed or erected upon the[subject] property, nor shall utility poles or lines be located on or pass through said property." The contract then provides for "Exceptions" which consist of "one single-family dwelling with accessory appurtenant structures; light agricultural use." No structural size or location restrictions are included in the language of the contract.

The proposed barn/garage has been located and designed in accordance with the provisions of the OSE in that the structure will be constructed within a former quarry, where it will be almost entirely surrounded by higher ground and completely encircled by dense mature vegetation. All of the

existing trees surrounding the building site will be maintained for natural screening. The proposed exterior colors and materials will include natural, locally quarried stone, wood shingles and a matte copper roof to match existing structures on the parcel and to further ensure that the proposed structure will not have any impact on the visual resources in the area. No landscaping is proposed as the surrounding topography and existing mature vegetation adequately screen the proposed building site from all public and private viewpoints outside the subject parcel. Therefore the proposed development is entirely consistent with the location and use reviewed and approved by the Board of supervisors in conjunction with Open Space Easement 80-1062-OSE.

As stated in Finding 1. above, the proposed construction was reviewed by the Open Space Programs Committee (OSPC), in accordance with the provisions of the contract. The OSPC consists of representatives of the Santa Cruz County Assessor's Office, the Santa Cruz County Agricultural Commissioner, the Santa Cruz County Parks and Recreation Director and the Santa Cruz County Planning Deputy Director. The OSPC reviewed the governing documents and found the proposed project to be consistent with the limitations enumerated in the Open Space Contract and the Purpose of the Open Space Easement, subject to the conditions of approval adopted for the parcel under Coastal Development Permit 10-0177, including, maintaining existing vegetative screening, undergrounding of utilities and the use of natural colors and materials on the exterior of the structure. The OSPC voted unanimously to recommend approval of the project as conditioned.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to Section 13.20.130 and Section 13.20.140 et seq.

This finding can be made in that the development is consistent with the surrounding neighborhood in terms of architectural style. The site is surrounded by lots developed with single-family dwellings and appurtenant residential and agricultural outbuildings and the proposed barn/garage is consistent with the surrounding properties. As proposed the colors and materials will be natural in appearance and complimentary to the site so as to ensure that the project will blend into the natural environment, and the development site is not on a prominent ridge, beach, or bluff top. The proposed development is not visible from Smith Grade, a scenic road, or from any other public viewshed and will also not be visible in views from surrounding private properties. No existing vegetation is proposed to be removed and, except for minor grading at the project site to provide a level building site and driveway access, no alteration to the existing natural or quarried landforms will occur. The proposed building site is located in an area of historic disturbance related to the former tar sands quarrying operation on the parcel and takes access from an existing driveway that has been developed along a former quarry access road.

The proposed barn/garage will be almost entirely surrounded by higher ground and completely encircled by dense mature vegetation. All of the existing trees surrounding the building site will be maintained for natural screening. The proposed exterior colors and materials will include natural, locally quarried stone, wood shingles and a matte copper roof to match existing structures on the parcel and to further ensure that the proposed structure will not have any impact on the visual resources in the area. No landscaping is proposed as the surrounding topography and existing mature vegetation adequately screen the proposed building site from all public and private viewpoints outside the subject parcel.

The property is not located in the Bonny doon Special Scenic Area.

4. **That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between the nearest through public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.**

This finding can be made, in that the project site is located more than two miles from the coast. Consequently, the barn/garage will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. **That the proposed development is in conformity with the certified local coastal program.**

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the SU-O (Special Use - Open Space Combining District) zone district, as well as the General Plan and Local Coastal Program Mountain Residential (R-M) land use designation. Developed parcels in the area contain single family dwellings and appurtenant outbuildings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing structures on the parcel and the range of styles in the neighborhood.

A review of the surrounding properties in the vicinity of the project site shows that the proposal is not out of scale with development in the Bony Doon area. Many parcels in the area are developed with single-family dwellings and there are multiple accessory structures located on these neighboring properties as well. Therefore the proposed development does not represent a significant impact on the existing patterns of development in the surrounding neighborhood.

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. In accordance with the engineering geology and geotechnical reports prepared for the property under previous application 10-0177, the building site will be within an area that is free from geologic hazards associated with slope instability or cracking. The building site has also been reviewed and approved by the Environmental Planning section.

The proposed barn/garage will not deprive adjacent properties of light, air, or open space in that the structure exceeds all required setbacks, which ensure access to these amenities, by several hundred feet.

Additionally, the topography of the site, surrounding higher ground and vegetative screening will minimize any potential impact of the building on nearby properties and development. The closest residence is more than 680 feet from the proposed barn/garage location, and due to surrounding higher ground and dense mature vegetation, the structure will not be visible from this home. The existing natural screening is required to be maintained in perpetuity.

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

This finding can be made, in that the proposed location of the barn/garage and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the SU-O (Special Use - Open Space Combining District) zone district as the primary use of the property will be one single-family dwelling with two accessory structures and where the proposed barn/garage will meet all current site standards for the zone district. Additionally, the Open Space Easement contract that governs the site allows the construction of 'accessory appurtenant structures' in association with a single-family home. The building site is proposed to be in an existing disturbed area within a former tar sands quarry where it will be adjacent to an existing barn. Extensive undisturbed open space will remain on the site.

Additionally, the project is consistent with the Open Space Combining District designation of the parcel. The Open Space Programs Committee reviewed the governing documents and found the proposed project to be consistent with the limitations enumerated in the Open Space Contract and the Purpose of the Open Space Easement. The OSPC voted unanimously to recommend approval of the project, subject to the conditions of approval adopted for the parcel under Coastal Development Permit 10-0177, including, maintaining existing vegetative screening, undergrounding of utilities and the use of natural colors and materials on the exterior of the structure.

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

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the R-M (Mountain Residential) land use designation in the County General Plan.

The proposed barn/garage will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the barn/garage will not adversely shade adjacent properties, and will exceed current setbacks for the zone district that ensure access to light, air and open space in the neighborhood.

The proposed barn/garage will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed barn/garage will comply with the site standards for the SU-O zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the proposed barn/garage is to be constructed on an existing developed lot. No additional traffic will be generated by the proposed barn/garage and therefore the project will not adversely impact existing roads or intersections in the surrounding area.

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

This finding can be made, in that the proposed non-habitable accessory structure will be located more than 680 feet from the nearest home on an adjacent parcel. In addition, the barn/garage has been designed to minimize any impact on the natural environment through the use of natural materials and colors, location on an existing disturbed site that will be accessed by an existing driveway. The building site is surrounded by higher ground and existing mature vegetation that will completely screen the proposed structure in views from outside the parcel.

The proposed barn is located in a mixed neighborhood containing a variety of existing dwellings and accessory buildings that have a wide range of architectural styles, and the proposed structure is therefore consistent with the land use intensity and density of the surrounding rural neighborhood.

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

This finding can be made, in that the proposed barn/garage is not subject to Design Review. The barn/garage will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit D: Project plans, 6 sheets: 3 sheets prepared by Clark Schultes Residential Design (not dated), and 3 sheets prepared by Steelhead Engineering, dated 4/27/18.

- I. This permit authorizes the construction of a 1,176 square foot barn/garage with a 420 square foot covered storage area, and 160 cubic yards of associated earthwork as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 2. Colors and materials for the barn shall include natural quarried stone, timber siding and a copper roof, to match the colors and materials of the existing barn. One elevation shall indicate the location of all materials and colors as they were approved by this Discretionary Application.
 3. A lighting plan to show compliance with the following:
 1. All exterior lighting shall be directed away from the exterior of the parcel and shall use programmed timers.

2. Light sources must be shielded by landscaping, fixture design or other physical means.
 3. Light sources shall include the use of low-rise, international Dark-Sky Association certified lighting fixtures and minimal exterior lighting. Exterior lighting shall be high-pressure sodium vapor, metal halide, fluorescent or equivalent energy-efficient fixtures.
 4. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
 5. Final grading, drainage, and erosion control plans.
- B. Meet all requirements of the County Department of Public Works, Stormwater Management.
 - C. Meet all requirements of the Environmental Planning section of the Planning Department.
 - D. Meet all requirements and pay any applicable plan check fee of the County Fire Protection District.
 - E. The cutting of timber, trees and other natural growth is prohibited unless required for fire prevention, thinning or elimination of diseased growth and similar protective measures. Vegetation removal for such protective purposes shall require prior evaluation and written recommendation from the appropriate fire agency and/or certified arborist.
 - F. Landscaping which utilizes trees and/or shrubs over eight (8) feet in height shall be limited to native species.
 - G. All new onsite electrical power and, if applicable, other utilities shall be installed underground.
 - H. Complete and record a Declaration of Restriction to construct a 1,176 square foot barn/garage with a 420 square foot covered storage area. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All construction operations shall be carried out in accordance with the conditions of approval of Permit 10-0177 and procedures as discussed at the pre-construction meeting for that project.

- B. All site improvements shown on the final approved Building Permit plans shall be installed.
- C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

IV. Operational Conditions

- A. All structures on the parcel shall be maintained in conformance with the Open space Easement contract:
 - 1. No land clearing to bare soil shall be permitted on the site beyond the disturbance associated with the proposed development
 - 2. Future construction of additional structures on the parcel, or conversion of any non-habitable structure to a habitable structure, shall require approval of an Amendment to Coastal Development Permit 10-0177, as Amended by this Permit, subject to a public hearing.
- B. No commercial boarding will be allowed on this site.
- C. The exterior colors and materials of the proposed barn/garage and other existing structures on the parcel shall be maintained using natural colors and natural materials which blend and harmonize with the surroundings.
- D. All areas outside the two designated building locations (house site and accessory buildings site) shall remain undisturbed. The owner shall maintain the existing forests, woodlands, grasslands and other natural communities on the property.
- E. As required by the conditions of approval of 10-0177, all development is prohibited within the 100-foot riparian corridor associated with the seasonal wetland on the site.
- F. 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.

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

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

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Application #: 181120
APN: 062-211-10
Owner: Robert and Andrea Mansfield

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Jocelyn Drake
Deputy Zoning Administrator

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

EXHIBIT D

AREA CALCS FOR LOT COVERAGE

AREA CALCS FOR LOT COVERAGE

VICINITY MAP

CONSTRUCTION SHALL CONFORM TO:
 2018 CALIFORNIA BUILDING CODE (CBC)
 2016 CALIFORNIA FIRE CODE (FCF)
 2016 CALIFORNIA ELECTRIC CODE (CEC)
 2018 CALIFORNIA PLUMBING CODE (CPC)
 2018 CALIFORNIA MECHANICAL CODE (CMC)
 2018 CALIFORNIA ENERGY CODE
 2018 CALIFORNIA RESIDENTIAL CODE
 2018 CALIFORNIA FIRE MARSHAL CODE

APPLICABLE BUILDING CODES

CONSTRUCTION OF A 1576-ITEM FOOT MANAGERIAL

PROJECT DESCRIPTION

A1	TITLE SHEET
C1	OVERALL SITE PLAN
A2.1	FLOORPLAN AND SECTION
A2.2	ELEVATIONS
C2	GRAZING AND DRAINAGE
C3	GRADING SECTIONS

DRAWING INDEX

CLARKE SHULTES
RESIDENTIAL DESIGN
307 Main Street
Seattle, WA 98101
p: 206 461 4208 f: 206 461 4208
shultes@clarke-shultes.com

[illegible]

DAMIANNO DRY	A069-48282015	DAMIANNO BAY			

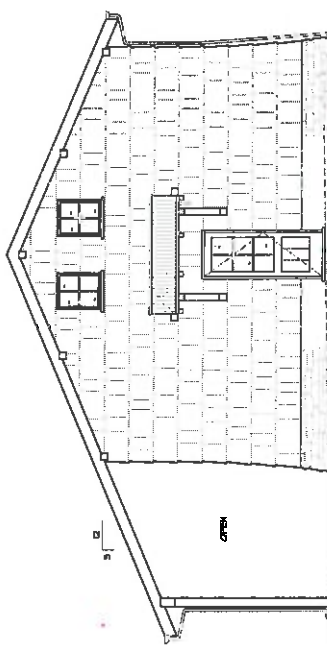
MANSFIELD GARAGE BARN
MOORE RANCH RD, EDWAT DOWL, CA 95010
APR 08/21/19
TITLE SHEET

A1

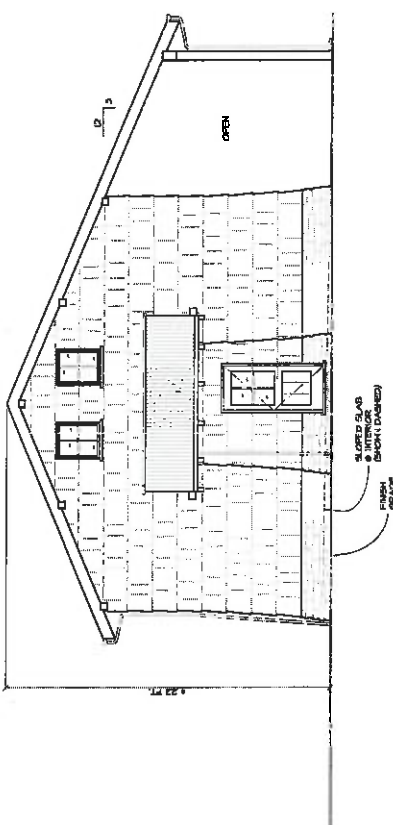
REVISIONS	DATE	BY	DESCRIPTION
1			
2			
3			
4			

DRAWING BY: JAS	DATE: 08/20/14
PROJECT: MANSFIELD GARAGE BARN	
SHEET: 1 OF 1	

MANSFIELD GARAGE BARN
ELEVATIONS
MOORE (ARCH) 100, KERRY BOOK, CA 95040
JAN 08/27/14



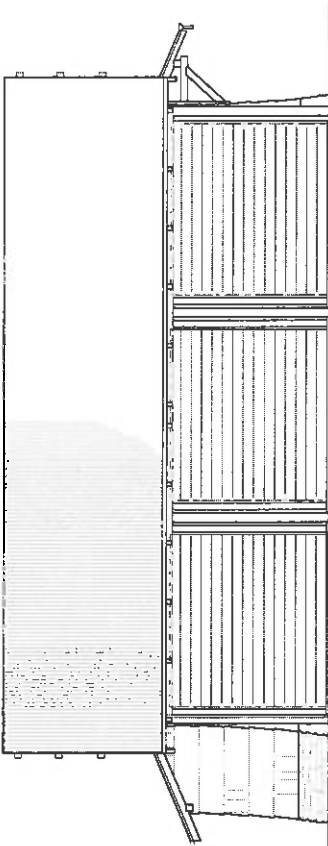
4 NORTH ELEVATION
SCALE 1/4" = 1'-0"



1 SOUTH ELEVATION
SCALE 1/4" = 1'-0"



3 WEST ELEVATION
SCALE 1/4" = 1'-0"



2 EAST ELEVATION
SCALE 1/4" = 1'-0"

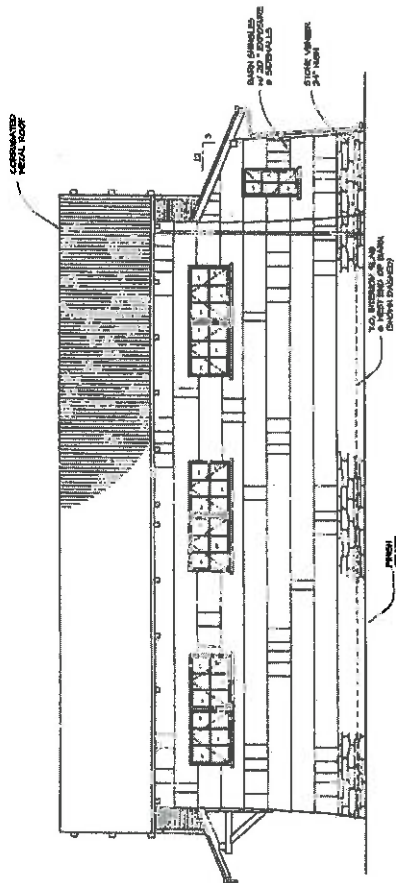
ELEVATIONS



4 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



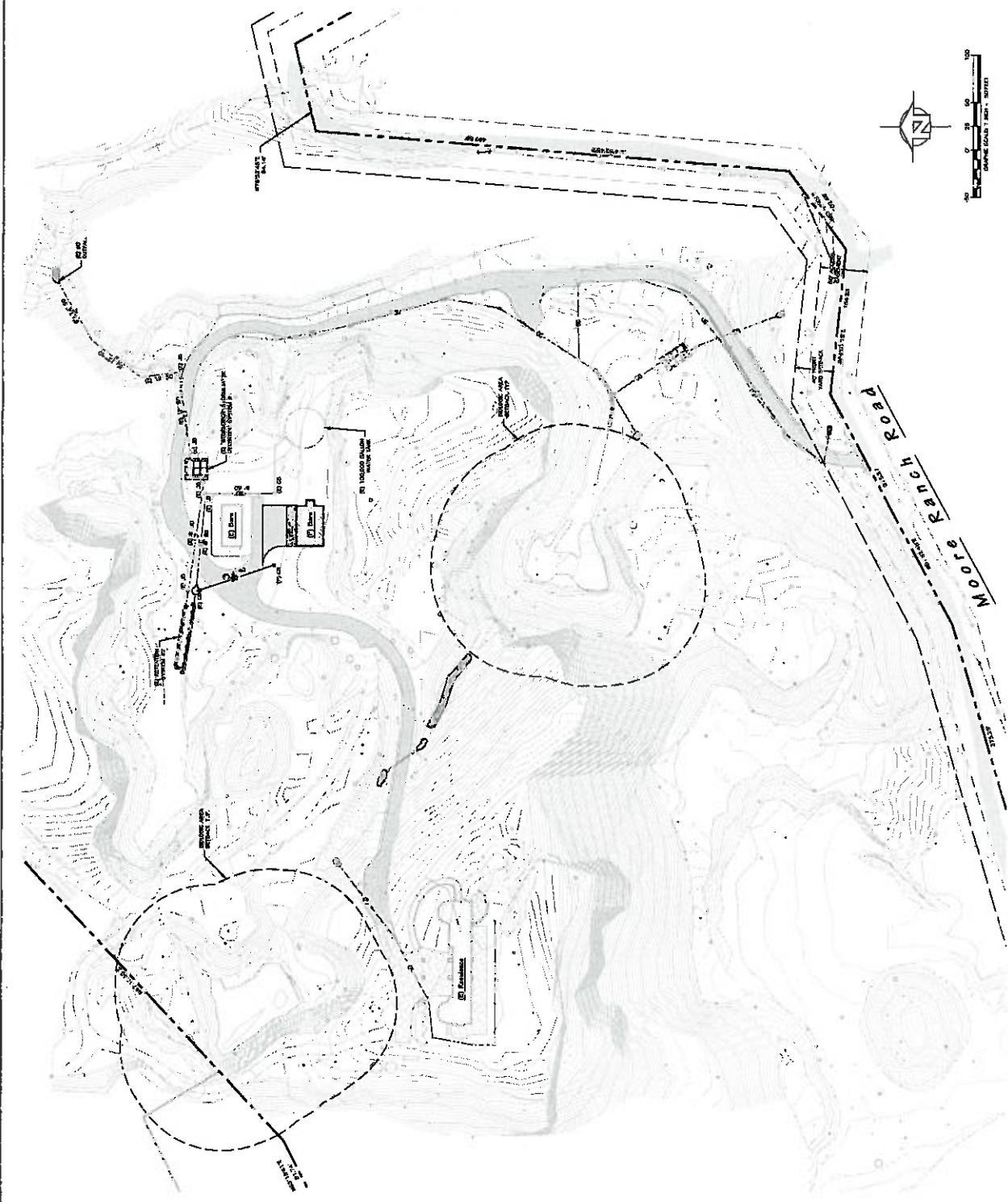
	DJ GILBERT	NATHAN COLE	JC SANCHEZ



Steelhead Engineering
 1095 Moore Ranch Road
 Berry Glen, CA
 APN# 062-211-10
 R.C.E. 88028
 P.O. Box 1300 Freedom, CA 95019 (931) 236-0077

Mansfield Garage Barn

REV	REVISION	DATE	DRAWN	R.C.	DESIGN	R.C.	SHEET
1	CURRENT REVIEW	4/27/18					C1
2							
3							
4							
5							



Overall Site Plan

EXHIBIT D



REV	REVISION	DATE	DRAWN	R.C.	DESIGN	R.C.	SHEET	C2
1	CLIENT REVIEW	4/27/10						
2								
3								
4								
5								

GRADING NOTES

- [illegible]

CONSTRUCTION NOTES

- [illegible]

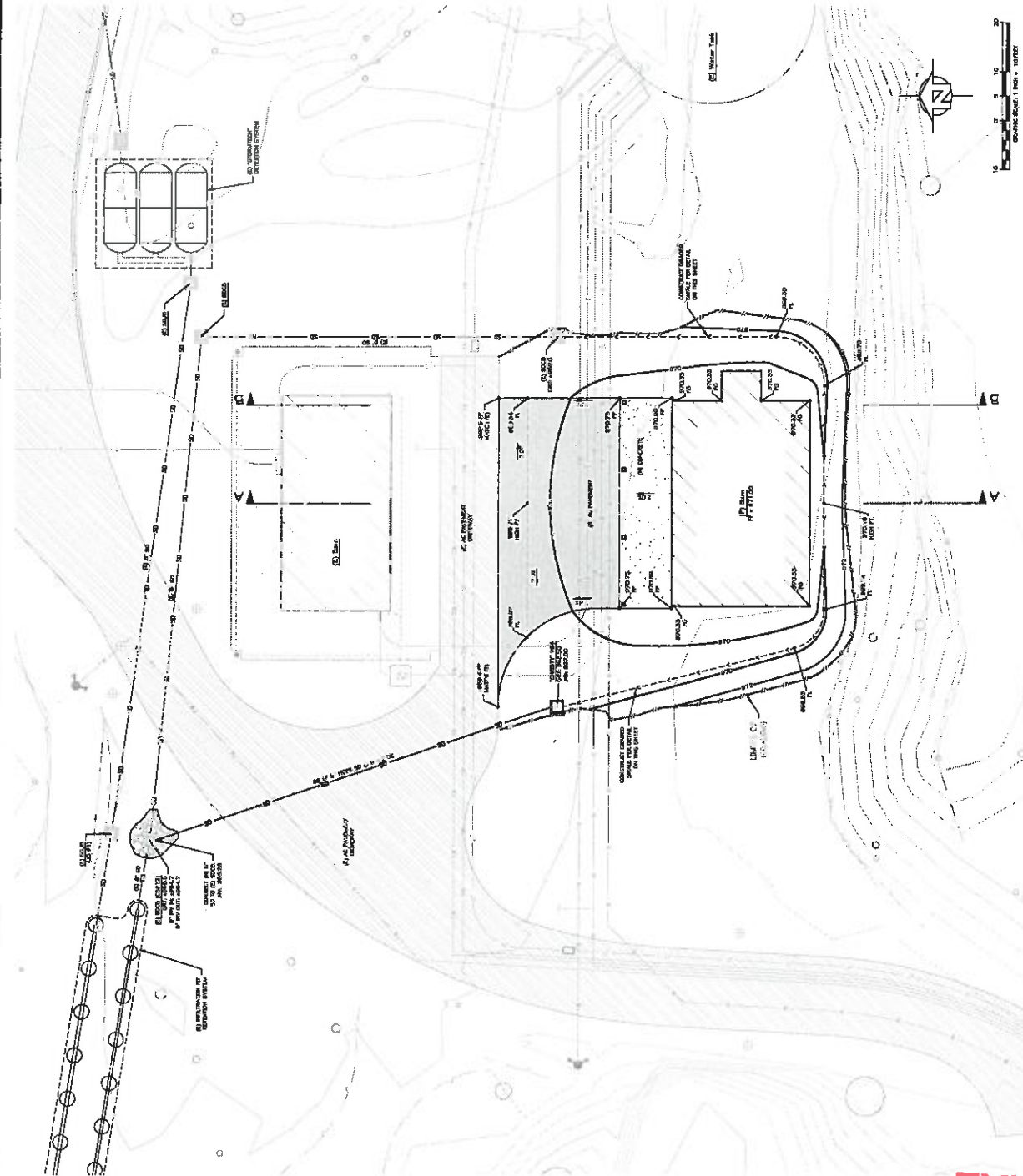
ESTIMATED GRADING QUANTITIES

DESCRIPTION	CUT	FILL	NET
BURN & DRIVEWAY	150 CY	20 CY	140 CY CUT

CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING ACTUAL EARTH QUANTITIES TO HIS SATISFACTION. OUR
AND ALL QUANTITIES SHOWN ARE APPROXIMATE AND FOR ESTIMATING PURPOSES ONLY. NO FACTORS WERE
USED IN CURVE/TERMINATIONS.



Graded Swale



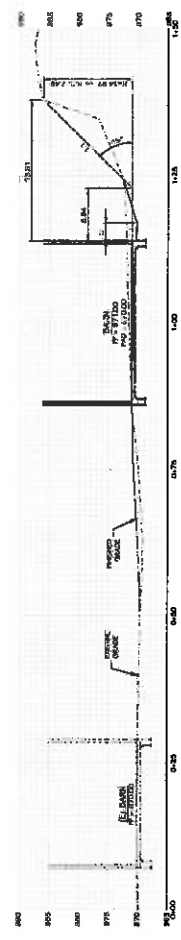
Grading & Drainage Plan



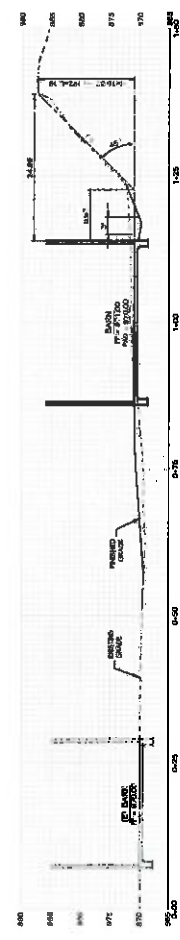
Steelhead Engineering
 R.C.E. 55028
 1095 Moore Ranch Road
 Bonny Doon, CA
 ATN# 082-211-10
 P.O. Box 1300 Freedom, CA 95018 (931) 236-0077

Mansfield Garage Barn

REV	REVISION	DATE
1	CLIENT REVIEW	4/27/18
2		
3		
4		
5		
DRAWN		
DESIGN		
RC		
SHEET		
C3		



Section A-A
 SCALE: 1" = 10' H
 1" = 10' V



Section B-B
 SCALE: 1" = 10' H
 1" = 10' V

MEMORANDUM

Date: June 19, 2018

To: Sean Saldivia, Santa Cruz County Assessor
Juan Hidalgo, Santa Cruz County Agricultural Commissioner
Jeff Gaffney, Santa Cruz County Parks and Recreation Director
Wanda Williams, Santa Cruz County Planning Deputy Director

From: Lezanne Jeffs, Senior Planner

Re: Open Space Programs Committee Review of a proposed 1,176 square foot barn/garage
on APN 062-211-10

On May 16, 2018, an application was submitted for a Coastal and Residential Development Permit (181120) to allow for the construction of a 1,176 square foot, one-story barn/garage at 100 Moore Ranch Road in Bonny Doon (APN 062-221-10).

This property is subject to an Open Space Easement that was approved by the Board of Supervisors on February 10, 1981, and subsequently recorded at Book 3295, Page 653 of Official Santa Cruz County Records (Attachment 1). The Open Space Easement ("Easement") contains a provision requiring that "All new construction shall be reviewed by the Open Space Programs Committee with right of appeal to the Planning Commission."

As set out in the Santa Cruz County Planning Department Administrative Practice Guideline – Permit Review Procedures for New Construction on Properties Subject to Open Space Easement (Attachment 2) the Open Space Programs Committee (OSPC) consists of the following County staff positions, or their designees from their offices:

Santa Cruz County Assessor
Santa Cruz County Agricultural Commissioner
Santa Cruz County Parks and Recreation Director
Santa Cruz County Planning Deputy Director

The OSPC does not serve as an advisory body directly to the Board of Supervisors, but provides a recommendation for consideration of the decision-making body that will be taking action on an application for a discretionary development permit for new construction on a parcel subject to an open space easement. This item will be scheduled for review by the Zoning Administrator.

In your capacity as a member of the OSPC, please review the attached plans depicting the proposed barn/garage (Attachment 3.). Also attached is a report to the OSPC, that provides additional details about the proposed structure and site (Attachment 4). Once you have reviewed the proposed project, please provide comments to me by Friday July 6, 2018.

If you would like to meet and visit the property before that date, or if you have any questions about this project, please contact me by e-mail at Lezanne.Jeffs@santacruzcounty.us . Alternatively you can call me at (831) 454 2480. To let you know in advance, I will be out of the office June 25 - June 28, returning Friday June 29.

Lezanne

Lezanne Jeffs
Senior Planner
Development Review
Planning Department

Attachments

1. Open Space Easement recorded at Book 3295, Page 653 of Official Santa Cruz County Records together with the application and approved site map approved by the Board of Supervisors February 10, 1981
2. Administrative Practice Guideline – Permit Review Procedures for New Construction on Properties Subject to Open Space Easement
3. Project plans submitted with application 181120 for a Coastal and Residential Development Permit
4. Staff report to the Open Space Programs Committee



Staff Analysis and Recommendation Open Space Programs Committee Review

Application Number: 181120

APN: 062-211-10

Applicant: Ken Hart, Swift Consulting Services

Owner: Robert & Andrea Mansfield

Site Address: 100 Moore Ranch Road

Project Description and Location

The proposed project is for the construction of a 1,176 square foot barn/garage with a 420 square foot covered area, adjacent to an existing barn and on-site with a single-family dwelling that is currently under construction. The project also includes approximately 160 cubic yards of earthwork. The property is located on the southeast side of Moore Ranch Road (100 Moore Ranch Road) approximately 4,200 feet from the intersection with Smith Grade.

Setting and History

The subject property is located on Moore Ranch Road in the Bonny Doon Planning Area. The site is approximately 45 acres in area and is located along the crest and eastern flank of a south to southwest trending ridge. The ridge is characterized by broad gently sloping ridge crests and terraces flanked by moderately to steeply sloping natural, quarried and talus slopes.

From the late 1800s to about 1917 the property was quarried for tar sands and, as a result, the landscape is profoundly altered from its native configuration. Over-steepened mudstone cliffs, flat-bottom quarry floors and numerous small to very large talus (debris) piles been left throughout the property by the quarry operation. The property contains a system of existing roads that access various areas of the former quarry. The proposed barn/garage would be accessed from Moore Ranch Road via an existing driveway, that has been developed along one of these former quarry roads and that provides access to the existing barn and the dwelling. The site of the proposed barn/garage is within a flat-bottomed former quarry that is surrounded on all sides by higher ground and also by existing mature trees.

The property is subject to an Open Space Easement ('Easement') which was approved by the County Board of Supervisors on February 10, 1981. The purpose of the Easement is to conserve the public benefit, the natural scenic beauty and existing openness of the property. Section 1 of the Easement provides that no building or structures will be placed or erected on the Property, with the exception of "one single-family dwelling with accessory appurtenant structures: light agricultural use." Additionally, the Contract stipulated that no use is allowed, other than the uses specified, that will materially alter the landscape or other attractive scenic open space features of the property.

The Easement Application that was reviewed and approved by the Board of Supervisors included a site plan, which depicted the location of a future home and other natural features of the site. This plan did not specify any limitations on the location of the allowed accessory structures.

The parcel is currently developed with an approximately 4,000 square foot, two-story single-family dwelling that is currently under construction, and a 970 square foot barn/workshop, both approved by Coastal and Residential Development Permit 10-0177 on December 20, 2013. The house is being built on a small knoll in the southwestern portion of the property in virtually the same location as the dwelling shown on the approved Open Space Easement site plan, and the barn/workshop is located within a lower lying former quarry site that is approximately 420 feet northeast of the home, in an area that is surrounded on all sides by higher ground and/or existing mature woodland.

On October 24, 2013, as required by the Easement, the project was reviewed by the Open Space Programs Committee. The primary concerns consisted of restricting vegetation removal, reviewing final colors and materials for the dwelling and requiring new utilities to be placed underground and this resulted in conditions of approval that were included into the subsequent approval of Coastal and Residential Development Permit 10-0177. These conditions were as follows:

1. The cutting of timber, trees and other natural growth is prohibited unless required for fire prevention, thinning, or elimination of diseased growth and similar protective measures. Vegetation removal for such purposes shall require prior evaluation and written recommendation from the appropriate fire agency and/or certified arborist.
2. Landscaping which utilizes trees and/or shrubs over eight (8) feet in height shall be limited to native species.
3. All new utilities shall run underground along the access road
4. Any vegetation removal along southern and/or western slopes shall be revegetated with native replacement species, subject to review and approval by Environmental Planning staff.
5. The dwelling exterior shall utilize natural materials and colors, such as brown and forest green, which match the surrounding environment. All proposed colors and materials for the exterior of the dwelling shall be submitted to Planning staff for review and approval prior to building permit issuance.

The existing structures that were constructed under issued building permits B-153271 and B-153272 comply with these conditions and all other adopted conditions of approval of Coastal and Residential Development Permit 10-0177.

Current Proposal

The current proposal is to construct a non-habitable barn/garage of 1,176 square feet, for the storage of residential vehicles, that would be adjacent to the existing 970 square foot barn/workshop on the parcel.

Consistency with the Purpose of the Open Space Easement

As stated, the Easement expressly authorizes the property owner to construct “one single-family dwelling with appurtenant accessory structures” and “light agricultural use”. This is an explicit exception to the general prohibition against the construction of buildings, structure, utility poles or lines on the parcel, as set out in section 1 of the document. The Easement further requires, in section 2, that all structures be compatible with the intent of the contract, enumerating specific concerns, which include location of the building site, screening and landscaping, exterior finishing materials and colors, and general harmony with the character of the area.

The site of the proposed barn/garage, which is within a former quarry, is almost entirely surrounded by higher ground and is completely encircled by dense mature vegetation. All existing trees surrounding the building site will be maintained for natural screening and as a result, the proposed barn/garage will be invisible from surrounding properties. The one-story building, which will be adjacent to the existing 970 square foot barn, has been designed to echo the existing structure in both form and exterior materials. These include natural wood shingle siding, locally quarried stone and a matte, corrugated copper roof which blend with the colors of the natural environment.

Although the proposed barn/garage is located on roughly level ground within the former quarry, a small amount of grading is proposed (approximately 160 cubic yards). This is consistent with section 5 of the Easement, which provides the property owner with the right to modify the general topography and natural vegetation for the purposes of “... normal excavation for farming and building ...”. The proposed building site is already disturbed due to use of the area for the staging of construction materials and therefore the proposed earthwork will create only minimal disturbance to the surrounding natural environment.

Properties in the area include single-family dwellings and several of the surrounding parcels have multiple accessory structures. The construction of a second accessory building on the parcel is in general harmony with the character of the area and is therefore consistent with the criteria set out in section 2 of the Easement.

All proposed utilities to the structure (electricity) will be installed underground. The proposal includes minimal outdoor lighting and will be conditioned to require low-rise lights and shielded light fixtures that must be compliant with and certified by the International Dark-Sky Association (IDA). Therefore, as proposed, the barn/garage would comply with section 2 of the Easement all previous requirements of the Open Space Programs Committee and the conditions of approval of Coastal and Residential Development Permit 10-0177.

Conclusion

The proposed construction is allowed by the exceptions under the Easement for this property. The location of the proposed barn/garage immediately adjacent to the existing approved barn/workshop on the parcel is consistent with all of the terms and conditions of the Easement contract.

Staff Recommendation

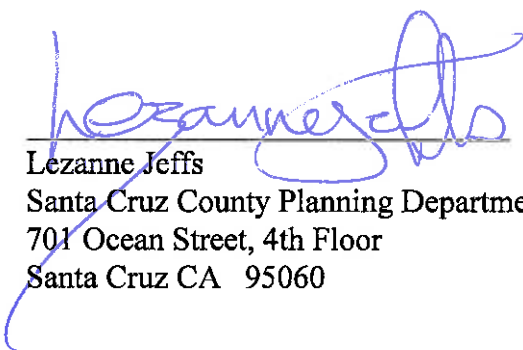
 X Approved as submitted.

 Approved with revisions

 Denied

If you have any questions about this project, please contact Lezanne Jeffs at:
(831) 454-2480 or Lezanne.Jeffs@santacruzcounty.us

Report Prepared By:


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

Mail to: Robert and Andrea Mansfield
 c/o Swift consulting Services
 500 chestnut Street, suite 100
 Santa Cruz, CA 95060

PLEASE PRINT TO:

CLERK OF THE SUPERIOR
COUNTY OF SANTA CRUZ
101 OCEAN STREET
SANTA CRUZ, CA 95060

BOOK 3295 PAGE 646

6792

OPEN-SPACE EASEMENT CONTRACT

THIS DEED, executed this 13th day of February, 1981
by and between Martin and Lila Gonzales Garfinkle, as GRANTOR, and
the COUNTY OF SANTA CRUZ, as GRANTEE,

WITNESSETH:

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

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

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

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

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

BOOK 3295 PAGE 647

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

EXCEPTIONS: One single family dwelling with accessory appurtenant structures; light agricultural use;

THE EXCEPTIONS DO NOT GRANT ANY DEVELOPMENT RIGHTS, AND ANY DEVELOPMENT REQUESTED MAY OR MAY NOT BE ACCEPTABLE TO THE COUNTY

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

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

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

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

BOOK 3295 PAGE 648

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

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

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

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

Excepting and reserving to the Grantor:

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

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

-3-

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

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

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

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

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

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

BOOK 3295 PAGE 650

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

No resolution abandoning an open-space easement shall be finally adopted until the matter has been referred to the local planning commission, the commission has held a public hearing thereon and furnished a report on the matter to the governing body stating whether the abandonment is consistent with the local general plan and the governing body has held at least one public hearing thereon after giving 30 days' notice thereof by publication in accordance with Section 5061 of the Government Code, and by posting notice on the land.

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

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

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

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

-5-

OFFICIAL RECORD
 COUNTY OF SAN JOSE
 CLERK & REC'D
 FEB 13 2 30 PM '81
 RECORDED AT REQUEST OF
 Co. S.C.
 DH

006792

BOOK 3295 PAGE 651

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

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

Witness

Robert Frick, BENEFICIARY

Martin Garfinkle, GRANTOR

Judith Mary Frick, BENEFICIARY

Lila Gonzalez Garfinkle, GRANTOR

Blue Waters Properties, Inc., BENEFICIARY
Blue Waters Properties, Inc., GRANTOR
 COUNTY OF SANTA CRUZ

BENEFICIARY

By [Signature] GRANTOR

STATE OF CALIFORNIA, COUNTY OF

On this 6th day of February, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared MARTIN AND LILA GONZALEZ GARFINKLE, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same. WITNESS my hand and official seal.

APPROVED AS TO FORM:

Dwight L. Herr
 DWIGHT L. HERR
 Assistant County Counsel



APH 62-211-10

STATE OF CALIFORNIA, COUNTY OF Santa Cruz

On February 10, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT FRICK AND JUDITH MARY FRICK

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

WITNESS my hand and official seal.



-6-

Marcell F. Kisting

EXHIBIT E

STATE OF CALIFORNIA

COUNTY OF SANTA CRUZ

EX. BOOK 3295 PAGE 652

On this 13th day of February, in the year 1981, before me George T. Newell, County Administration Officer and ex-officio Clerk of the Board of Supervisors, personally appeared GARY A. BARTON, known to me to be the Chairman of the Board of Supervisors of the County of Santa Cruz, a political subdivision of the State of California, and known to me to be the person who executed the within instrument on behalf of said political subdivision and acknowledged to me that such political subdivision executed the same.

GEORGE T. NEWELL, COUNTY ADMINISTRATION OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
My Comm. Expires 12/31/81

EXHIBIT E

03/14/2008 TUE 11:41 [TX/RX NO 5119] 0052

BOOK 3295 PAGE 653

EXHIBIT "A"

The land referred to herein is described as follows:

T18144701-28

PARCEL ONE

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

PARCEL B AS THE SAME IS SHOWN AND DESIGNATED ON THE "PARCEL MAP LANDS OF BLUE WATERS PROPERTIES, INC.", FILED FOR RECORD AUGUST 7, 1973 IN BOOK 12 OF PARCEL MAPS AT PAGE 18, SANTA CRUZ COUNTY RECORDS.

PARCEL TWO

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

AN EASEMENT 50 FEET IN WIDTH, FOR ROAD AND UTILITIES AS SHOWN ON SAID MAP.

PARCEL THREE

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

AN EASEMENT 40 FEET IN WIDTH FOR ROAD AND UTILITIES AS SHOWN ON THE PARCEL MAP FILED FOR RECORD SEPTEMBER 21, 1972 IN BOOK 8 OF PARCEL MAPS AT PAGE 21, SANTA CRUZ COUNTY RECORDS AND THE CONTINUATION OF SAID EASEMENT AS SET FORTH IN THE DECREE OF PARTITION RECORDED JANUARY 1, 1952 IN VOLUME 852 PAGE 153, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, TO SMITH GRADE, A COUNTY ROAD.

APN: 62-211-10

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) SS.

On February 9, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared W. D. Lenson and A. Russ Colombo known to me to be the persons who executed the within instrument as the Attorney in Fact of BLUE WATERS PROPERTIES, INC., A California Corporation and acknowledged to me that they subscribed the name of Blue Waters Properties, Inc., A California Corporation thereto as principals and their own name as Attorney in Fact.

Witness my hand and official seal.

Signature

MARDELL F. KISLING

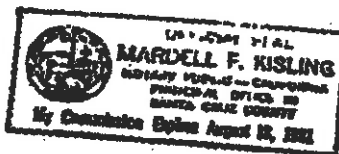


EXHIBIT E



application for
OPEN-SPACE EASEMENT

80-1062-OSE

phone 408 425-2191

SANTA CRUZ COUNTY PLANNING DEPARTMENT • 701 OCEAN STREET • SANTA CRUZ, CA. 95060

* please print *

ASSESSOR'S PARCEL NUMBER(S): 62-211-10

APPLICANT: MARTIN AND LILA GARPINKEL

name
ADDRESS: 260 Churchill PALO ALTO CA 94301
street city state zip

BUSINESS PHONE: (415) 328-8945 HOME PHONE: (415) 325-4241

OWNER(S): SAME AS ABOVE

name
ADDRESS: _____
street city state zip

BUSINESS PHONE: _____ HOME PHONE: _____

PROJECT LOCATION: (address, nearest major intersection, or land mark, etc.) _____

PARCEL THREE -

DESCRIBE THE PHYSICAL CHARACTERISTICS OF THE PROPERTY, INCLUDING A LISTING OF THE TYPES OF STRUCTURES AND THEIR USES: (attach additional sheets if necessary)

UNIMPROVED LAND WITH NO STRUCTURES

DESCRIBE YOUR PLANS FOR RETAINING THE OPEN-SPACE OR SCENIC CHARACTER OF THE PROPERTY, INCLUDING ALL PROPOSED STRUCTURES AND THEIR USES:

IT IS OUR INTENTION TO MAINTAIN LIGHT AGRICULTURE WITH EMPHASIS ON DEVELOPMENT OF EXISTING TWO ACRE VINEYARD WITH SUPPLEMENTAL PLANTING, AS WELL FRUIT TREES AND THE PRESERVATION OF THE NATURAL LAND. WE PLAN A WELL FOR WATER SUPPLY AND A SINGLE FAMILY HOME WITH MINOR AGRICULTURAL GARDENS WITHIN ABOUT TEN YEARS, FOR RETIREMENT.

FOR STAFF USE ONLY

- ☒ Completed application form
- ☒ Site plan showing existing conditions and proposed improvements
- ☒ Representative photographs

- ☒ Filing fee
- ☒ Lot Book Guarantee
- ☐ Production inventory (optional request of planning department)

APPLICATION NUMBER 80-1062-OSE

fees: \$ _____

received by: _____ date: _____

OPEN SPACE EZ 50.00
request of 50.00
TOTAL 50.00
CHECK 50.00
#03655 C001 R01 T15:24
NOV 03 80

cashier's validation

EXHIBIT E

THE MAP
 = 200'
 PN 062-211-10
 SANTA CRUZ
 ALPORNIA

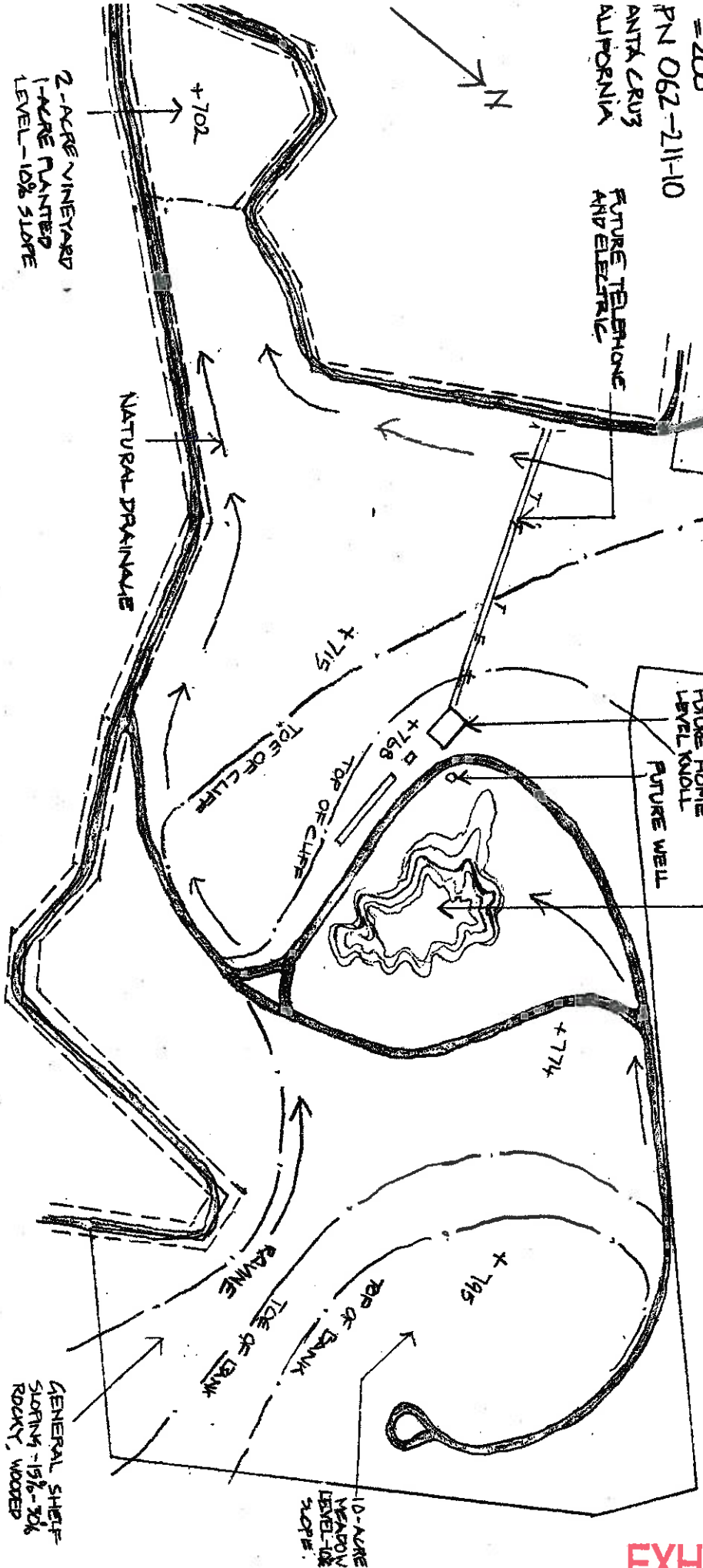
TO SMITH GRAPE

FUTURE TELEPHONE
 AND ELECTRIC

NATURAL 3/4 ACRE
 RESERVOIR

FUTURE HOME
 LEVEL KNOLL

FUTURE WELL



COPY OF APPROVED SITE MAP FOR 8-1-10-2-10-5

EXHIBIT E

Interpretation No.:

**SANTA CRUZ COUNTY PLANNING DEPARTMENT
ADMINISTRATIVE PRACTICE GUIDELINE**

Interpretation No.: *Permit Review Procedures for New Construction on Properties Subject to Open Space Easement*

Effective Date: 9/17/13

Originally Issued: 9/17/13

Revised:

Questions

When a property is subject to an open space easement, when does new construction require a discretionary site development permit and review by the Open Space Programs Committee (OSPC)?
What public notice and permit processing requirements apply, and what are the appeal provisions?
What is the composition, nature and role of the OSPC; and what are its review procedures?

Applicable Regulatory Section(s)

§13.10.461, .462, .463 "O" Open Space Easement Combining District, as well as Open Space Easement/Contract Provisions: Approximately 160 parcels are governed by an Open Space Easement Contract. Most of these contracts, beginning in about 1974-75, contain the following provision regarding review of construction proposed on properties subject to an easement, for the purpose of determining whether the construction would be compatible with the easement:

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

PRACTICE:

The Open Space Programs Committee (OSPC) consists of the following county staff positions, or their designees from their offices:

Santa Cruz County Assessor
Santa Cruz County Agricultural Commissioner
Santa Cruz County Parks and Recreation Director
Santa Cruz County Planning Deputy Director

The OSPC is advisory to the decision-making body, as to whether proposed new development should be approved, conditionally approved, or denied with respect to its consistency with the intent and provisions of the open space easement that applies to the subject property. Depending on the nature of the proposed project and what type of other discretionary permits may be required, the decision-making body may be the Planning Director or designee, the Zoning Administrator, the Planning Commission, or the Board of Supervisors. A discretionary open space easement development permit will be "packaged" with other discretionary permit(s) required for a project and processed at the "highest level" permit process that is required for the other discretionary permit(s).

EXPLANATION:

Background

The California Land Conservation Act (the "Williamson Act") was adopted in 1965 to support preservation of agricultural and open space lands, with owners entering into contracts that restricted uses of the lands, and counties reducing property tax assessments. From 1967 to 1970, state bills were adopted that expanded the definition of lands that were eligible for contracts.

County records indicate that prior to 1971, the County operated a program to preserve scenic areas by encouraging particular property owners to enter into a scenic easement, which essentially placed an easement over areas that were considered scenic and a priority for preservation. As part of the program the Board of Supervisors authorized a staff committee named the Scenic Easement Review Committee, whose purpose was to evaluate proposed easements and make recommendations regarding their acceptance by the County. The Scenic Easement Review Committee was composed of the (1) County Assessor; (2) Agricultural Commissioner; (3) Parks and Recreation Director; and (4) the Deputy Planning Director.

On December 15, 1970, the Board of Supervisors adopted the recommendations of the Scenic Easement Review Committee, to re-name the program and use an "Open Space Easement" mechanism rather than the "Scenic Easement" and make it available to owners of open and scenic land. The letter to the Board was signed by each of the members of the Scenic Easement Review Committee, comprised as described in the above paragraph.

On July 27, 1971 the Planning Director forwarded to the Board of Supervisors an information packet that had been prepared by the Committee, which was referred as the "Open Space Easement Review Committee". The Board approved the material, which included filing requirements and criteria to be used in administering applications for open space easements under the program.

In 1974 the State legislature approved the Open Space Easement Act, which provided that easements may be for a term of years (at least 10 years) or in perpetuity. Like Williamson Act contracts, open space easement contracts automatically renew each year for an additional year unless a notice of nonrenewal is provided. As noted earlier, in about 1974-75 the County began to include within easements/contracts the following provision regarding review of construction proposed on properties subject to an easement, for the purpose of determining whether the construction would be compatible with the easement:

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

Composition and Nature of the OSPC

The "Open Space Easement Review Committee" referred to in the 1971 Board letter is determined to be the "Open Space Programs Committee" referred to in the contract statement above. Therefore, the Open Space Programs Committee (OSPC) consists of the following county staff positions, or their designees from their offices:

Interpretation No.:

Santa Cruz County Assessor
Santa Cruz County Agricultural Commissioner
Santa Cruz County Parks and Recreation Director
Santa Cruz County Planning Deputy Director

The OSPC does not serve as an advisory body directly to the Board of Supervisors, but provides a recommendation for consideration of the decision-making body which will be taking action on an application for a discretionary development permit for new construction on property subject to an open space easement.

The determination that the OSPC is not an advisory body to the Board of Supervisors is supported by the fact that in 1974 the Board of Supervisors adopted an ordinance establishing uniform procedures for the creation and administration of advisory bodies (current Chapter 2.38), and steps were not taken at that time to formalize the Open Space Programs Committee as an advisory body pursuant to that ordinance. One of the declared purposes of the ordinance was to seek the advice, ideas and recommendations of the citizens of the County (see Section 2.38.020), and its provisions were applied to any "advisory board, commission, committee or department advisory group over which the County has appointing authority or jurisdiction." (See Section 2.38.040.) Furthermore, any advisory body then in existence in 1974 was deemed abolished after six months if not reconstituted pursuant to the requirements of Chapter 2.38 (see Section 2.38.050.)

There are no ordinances, resolutions or other records documenting the establishment of the Open Space Programs Committee (OSPC) as an advisory body to the Board of Supervisors which contains citizens. Therefore the determination that the OSPC is composed of the staff members identified above is supported by the history of county actions taken to comply with that chapter.

OSPC Role, Procedures, and Applicable Permit Processes

As required by the Open Space Easement contract provision, the OSPC conducts a review of proposed new construction on parcels governed by an Open Space Easement contract. The OSPC does not hold regular meetings, schedules meetings only on an as-needed basis, and is not subject to Brown Act requirements.

The project planner will prepare a memo for consideration of the OSPC, and may develop recommendations for consideration by the OSPC. This memo, along with a set of the proposed project plans, will be provided to members of the OSPC at least one week prior to any meeting of the OSPC.

The project planner attends and staffs the OSPC meeting(s), which are recommended to occur at the site of a proposed development. If an OSPC "field trip" or "meeting on site" is not arranged by the staff planner then OSPC members are expected to arrange for their own site visits prior to the OSPC meeting. OSPC meetings are not open to the public, as Committee work is considered to be part of the "staff work" of analyzing the consistency of a proposed project with applicable code and easement requirements. However, any staff memo and brief "action minutes" of OSPC meetings are to become part of the public record that is part of the permit application file.

Once the project planner determines that the proposed project is ready for consideration by the decision-making body, public notice of the project application shall be provided in accordance with the

Interpretation No.:

applicable requirements of the "highest level" permit. For example, if a project requires a coastal permit that will be considered by the Zoning Administrator, then the "Level 5" public notice and permit process is followed. A project considered by the Zoning Administrator would be appealable to the Planning Commission, and then to the Board of Supervisors if further appealed.

If the proposed project usually requires only a ministerial building permit, but requires a discretionary site development permit due to the open space easement, then that permit is processed as an Administrative Site Development Permit under the "Level 4" public notice and process requirements. Due to the language of the easement, any appeal of an Administrative Site Development Permit would be considered by the Planning Commission, and then to the Board of Supervisors if further appealed.

New construction on properties subject to an open space easement that is exempt from building permit requirements is also exempt from a requirement for an Administrative Site Development Permit, unless some other discretionary development permit requirement applies to the project.

Note that the OSPC is not charged with reviewing or ensuring compliance with any and all aspects of an open space easement, but only any provisions that relate to proposed new construction. For example, property owners activities related to landscaping or other activities not subject to a zoning or building code permit requirement are not reviewed by the OSPC. To the extent that a property owner may be undertaking landscaping or other activities that are in violation of applicable open space easement provisions, that would be a considered a violation of the easement and other available remedies to enforce the terms of the easement would be the appropriate remedies to pursue.

Application fees for proposed projects will be as set by the Board of Supervisors in the adopted fee schedule for the type of permit(s) required for the proposed new construction. Generally, this means that an applicant is charged "at cost" for the time and materials needed for staff to process an application. In that the intent of the easement provisions is that a proposed new development NOT be approved unless is it found to be consistent with the purposes of the easement, such a project will usually be determined to be exempt from CEQA. However, there may be another discretionary permit requirement that applies to the project and other reasons that the project involves the potential for significant environmental impact(s), and therefore it is possible that a project is subject to CEQA.

The proposed project will be evaluated and may be subject to conditions of approval in order to ensure consistency with the intent and requirements of the easement/contract, namely: *the location of the site, screening and landscaping, exterior finishing materials and the colors, and general harmony with the character of the area.* The OSPC may forward recommended conditions of approval to be imposed through the discretionary permit approval, or may recommend approval without any conditions, or may recommend denial of the proposed new construction. The recommendations of the OSPC shall be based on ensuring consistency of the proposal with the intent and provisions of the subject Open Space Easement/Contract. The OSPC recommendations are included, along with minutes of the meeting, as an attachment to any staff report that may be prepared in association with review of a proposed project.

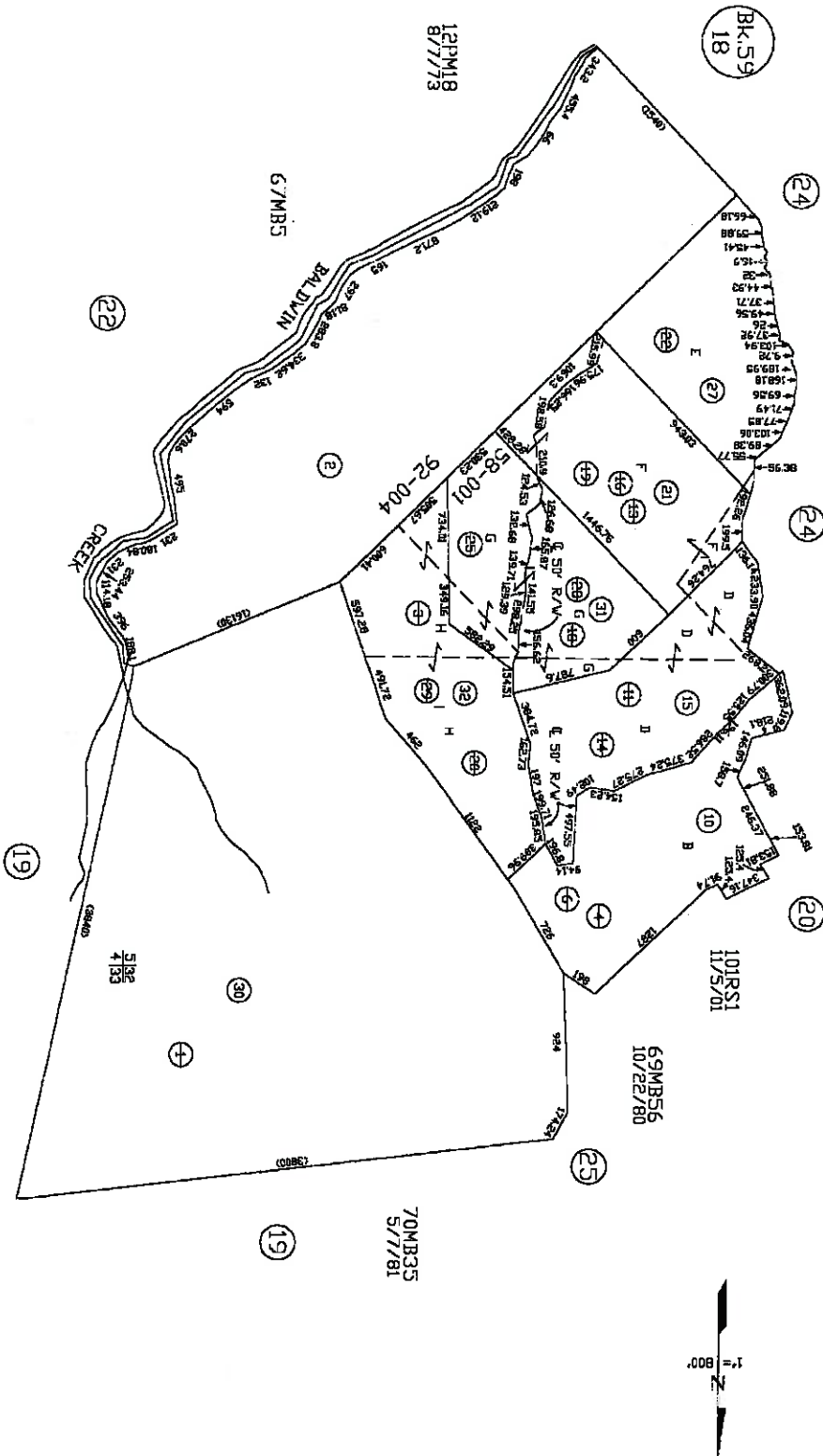
Also, in accordance with Chapter 18.10, an Administrative Site Development Permit may be elevated to a higher level, such that it may be scheduled for consideration at a Zoning Administrator public hearing. Any action by the ZA would be appealable to the Planning Commission, and then the Board of Supervisors.

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

POR. REFUGIO RANCHO
 SECS. 32 & 33, T.10S., &
 SECS. 4,5,6,7,8, T.11S., R.2W., M.D.B. & M

Tax Area Code
 58-001 92-004

62-21



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

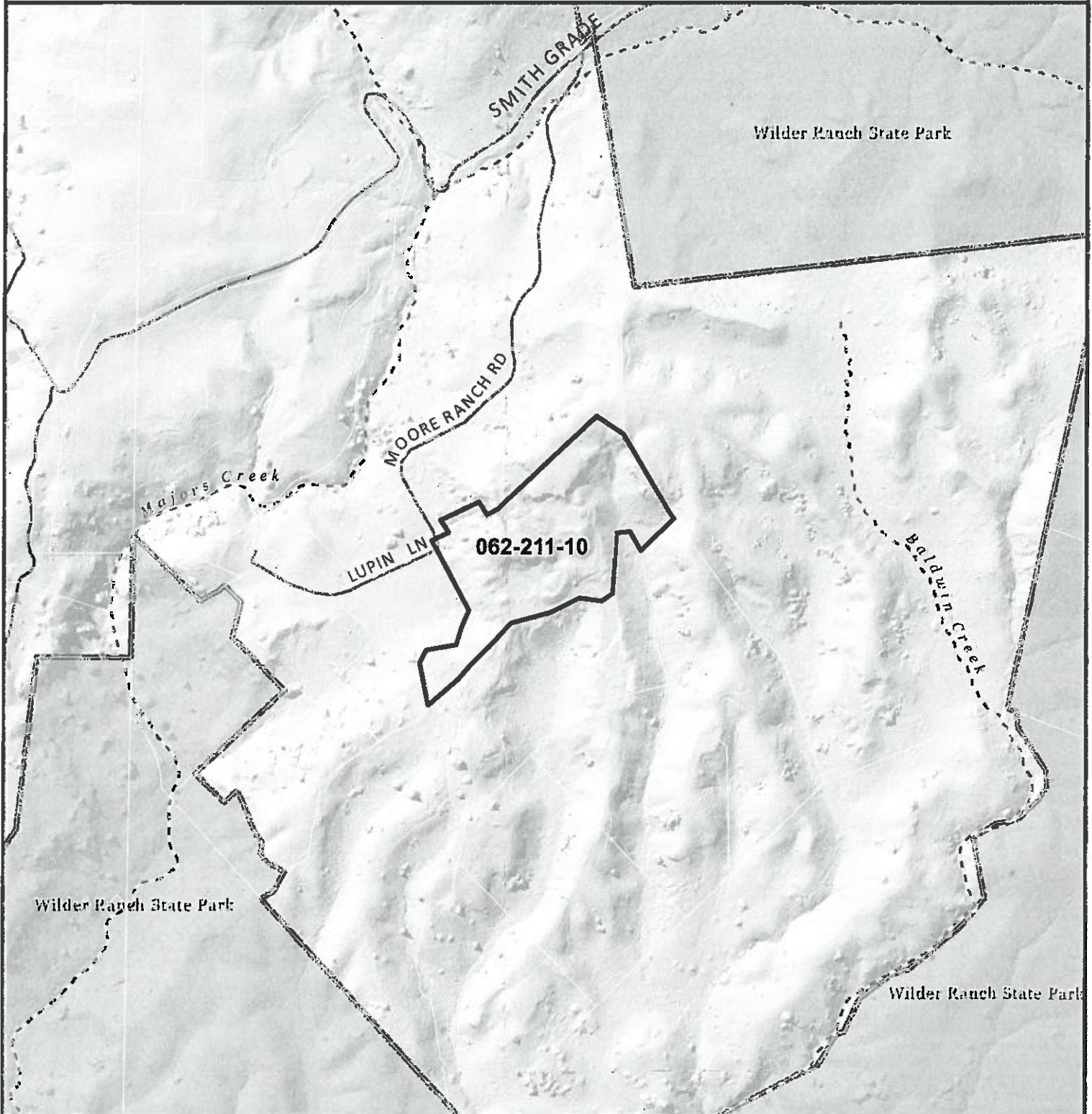
Assessor's Map No. 62-21
 County of Santa Cruz, Calif.
 May, 1965



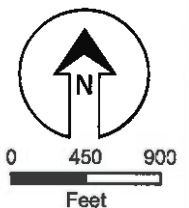
Parcel Location Map

Santa Cruz County Planning Department

Parcel Number
062-211-10
Jul. 13, 2018



- Symbol Key**
- Street
 - - - Perennial Stream
 - Park





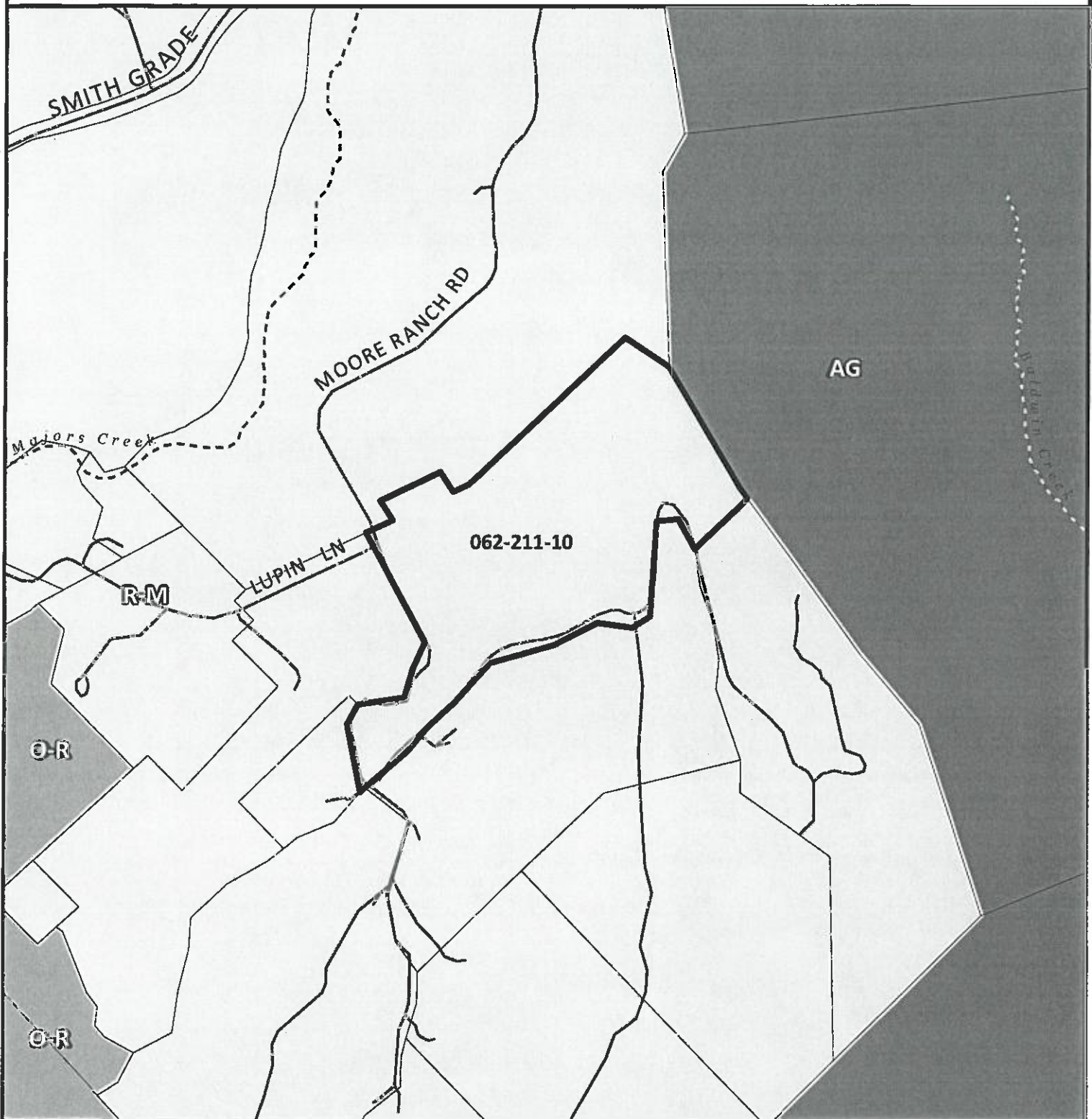
Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number

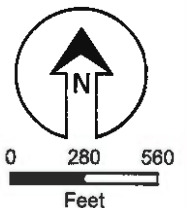
062-211-10

Jul. 13, 2018



General Plan

- AG - Agriculture
- O-R - Parks and Recreation
- R-M - Residential-Mountain

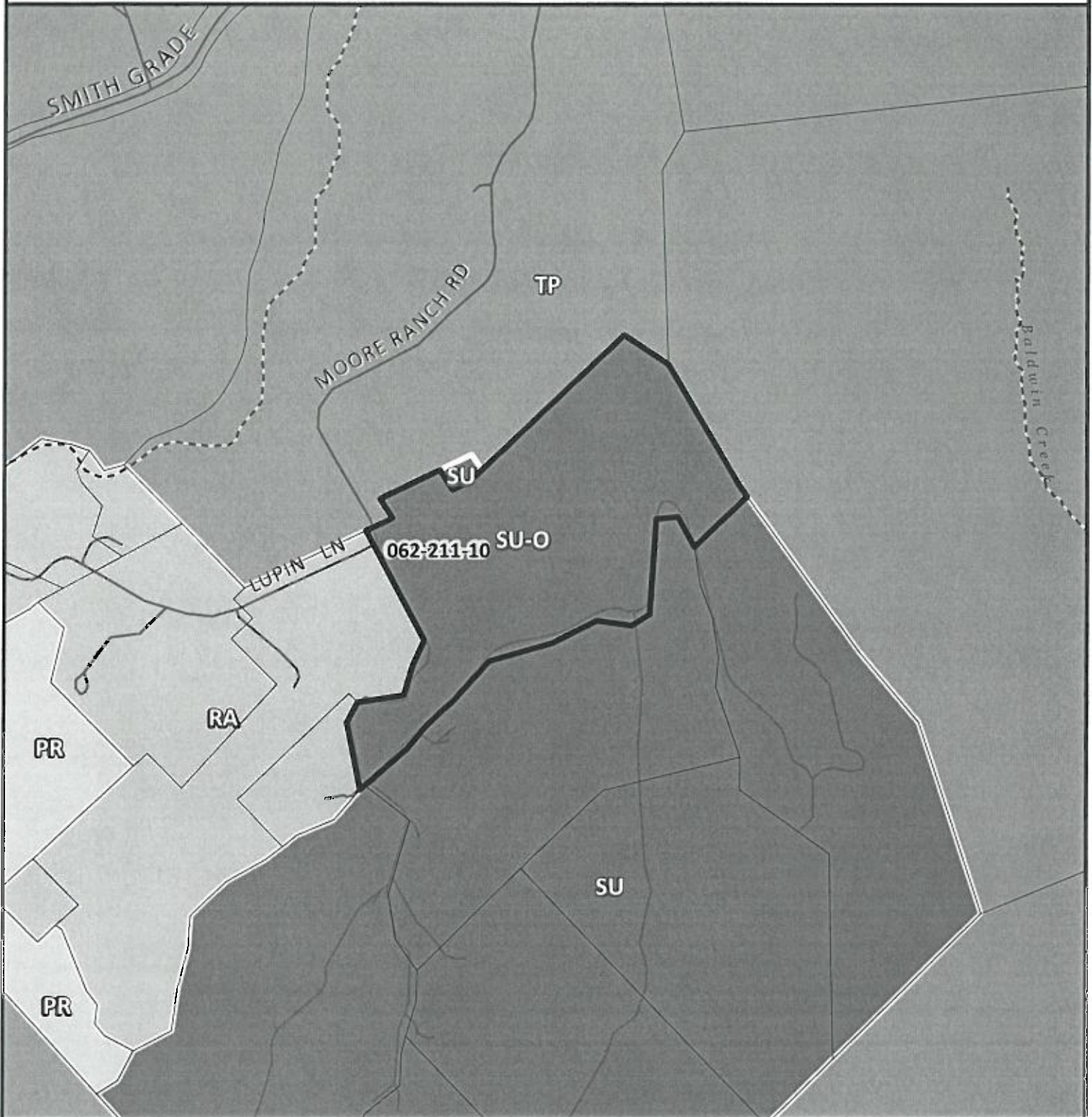




Parcel Zoning Map

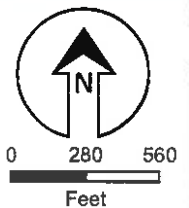
Santa Cruz County Planning Department

Parcel Number
062-211-10
Jul. 13, 2018



Zoning

- (PR) Parks, Recreation, and Open Space
- (RA) Residential Agricultural
- (SU) Special Use
- (TP) Timber Production



Lezanne Jeffs

From: Sheri Thomas
Sent: Thursday, June 21, 2018 5:00 PM
To: Lezanne Jeffs
Subject: FW: APN 062-211-10 - Open Space Easement Contract
Attachments: OSPC Memo.pdf; ATTACHMENT 1 - OSE.pdf; ATTACHMENT 2 - Admin. Practice Guide..pdf; ATTACHMENT 3- Project Plans.pdf; ATTACHMENT 4 - OSPC Staff Report.pdf

Hi Lezanne,

I am the designee for the Assessor's Office. Here is my contact info:

Sheri Thomas
Chief Deputy Assessor
831.454.2478

Thank you!
Sheri

From: Sean Saldavia
Sent: Thursday, June 21, 2018 10:42 AM
To: Sheri Thomas <Sheri.Thomas@santacruzcounty.us>
Subject: FW: APN 062-211-10 - Open Space Easement Contract

Hi Sheri,

Please review as our designee on the Open Space Programs Committee.

Thank you,
Sean

From: Lezanne Jeffs
Sent: Wednesday, June 20, 2018 8:03 PM
To: Sean Saldavia <Sean.Saldavia@santacruzcounty.us>; Juan Hidalgo <Juan.Hidalgo@santacruzcounty.us>; Jeff Gaffney <Jeff.Gaffney@santacruzcounty.us>; Wanda Williams <Wanda.Williams@santacruzcounty.us>
Cc: Ken Hart <ken@swiftconsultingservice.com>
Subject: APN 062-211-10 - Open Space Easement Contract

Members of the Open Space Programs Committee,

Please find the attached memo and attachments regarding an application for the construction of a new barn/garage on a parcel that has is subject to a recorded Open Space Easement. As specified in the Easement, all new structures are required to be reviewed by the "Open Space Programs Committee". If you would like to delegate this review to a member of your staff, please could you let me know the name and contact information for your designee.

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

Best regards,

Lezanne

Lezanne Jeffs

Senior Planner

Development Review

Tel: (831) 454 2480

lezanne.jeffs@santacruzcounty.us



Lezanne Jeffs

From: Will Fourt
Sent: Friday, June 22, 2018 12:18 PM
To: Lezanne Jeffs
Cc: Jeff Gaffney; Gretchen Iliff
Subject: RE: APN 062-211-10 - Open Space Easement Contract

Hi Jeff

Jeff Gaffney asked me to follow up with you on this. We reviewed the materials and Parks does not have anything to add here and does not see any conflicts or concerns with this proposed project related to Parks Dept plans or policies.

Regards
Will

From: Jeff Gaffney
Sent: Wednesday, June 20, 2018 11:59 PM
To: Will Fourt <Will.Fourt@santacruzcounty.us>
Cc: Gretchen Iliff <Gretchen.Iliff@santacruzcounty.us>
Subject: Fwd: APN 062-211-10 - Open Space Easement Contract

Let's discuss this one soon.

Begin forwarded message:

From: Lezanne Jeffs <Lezanne.Jeffs@santacruzcounty.us>
Date: June 20, 2018 at 8:03:29 PM PDT
To: Sean Saldavia <Sean.Saldavia@santacruzcounty.us>, Juan Hidalgo <Juan.Hidalgo@santacruzcounty.us>, Jeff Gaffney <Jeff.Gaffney@santacruzcounty.us>, Wanda Williams <Wanda.Williams@santacruzcounty.us>
Cc: Ken Hart <ken@swiftconsultingservice.com>
Subject: APN 062-211-10 - Open Space Easement Contract

Members of the Open Space Programs Committee,

Please find the attached memo and attachments regarding an application for the construction of a new barn/garage on a parcel that has is subject to a recorded Open Space Easement. As specified in the Easement, all new structures are required to be reviewed by the "Open Space Programs Committee". If you would like to delegate this review to a member of your staff, please could you let me know the name and contact information for your designee.

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

Best regards,

Lezanne

Lezanne Jeffs

Lezanne Jeffs

From: Sheri Thomas
Sent: Thursday, July 5, 2018 4:21 PM
To: Lezanne Jeffs
Subject: FW: APN 062-211-10 - Open Space Easement Contract
Attachments: OSPC Memo.pdf; ATTACHMENT 1 - OSE.pdf; ATTACHMENT 2 - Admin. Practice Guide..pdf; ATTACHMENT 3- Project Plans.pdf; ATTACHMENT 4 - OSPC Staff Report.pdf

Dear Lezanne Jeffs,

The Assessor's Office has reviewed the documents provided and has no objection to the development of a 2nd barn on parcel 062-211-10.

Sincerely,
Sheri Thomas
Chief Deputy Assessor
831.454.2478

From: Sean Saldavia
Sent: Thursday, June 21, 2018 10:42 AM
To: Sheri Thomas <Sheri.Thomas@santacruzcounty.us>
Subject: FW: APN 062-211-10 - Open Space Easement Contract

Hi Sheri,

Please review as our designee on the Open Space Programs Committee.

Thank you,
Sean

From: Lezanne Jeffs
Sent: Wednesday, June 20, 2018 8:03 PM
To: Sean Saldavia <Sean.Saldavia@santacruzcounty.us>; Juan Hidalgo <Juan.Hidalgo@santacruzcounty.us>; Jeff Gaffney <Jeff.Gaffney@santacruzcounty.us>; Wanda Williams <Wanda.Williams@santacruzcounty.us>
Cc: Ken Hart <ken@swiftconsultingservice.com>
Subject: APN 062-211-10 - Open Space Easement Contract

Members of the Open Space Programs Committee,

Please find the attached memo and attachments regarding an application for the construction of a new barn/garage on a parcel that has is subject to a recorded Open Space Easement. As specified in the Easement, all new structures are required to be reviewed by the "Open Space Programs Committee". If you would like to delegate this review to a member of your staff, please could you let me know the name and contact information for your designee.

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

Best regards,

Lezanne

Lezanne Jeffs

Senior Planner

Development Review

Tel: (831) 454 2480

lezanne.jeffs@santacruzcounty.us



Lezanne Jeffs

From: Juan Hidalgo
Sent: Thursday, July 5, 2018 3:06 PM
To: Lezanne Jeffs
Subject: RE: APN 062-211-10 - Open Space Easement Contract

Good Afternoon Lezanne,

I hope you are doing well. Thank you for the opportunity to review and comment on this project. After reviewing the information packet you sent, looking at maps and having a member of my staff visit the site, it is my opinion that the proposed building of the barn/garage and its siting is compatible with the terms described in the easement agreement. I am in agreement with the Planning Department's recommendation to approved the project as submitted. Please do not hesitate in contacting me should you have any questions.

Best,

Juan Hidalgo
Agricultural Commissioner
Sealer of Weights and Measures
County of Santa Cruz
175 Westridge Drive
Watsonville, CA 95076
Phone (831) 763-8080
Fax (831) 763-8255
Juan.Hidalgo@santacruzcounty.us

From: Lezanne Jeffs
Sent: Wednesday, June 20, 2018 8:03 PM
To: Sean Saldavia <Sean.Saldavia@santacruzcounty.us>; Juan Hidalgo <Juan.Hidalgo@santacruzcounty.us>; Jeff Gaffney <Jeff.Gaffney@santacruzcounty.us>; Wanda Williams <Wanda.Williams@santacruzcounty.us>
Cc: Ken Hart <ken@swiftconsultingservice.com>
Subject: APN 062-211-10 - Open Space Easement Contract

Members of the Open Space Programs Committee,

Please find the attached memo and attachments regarding an application for the construction of a new barn/garage on a parcel that has is subject to a recorded Open Space Easement. As specified in the Easement, all new structures are required to be reviewed by the "Open Space Programs Committee". If you would like to delegate this review to a member of your staff, please could you let me know the name and contact information for your designee.

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

Best regards,

Lezanne

Lezanne Jeffs

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From: Wanda Williams
Sent: Monday, July 16, 2018 9:34 AM
To: Lezanne Jeffs
Subject: RE: APN 062-211-10 - Open Space Easement Contract

Yes, I concur with other Open Space members. Thanks.

From: Lezanne Jeffs
Sent: Friday, July 13, 2018 2:48 PM
To: Wanda Williams <Wanda.Williams@santacruzcounty.us>
Subject: FW: APN 062-211-10 - Open Space Easement Contract

Hi Wanda,

As a member of the Open Space Programs Committee I contacted you on June 20, 2018, with regard to application 181120. Although we have spoken about the proposed barn/garage, I have not yet received your written response to my request for comments.

As we have discussed, the proposed barn/garage will be located within a former quarry, immediately adjacent to the existing approved barn, in an area that will be completely screened from all potential viewpoints outside the subject parcel. No existing vegetation is required to be removed and the proposed building site was not designated under application 10-0177 as an area to contain replacement trees.

The proposed barn garage is not associated with any proposed agricultural activities at the site. The structure has been designed to resemble a barn so as to match the adjacent barn and to blend with the surrounding rural environment, but will be mainly used as a garage for residential vehicles. The conditions of approval for the current application include all of the conditions of approval for 10-0177, including a prohibition on land-clearing and on the removal of timber, trees and other natural growth. Furthermore, no site disturbance is permitted outside the existing designated building locations (house site and accessory buildings site). The commercial boarding of horses is also prohibited.

As requested, I have revised condition of approval IV. A. 2., that sets out that future construction of additional structures on the parcel shall require an Amendment to Coastal Development Permit 10-0177, to include that an Amendment is also required for the conversion of any non-habitable structure to habitable. I have attached a copy of the proposed conditions of approval for your review.

Thanks,

Lezanne

Lezanne Jeffs
Senior Planner
Development Review
[Tel:\(831\) 454 2480](tel:(831)4542480)
lezanne.jeffs@santacruzcounty.us



From: Lezanne Jeffs

Sent: Wednesday, June 20, 2018 8:03 PM

To: Sean Saldavia <Sean.Saldavia@santacruzcounty.us>; Juan Hidalgo <Juan.Hidalgo@santacruzcounty.us>; Jeff Gaffney <Jeff.Gaffney@santacruzcounty.us>; Wanda Williams <Wanda.Williams@santacruzcounty.us>

Cc: 'Ken Hart' <ken@swiftconsultingservice.com>

Subject: APN 062-211-10 - Open Space Easement Contract

Members of the Open Space Programs Committee,

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

Best regards,

Lezanne

Lezanne Jeffs

Senior Planner

Development Review

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