

## STAFF REPORT TO THE ZONING ADMINISTRATOR

**APPLICATION NO.:** 03-0442                      **APN:** 051-771-02

**APPLICANTS:** Anthony & Rebecca Campos

**OWNERS:** Anthony & Rebecca Campos

**PROJECT DESCRIPTION:** Proposal to recognize a 4-foot high cyclone fence within the riparian comdor of Kelly Lake and a 6-foot 4-inch to 7-foot –6-inch stucco fence within the side and front yards. Requires a Residential Development Permit to exceed the 3-foot and 6-foot fence height limits, and a Riparian Exception.

**LOCATION:** Property located on the west side of Cutter Drive at 165 Cutter Drive in Watsonville.

**PERMITS REQUIRED:** Residential Development Permit

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption, Section 1803

**COASTAL ZONE:** —Yes   X   No

### PARCEL INFORMATION

**PARCEL SIZE:** 33,410.5 square feet

**EXISTING LAND USE:**

**PARCEL:** Single-family dwellings

**SURROUNDING** Single-family dwellings, commercial agriculture, lake

**PROJECT ACCESS:** Cutter Drive off College Road

**PLANNING AREA:** Pajaro Valley

**LAND USE DESIGNATION:** R-UL (Urban Low Residential)

**ZONING DISTRICT:** R-1-10 (Single-family Residential – 10,000sq ft min lot )

**SUPERVISORIAL DISTRICT:** Fourth District

### ENVIRONMENTAL INFORMATION

- |                       |                                         |
|-----------------------|-----------------------------------------|
| a. Geologic Hazards   | a. Flood Zone A at Kelly Lake           |
| b. Soils              | b. 177, Watsonville loam                |
| c. Fire Hazard        | c. Not a mapped constraint              |
| d. Slopes             | d. 2 – 15 percent                       |
| e. Env. Sen. Habitat  | e. Riparian area adjacent to Kelly Lake |
| f. Grading            | f. No grading proposed                  |
| g. Tree Removal       | g. No trees proposed to be removed      |
| h. Scenic             | h. Not a mapped resource                |
| i. Drainage           | i. Existing drainage adequate           |
| j. Traffic            | j. No significant impact                |
| k. Roads              | k. Existing roads adequate              |
| l. Parks              | l. Existing park facilities adequate    |
| m. Sewer Availability | m. Yes                                  |

- |                       |                                        |
|-----------------------|----------------------------------------|
| n. Water Availability | n. Yes                                 |
| o. Archeology         | o. Mapped/no physical evidence on site |

### **SERVICES INFORMATION**

Inside Urban/Rural Services Line:   X   Yes      No

Water Supply: City of Watsonville  
Sewage Disposal: City of Watsonville  
Fire District: Pajaro Valley Fire Protection District  
Drainage District: Zone 7 Flood Control/Water Conservation District

### **HISTORY**

The application was received by the Planning Department on October 14, 2003.

### **ANALYSIS AND DISCUSSION**

The subject property is a 33,410.5 square foot lot, located in the R-1-10 (Single-family Residential) zone district, a designation which allows residential uses. The proposed fence is accessory to the principal permitted residential use within the zone district and the project is consistent with the site's (R-UL) Urban Low Residential General Plan designation. The project site is developed with an existing single-family residence and attached garage of 4,425 square feet constructed in 2002, and a boat-house. Landscaping includes a decorative pond. A plant potting shed less than 120 square feet in size is proposed. The cyclone fencing is landscaped with climbing roses. The structures were permitted under Residential Development Permits #92-0852 and 99-0806 (Exhibit H) and Building Permits 127467 and 127468. A Statement of Acknowledgement regarding the issuance of a County Building Permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential Use Conflicts was recorded on the property as Document 2000-0050978.

The proposed fencing is in conformance with the County's General Plan in that the fences are sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Many of the adjacent developed parcels in the area have taller fences required by agricultural buffer determinations as there is commercial agriculture zoned land in the immediate vicinity. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing development. The fencing in the front setback and along the sides of the house at the Cutter Drive frontage are greater than six feet tall, ranging up to 7-feet 6-inches in height due to the slope of the land. The fence has a stucco finish to complement the residence and it is heavily landscaped to soften the visual impact of the fence and to comply with agricultural buffer requirements of Residential Development Permits 92-0852 and 99-0806. This is within the area where agricultural buffer fencing has been required for adjacent new housing. Fencing toward the rear of the parcel at the Kelly Lake boundary consist of open wire cyclone fencing of four feet in height within the riparian setback which will not impede the flow of water from Kelly Lake with changing water levels.

The project has been reviewed by Public Works Traffic Engineering (Exhibit G) and it has been determined that sight distance along Cutter Drive is not compromised by the project.

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.

## **RECOMMENDATION**

Staff recommends:

1. **APPROVAL** of Application Number **03-0442**, based on the attached findings and conditions.
2. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

## **EXHIBITS**

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessor's parcel map, Location Map
- F. Zoning map, General Plan Map
- G. Comments & Correspondence
- H. Development Permits 92-0852, 99-0806

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

Report Prepared By: Joan Van der Hoeven  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-5174 (or, [pln140@co.santa-cruz.ca.us](mailto:pln140@co.santa-cruz.ca.us))

### **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.

The location of the fencing and the conditions under which it would be 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 in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed front and side yard fencing, subject to approval of the height, will not deprive adjacent properties or the neighborhood of light, air, or open space and will enhance privacy and security and sustain separation of residential and agricultural uses across Cutter Drive. The fence has been reviewed and approved by Public Works Traffic Engineering Division (Exhibit G). A determination was made that sight distance is not inhibited at the driveway access to Cutter Drive.

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.

The project site is located in the R-1-10 (Single-family Residential) zone district. The proposed location of the front and side yard fencing and the conditions under which it would be maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-10 zone district in that the primary use of the property remains residential, although the height of the fencing exceeds the three foot limit within the front setback for the first twenty (20) feet, and the six foot height limit for the side setback. The fencing is consistent with County Code Section 16.50.095 in that in conjunction with approved landscaping, it provides a buffer from adjacent commercial agriculture land (CA, Type 1-A) at APN 051-431-07. The parcel slopes downward toward Kelly Lake and the additional height allows the fencing to maintain a topographically consistent buffer. The open wire of the cyclone fencing does not adversely impact the riparian corridor nor does it impede the passage of water from Kelley Lake with changing water levels and is not injurious to other properties in the area.

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.

The project is located in the Urban Low Residential (R-UL) land use designation. The proposed fencing, accessory to the existing residential use, is consistent with the General Plan in that it meets the density requirements specified in General Plan Objective (Urban Low Residential).

The proposed fencing will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties and will enhance privacy and security. The stucco fencing exceeds the maximum three-foot height within the first 20-foot front setback, and exceeds 6-feet within the remainder of the side setback. This fencing is consistent with agricultural buffer requirements of General Plan Policy 5.13.23 in that the front and side yard fencing, in conjunction with required landscaping under Residential Development Permits 92-0852 and 99-0806, will help in preventing or minimizing potential land use conflicts with adjacent commercial agricultural zoned land. A Statement of Acknowledgement regarding the issuance of a County Building Permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential Use Conflicts was recorded on the property as Document 2000-0050978.

The four-foot high, open wire cyclone fencing is located toward the rear of the parcel, within the riparian area of the parcel adjacent to Kelly Lake. This open fencing will not impede the varying water levels of Kelley Lake. The proposed fencing will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes).

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.

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that it is a fence on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area of Cutter Drive.

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.

The proposed front and side yard fences 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 in the vicinity. The proposed stucco fence complements the existing stucco residence on the site and open wire fencing at the rear is consistent with maintaining the open space of the riparian area of the Kelly Lake neighborhood. In addition, the fencing is heavily landscaped to soften the visual impact.

**REQUIRED FINDINGS FOR NON-AGRICULTURAL DEVELOPMENT ON OR  
ADJACENT TO COMMERCIAL AGRICULTURAL LAND  
(County Code Section 16.50.095(e)).**

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO TYPE 1, TYPE 2, OR TYPE 3 AGRICULTURAL LAND SHALL BE SITED SO AS TO MINIMIZE POSSIBLE CONFLICTS BETWEEN AGRICULTURE IN THE AREA AND NON-AGRICULTURAL USES, AND WHERE STRUCTURES ARE TO BE LOCATED SO AS TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION OR POTENTIAL PRODUCTION.

The subject parcel is zoned Single-family Residential with a 10,000 square foot minimum parcel size (R-1-10) and carries an Urban Low Residential General Plan designation. The parcel is adjacent to Type 1-A Commercial Agriculture zoned land (CA), the 14-acre Repetti site, across Cutter Drive at APN 051-431-07 and across Kelly Lake from APN 051-112-68, the 5.5-acre Kett orchard. Although the original Agricultural Buffer Determination required a physical barrier in the form of vegetative screening (92-0852 and 99-0806, Exhibit H), solid fencing barriers are commonly utilized in conjunction with landscaping to separate residential uses from adjacent Commercial Agriculture zoned land and minimize any potential conflicts with agriculture.

## RIPARIAN EXCEPTION FINDINGS

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

The 4 foot high cyclone fencing placed along the side yard property lines is a permitted activity. The fencing does not come in contact with lake water (normal level) and should water levels reach the fencing it will easily pass through the open style design.

A boat dock was previously approved under a separate riparian exception (Application #92-0852 under APN# 051-291-23). In order to reduce shoreline erosion from wave action along this recreational lake and maintain easy access to the approved boat dock a low sheet pile wall (approximately 3 ½ feet tall) was installed.

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

This riparian exception is approving the placement of two 4 foot high cyclone fences and a 3 ½ foot high sheet pile wall (approximately 100 feet long) within the established riparian buffer along the shoreline of Kelly Lake. **NOTE:** *This permit is not approving the placement of a proposed 10x 12 potting shed within the identified riparian setback. The shed must be placed outside the identified setback.*

The open style fencing placed along the north and south property boundaries is a permitted activity.

A boat dock was previously approved under a separate riparian exception (Application #92-0852 under APN# 051-291-23). In order to reduce shoreline erosion from wave action along this recreational lake and maintain easy access to the approved boat dock a low sheet pile wall (approximately 3 ½ feet tall) was installed. While the sheet pile wall is not an approved design, removal and reconstruction would result in a significant amount of disturbance to the lakeshore. In addition, this permit will require planting of native wetland vegetation in front of the sheet pile wall.

**NOTE:** *The following item is a "Condition of Approval" of this riparian exception: A detailed wetland revegetation plan for the area in front of the sheet pile wall will need to be submitted to the County of Santa Cruz for review by 2/13/04 and the revegetation plan must be installed and inspected by 4/30/04. A success criteria and monitoring section must be included in the revegetation plan.*

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

The development completed as part of this application will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

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

This parcel is located outside of the coastal zone

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

Kelly Lake is a recreational lake (boating, fishing) and there is development located along its shoreline. Prior to development on this parcel the upland areas were comprised of non-native weedy species and the shoreline displayed mainly Hard-Stem Bulrush and Cattail. The granting of this exception is in accordance with the following General Plan policy: "Habitats Damaged from Code Violations" (5.1.13). This permit will require that a wetland restoration plan be designed and implemented for the shoreline area in front of the sheet pile wall.



# CONSULTANTS FOR BIOTIC REPORTS. RESTORATION WORK, AND NATIVE PLANTS AND SEED SOURCES

This list of Consultants is not intended as a recommendation, nor is it complete, however it does represent a portion of the groups or individuals familiar with wildlife or biotic reports, native plant restoration and revegetation, drainage, and/or erosion control practices.

B=Biotic or Wildlife Consultant  
R=Restoration Consultant  
NP=Native Plant Source  
CG=Contract Growing Service

ABA Consultants (B,R)  
Attn: Jim Oakden  
Box 151  
Capitola, CA 95010  
(831) 479-0277

Don Alley (Fisheries Biologist)  
P.O. Box 200  
Brookdale, CA 95007  
(831) 338-7971  
(831) 338-6045

Assegued and Associates (B,R)  
Attn: Ambessaw Assegued  
1900 Smith Grade Road  
Santa Cruz, CA 95060  
(831) 427-1135  
FAX: 408-427-1135

Elizabeth Bell  
(Monarch butterfly reports)  
135 Palmetta Street  
Santa Cruz, CA 95060  
(831) 426-1543

Biosearch Wildlife Surveys (B)  
David M. Laabs &  
Mark Allaback  
Box 8043  
Santa Cruz, CA 95060  
(408) 458-9349

Biotic Resources Group (B,R)  
Attn: Kathy Lyons  
Box 14  
Santa Cruz, CA 95063  
(831) 476-4803

Central Coast Wilds (NP, BR,  
CG) Josh Fodor  
114 Liberty Street  
Santa Cruz, CA 95060  
(831) 459-0656

Scott Cressy (Fisheries Biologist)  
147 Ashbury Avenue  
El Cerrito, CA 94530  
(510) 525-4389  
FAX (510) 525-0533

Eco Systems West (B,R)  
William Davilla  
819 1/2 Pacific Ave., Ste. 4  
Santa Cruz, CA 95060  
(831) 429-6730  
FAX: 429-8742

Jean Elizabeth Ferreira  
Elkhorn Native Plant Nursery  
P.O. Box 270  
Moss Landing, CA 95039  
(831) 763-0122

John Gilchrist & Associates  
(B,R)  
226 Spring Street  
Santa Cruz, CA 95060  
(831) 429-4355  
(831) 425-2305

Greening Associates (B,R)  
Attn: Suzanne Schettler  
Box 277  
Ben Lomond, CA 95005  
State License #55236  
(831) 336-1745

H.T. Harvey & Associates (B,R)  
Ecological Consultants  
John W. Cardis  
906 Elizabeth Street,  
P.O. Box 1180  
Alviso, CA 95002  
(408) 263-1814  
FAX: (408) 263-3823

Hastings Landscape  
Conservation  
Services (R)  
Attn: Ward Hastings  
6013 Thurber Lane  
Santa Cruz, CA 95065  
(831) 476-5886

Grey Hayes (B,R)  
849 Almar Avenue; C-418  
Santa Cruz, CA 95060  
(831) 426-3880

Madrone Landscape Group (R)  
Attn: Steve McGuirk  
2325 S. Rodeo Gulch Road  
Soquel, CA 95073  
State License #2804  
(831) 476-9068

Michael S. Marangio (B,R)  
Biological Consulting Services  
252A Texas Street  
San Francisco, CA 94107  
(415) 864-2031

Randy Morgan  
Biotic Consultant (B,R)  
3500 Main Street  
Soquel, CA 95073  
(831) 475-2212

Brian Mori  
(Consultant on Santa Cruz  
Long-toed Salamander & Red  
legged frogs)  
1016 Brewington Avenue  
Watsonville, CA 95076  
(831) 728-1043

Native Vegetation Network  
Attn: Valerie J. Haley (R,B, NP)  
653 Quail Drive  
Santa Cruz, CA 95060  
(831) 425-0687

Science Research & Consulting  
Services (B)  
(Consultant on Santa Cruz  
Long-Toed Salamander)  
Attn: Dr. Stephen Ruth  
129 Kailua Circle  
Marina, CA 93933  
(831) 384-2267

David Suddjian (B,R)  
Biological Consulting Services  
1136 Callas Lane #1  
Capitola, CA 95010  
(831) 476-9062

Sunset Coast Nursery  
(R,NP,S,CG)  
Attn: Patty Kriebelberg  
Box 221  
Watsonville, CA 95077  
(831) 726-1672

Zentner and Zentner  
Wetlands Delineation and  
Restoration  
945 Risa Road, Suite B  
Lafayette, CA 94549  
(510) 284-6270  
FAX: 510-284-6277

## **CONDITIONS OF APPROVAL**

Exhibit A: Project plans, 1 Sheet, by Don Andre, Architect, dated 10/9/03 revised 11/20/03

- I. This permit authorizes the construction of fencing greater than six feet in height within the front and side setbacks and cyclone fencing within the riparian setback of the side yards. 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.
- II. All construction shall be performed according to the approved plans and the applicant/owner must meet the following conditions:
  - A. All site improvements shown on the final approved plans shall be installed. The proposed potting shed must be placed outside the identified riparian setback.
  - B. Any inspections required by the use permit shall be completed to the satisfaction of the Zoning Administrator.
  - C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
  - D. A detailed wetland re-vegetation plan for the area in front of the sheet pile wall will need to be submitted to the Environmental Planning Section of the Planning Department by 2/13/04 and the re-vegetation plan must be installed and inspected by 4/30/04. A success criteria and monitoring section must be included in the re-vegetation plan.
- III. Operational Conditions
  - A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
  - B. Fencing and landscaping shall be maintained in good order.

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

PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: 12/19/03

Effective Date: 1/02/04

Expiration Date: 1/02/06

Don Bussey  
Deputy Zoning Administrator

Joan Van der Hoeven  
Project Planner

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

## NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Application No.: 03-0442

Assessor Parcel No.: 051-771-02

Project Location: 165 Cutter Drive, Watsonville

Project Description: Proposal to recognize fencing within front and side setbacks

Person or Agency Proposing Project: Anthony & Rebecca Campos

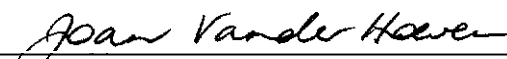
Contact Phone: (831) 454-2200

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

D. Categorical Exemption

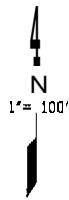
- |                                                                                              |                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 1. Existing Facility                                                | <input type="checkbox"/> 20. Changes in Organization of Local Agencies                                                                                                        |
| <input type="checkbox"/> 2. Replacement or Reconstruction                                    | <input type="checkbox"/> 21. Enforcement Actions <b>by</b> Regulatory Agencies                                                                                                |
| <input checked="" type="checkbox"/> 3. New Construction of Small Structure                   | <input type="checkbox"/> 22. Educational Programs                                                                                                                             |
| <input type="checkbox"/> 4. Minor Alterations to Land                                        | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings                                                                                            |
| <input type="checkbox"/> 5. Alterations in Land Use Limitations                              | <input type="checkbox"/> 24. Regulation of Working Conditions                                                                                                                 |
| <input type="checkbox"/> 6. Information Collection                                           | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space                                                                               |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs                                                                                           |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources  | <input type="checkbox"/> 27. Leasing New Facilities                                                                                                                           |
| <input type="checkbox"/> 9. Inspection                                                       | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing Facilities                                                                                              |
| <input type="checkbox"/> 10. Loans                                                           | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities                                                                                                     |
| <input type="checkbox"/> 11. Accessory Structures                                            | <input type="checkbox"/> 30. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales                                    | <input type="checkbox"/> 31. Historical Resource Restoration/Rehabilitation                                                                                                   |
| <input type="checkbox"/> 13. Acquisition of Land for Wild-Life Conservation Purposes         | <input type="checkbox"/> 32. In-Fill Development Projects                                                                                                                     |
| <input type="checkbox"/> 14. Minor Additions to Schools                                      |                                                                                                                                                                               |
| <input type="checkbox"/> 15. Minor Land Divisions                                            |                                                                                                                                                                               |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks                   |                                                                                                                                                                               |
| <input type="checkbox"/> 17. Open Space Contracts or Easements                               |                                                                                                                                                                               |
| <input type="checkbox"/> 18. Designation of Wilderness Areas                                 |                                                                                                                                                                               |
| <input type="checkbox"/> 19. Annexation of Existing Facilities Lots for Exempt Facilities    |                                                                                                                                                                               |

E. Lead Agency Other Than County: N/A

  
Joan Van der Hoeven, Project Planner

Date: 12/19/03

**EXHIBIT D**



TR. NO. 194 LAKEVIEW MANOR SUB. NO. 2  
 37MB7 1/17/61

TR. NO. 145 LAKEVIEW MANOR  
 33MB22 3/20/55

SEC. 27  
 SEC. 34

SEC. 27  
 SEC. 34

# PROJECT LOCATION

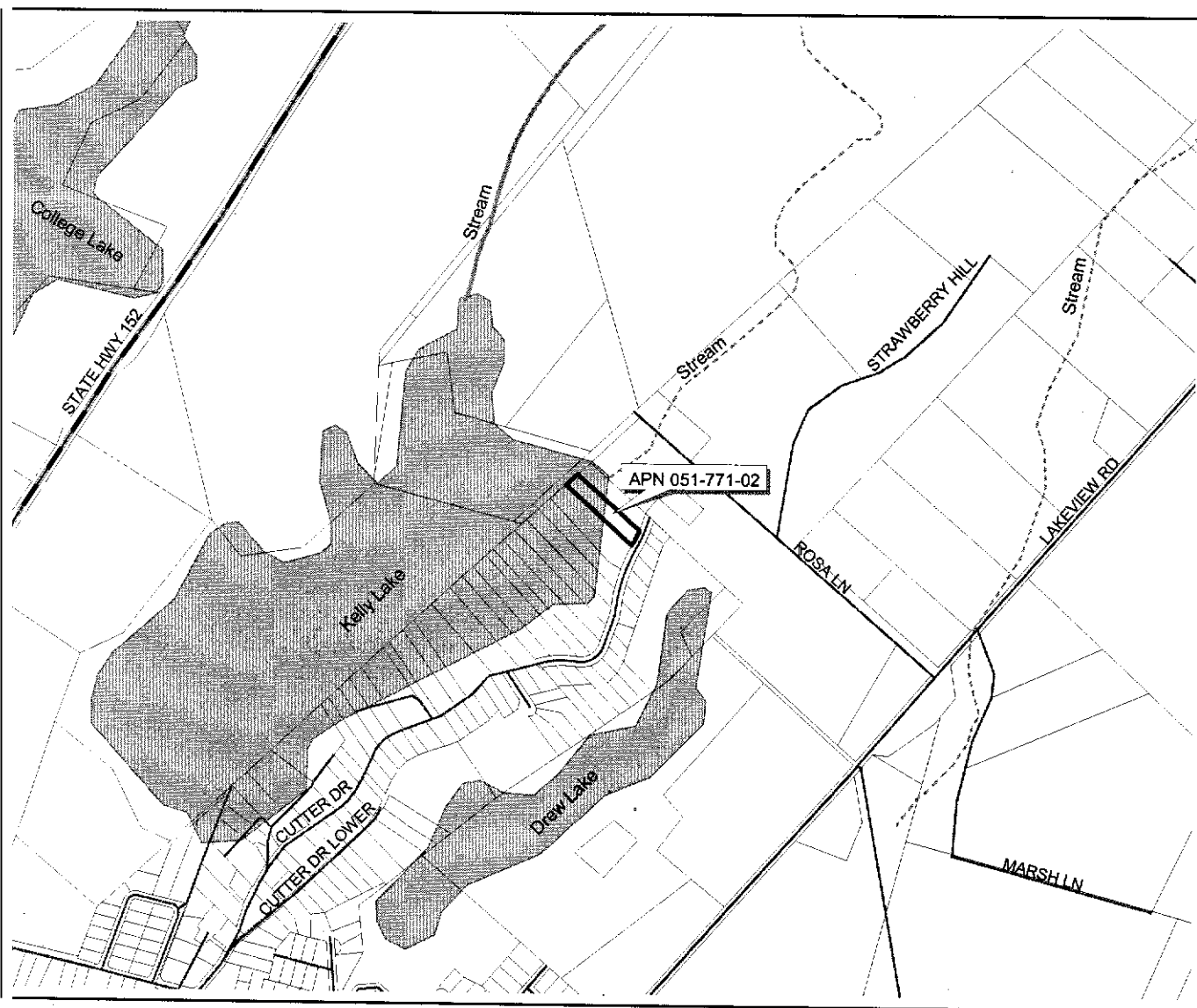
Assessor's Map No. 51-77  
 County of Santa Cruz, Calif.  
 July 2000

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

EXHIBIT E

57-431-07  
 Report  
 14.3  
 CA Zone  
 Type

# Location Map



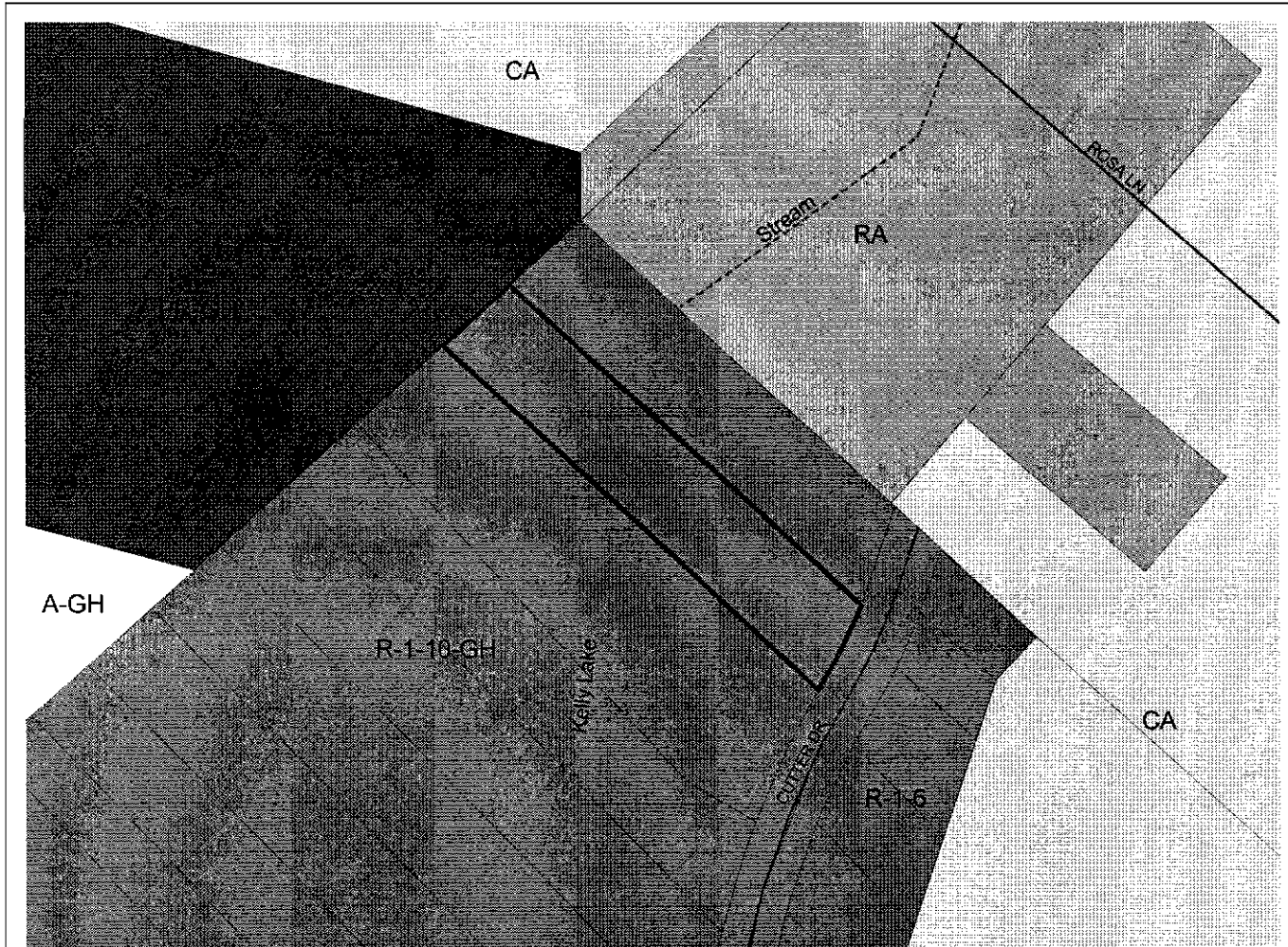
0.25 0 0.25 0.5 Miles

Map created by **Santa Cruz County**  
Planning Department:  
October 2003



EXHIBIT E

# Zoning Map



500 0 500 Feet

## Legend

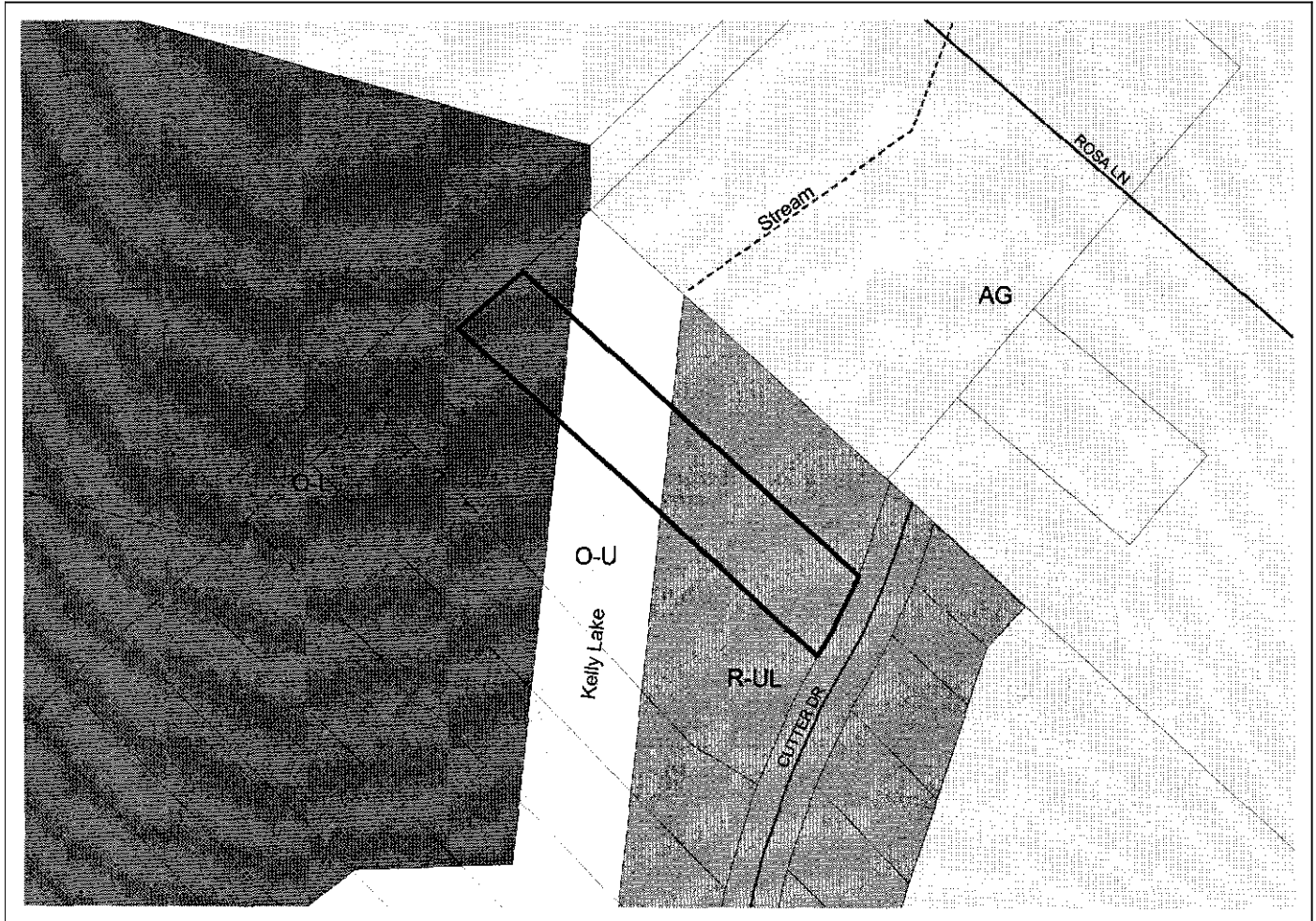
	Parcel boundaries
	APN 051-771-02
	Streets
	Intermittent Stream
	A
	CA
	RA
	R-1-X
	PR



Map created by Santa Cruz County  
Planning Department:  
October 2003

EXHIBIT F

# General Plan Map



500 0 500 Feet

## Legend

- Parcel boundaries
- APN 051-771-02
- Streets
- Intermittent Stream
- Agriculture
- Urban Open Space
- Lake
- Residential - Urban Low Density



Map created by Santa Cruz County  
Planning Department  
October 2003

EXHIBIT F



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

Project Planner: Joan Van Der Hoeven  
Application No.: 03-0442  
APN: 051-771-02

Date: October 31, 2003  
Time: 16:00:26  
Page: 1

Project Review Completeness Comments

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

===== REVIEW ON OCTOBER 30, 2003 BY JOAN VAN DER HOEVEN =====

Ag Statement of Acknowledgement filed as Doc 2000-0050978 Prior Riparian Exception approved Application 92-0852.

Project Review Miscellaneous Comments

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

===== REVIEW ON OCTOBER 30, 2003 BY JOAN VAN DER HOEVEN =====

NO COMMENT

Code Compliance Completeness Comments

Today, 10/31/03, I reviewed DP Application 03-0442. The application addresses the complaints re overheight fences and fences in riparian corridors. <GAG> =====  
REVIEW ON OCTOBER 31, 2003 BY GUSTAVO A GONZALEZ =====

Code Compliance Miscellaneous Comments

===== REVIEW ON OCTOBER 31, 2003 BY GUSTAVO A GONZALEZ =====

NO COMMENT

Dpw Road Engineering Completeness Comments

===== REVIEW ON OCTOBER 27, 2003 BY JACK R SOHRIAKOFF =====

No comments for completeness issues.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON OCTOBER 27, 2003 BY JACK R SOHRIAKOFF =====

The stucco wall in the frontyard setback will not inhibit sight distance at the driveway. Mitigation measures are not warranted for this proposal.

9-27-03

WITH REGARD TO A FENCE THAT HAS BEEN  
RECENTLY BUILT BY MY NIEGHBORS  
HELPER FRIENDS BETWEEN MY PROPERTY  
AND MY NEXT DOOR NEIGHBORS PROPERTY  
LOCATED ON THE EAST SIDE OF MY  
PROPERTY AT 153 CUTTER DRIVE  
WATSONVILLE CALIFORNIA.;

TONY CAMPOS AND I TALKED IN DETAIL ON  
THE MORNING OF 9-27-03 ABOUT THE  
BUILDING OF THE FENCE WHILE HE WAS OUT  
OF TOWN AND A MISUNDERSTANDING OF  
CONSTRUCTION INSTRUCTIONS WITH HIS  
HELPER FRIEND IS HOW A MISTAKE WAS  
MADE IN THE HIEGHT OF THE FENCE.

I EXPRESSED AND EXPLAINED TO TONY  
CAMPOS AFTER HEARING HIS EXPLANATION  
TO ME THAT I AM OK WITH THE WAY THE  
FENCE IS TURNING OUT AS IT NOW IS AND  
WILL NOT BE UN HAPPY ABOUT IT IF HE  
FINALIZES THE FENCE PROJECT AT THE  
EXISTING HIEGHT.

*William W. Kennedy*

EXHIBIT G

COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT

Date: 11/19/93  
Agenda Item: 2  
Time: After 10  
AM

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 92-0852

APN: 051-291-23

APPLICANT: Don Andre

OWNER: Tony & Rebecca Campos

PROJECT DESCRIPTION: Proposal to construct a 6,079 square foot single family dwelling and to construct a boat dock at the edge of Kelly Lake. Requires a large dwelling permit for total floor area in excess of 4,500 and a riparian exception.

LOCATION: West side of Cutter Road, North from College Road

FINAL ACTION DATE: 02/27/94 (per the Permit Streamlining Act)

PERMITS REQUIRED: Large Dwelling Review, Riparian Exception

ENV. DETERMINATION: Exempt per CEQA Section 1803

COASTAL ZONE: yes xxxxno APPEALABLE TO CCC: yes xxxxno

PARCEL INFORMATION

PARCEL SIZE: .80 acres

EXISTING LAND USE: PARCEL: Vacant

SURROUNDING: Residential and Commercial Agriculture

PROJECT ACCESS: Cutter Road

PLANNING AREA: Pajaro Valley

LAND USE DESIGNATION: Residential Urban Low, Urban Open Space, Lake

ZONING DISTRICT: R-1-15-GH, R-1-15

SUPERVISORIAL DIST.: 4

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geo. Hazards	a. Parcel within floodplain, development outside floodplain, 'no geological review necessary.
b. Soils	b. Soils report Review accepted 2/1/93 (see Exhibit E)
c. Agriculture	c. Agricultural buffer assessment approved. (See Exhibit f) Conditions of approval attached.
d. Slopes	d. building site is flat
e. Env. Sen. Habitat	e. Kelly Lake is identified as a sensitive habitat containing a riparian corridor. Development within 50 feet of the lake requires a riparian exception pursuant to the Riparian Corridor Ordinance. Findings attached.
f. Grading	f. Site preparation grading only, under

EXHIBIT

Applicant: Don Andre  
APN: 051-291-23  
Application No: 92-0852

	100 cubic yards.
g. Tree Removal	g. No
h. Scenic	h. No
i. Drainage	i. Adequate
j. Traffic	j. No significant increase in traffic
k. Sewer Avail.	k. Adequate
l. Water Avail.	l. Adequate

#### SERVICES INFORMATION

W/in Urban Services Line: xxxxyes \_\_\_no

Water Supply: Well

Sewage Disposal: Salsipuedes

Fire District: Salsipuedes

Drainage District: Zone 4

#### DISCUSSION

The proposed project is an allowed use within the "R-1-15" zone district and is consistent with the "Residential Urban Low" land use plan designation of the General Plan. The parcel also has a **pedestrian/equestrian** trail designation on the parcel as well.

The Parks Department reviewed the project and requires that the applicant dedicate a **pedestrian/equestrian** easement in conformance with the designated trail corridor noted on Map II of the Parks, Recreation and Open Space Plan. This will be required to be completed by the applicant prior to issuance of a building permit; however, the exact location and width of the trail easement will be established by the Parks Department.

The proposed dwelling and boat dock were reviewed by staff for consistency with residential development standards of County Code Section 13.10.323 and 13.10.552. The proposed structures comply with the required setbacks, lot coverage, height, floor area ratio and parking requirements.

The proposed large dwelling (6,079 square feet) and boat dock were reviewed by the Urban Designer and found to be consistent with the **Design** Standards and Guidelines enumerated in Chapter 13.11 (Section 13.11.070 through 13.11.077) and issued a positive design recommendation without conditions.

A soils report review (Exhibit E) was completed on the site and the recommendations of the soils report are attached as conditions of approval.

Environmental Planning staff has reviewed the proposed boat ramp. As this structure is located within 50 feet of Kelly Lake, the proposed project requires a riparian exception pursuant to the riparian corridor ordinance, County Code Section 16.30. Environmental Planning staff can make the required findings for the riparian exception. See attached findings.

In addition to the riparian exception, the applicant is required to form a lake alteration agreement with the Department of Fish and Game. The applicant has an agreement; however, this agreement expired October 15, 1993

EXHIBIT

Applicant: Don Andre  
APN: 051-291-23  
Application No: 92-0852

(Exhibit G). Thus, the conditions of approval for this application include a condition to require the applicant to obtain a lake alteration agreement with the Department of Fish and Game and to comply with any conditions of approval prior to issuance of a building permit.

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

RECOMMENDATION

Staff recommends approval of Application No. 92-0852, based on the attached findings and conditions.

EXHIBITS

- A. Project Plans (On file in the Planning Department)
- B. Findings
- C. Conditions
- D. Environmental Determination
- E. Soils Report Review dated 2/1/93
- F. Agricultural Buffer Assessment dated February 25, 1993
- G. Department of Fish and Game Lake Alteration Agreement
- H. Assessor's Map
- I. Zoning Map

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

Report Prepared By: Sheila McDaniel  
Phone Number: (408) 454-3190  
Santa Cruz County Planning Dept.  
701 Ocean St., 4th Floor  
Santa Cruz. CA 95060

EXHIBIT

Applicant: Don Andre  
APN: 051-291-23  
Application No.: 92-0852

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, OR BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed project will not be materially detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, or be materially injurious to properties or improvements in the vicinity in that the proposed project complies with all development regulations applicable to the site.

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.

The proposed project is an allowed use within the "R-1-15" zone district and the location of the project complies with the applicable residential development standards of County Code Section 13.10.323. Particularly, the proposed project complies with the maximum 30 percent lot coverage on site, required setbacks (20 foot front, 10 foot side, 15 foot rear), maximum 28 foot height and required parking requirements.

With regard to the large dwelling standards enumerated in County Code Section 13.10.325, the proposed project has been reviewed by the Urban Designer and found to be consistent with the large dwelling design guidelines.

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.

The proposed project is consistent with the "Residential Urban Low" General Plan Land Use Plan designation.

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.

The proposed use will not overload utilities or generate more than the acceptable level of traffic expected for the proposed project

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.

Applicant: Don Andre  
APN: 051-291-23  
Application Nb: 92-0852

The proposed project will complement and harmonize with the existing use of the property and surrounding residential uses. The proposed structure will be compatible with the character of the area given the utilization of landscaping and natural earth tone materials and colors.

Applicant: Don Andre  
APN: 051-291-23  
Application No.: 92-0852

FINDINGS FOR RESIDENTIAL STRUCTURES GREATER THAN 4500 SQUARE FEET

1. THE PROPOSED STRUCTURE IS COMPATIBLE WITH ITS SURROUNDINGS GIVEN THE NEIGHBORHOOD, LOCATIONAL AND ENVIRONMENTAL CONTEXT AND ITS DESIGN IS CONSISTENT WITH THE LARGE DWELLING DESIGN GUIDELINES IN COUNTY CODE SECTION 13.10.325(d); OR

The proposed 6,079 square foot single family dwelling is compatible with its surroundings given the neighborhood, locational and environmental context and its design is consistent with the large dwelling design guidelines in County Code Section 13.10.325 (d).

The proposed structure will follow the natural contours of the site and minimize grading by utilizing a multi-level design that will step down the hillside. This design will vary the roof elements and will reduce the massing of the structure.

The structure will implement landscaping and utilize colors that will blend the structure into the natural setting. Landscaping and color selection are attached as conditions of approval.



applicant **Campos**  
Application No.: **92-0852**  
APN:

#### RIPARIAN EXCEPTION FINDINGS

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.  
Special circumstances exist in that the parcel is bordered on the west by Kelly Lake, a recreational lake.
2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY;  
The exception is necessary for the proper design and function of the boat dock, which provides access for the parcel to the recreational lake, and is a permitted use on the parcel. Numerous similar structures exist along the lakeshore.
3. THAT THE GRANTING OF THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY DOWNSTREAM OR IN THE AREA IN WHICH THE PROJECT IS LOCATED:  
The granting of this exception will have no detrimental effect on surrounding parcels in that there will be no increase in water level, and an adequate buffer will exist between the boat dock and neighboring parcels.
4. THAT THE GRANTING OF THE EXCEPTION, IN THE COASTAL ZONE, WILL NOT REDUCE OR ADVERSELY IMPACT THE RIPARIAN CORRIDOR, AND THERE IS NO FEASIBLE LESS ENVIRONMENTALLY DAMAGING ALTERNATIVE; AND  
not applicable
5. THAT THE GRANTING OF THE EXCEPTION IS IN ACCORDANCE WITH THE PURPOSE OF THIS CHAPTER, AND WITH THE OBJECTIVES OF THE GENERAL PLAN AND ELP. MENTS THEREOF, AND THE LOCAL COASTAL PROGRAM LAND USE PLAN.  
The granting of this exception is in accordance with the purpose of the Riparian Corridor and Wetlands Protection Ordinance, and the Objectives of the General Plan in that the majority of lakeshore frontage on the parcel will remain undisturbed, and the boat dock construction disturbance itself will be minimal. The Calif. Department of Fish and Game has approved the project, along with a revegetation plan, and erosion control requirements which are adopted by this exception.

ripafind/027

Applicant: Don Andre  
APN: 051-291-23  
Application No.: 92-0852

Conditions of Approval  
Large Dwelling Review  
Application No.: 92-0852  
APN: 051-291-23  
Owner Name: Tony & Rebecca Campos  
Applicant Name: Don Andre

Planning Area: Pajaro Valley

Location: West side of Cutter Drive, north from College Drive.

Exhibits:

- A. Project Plans (On file in the Planning Department)
- B. Findings
- C. Conditions
- D. Environmental Determination
- E. Soils Report Review dated 2/1/93
- F. Agricultural Buffer Assessment dated February 25, 1993
- G. Assessor's Map
- H. Zoning Map

I. Prior to issuance of a Building Permit, the following shall be complied with:

- A. Building plans shall comply with plans marked "Exhibit A" on file in the Planning Department.
- B. The applicant shall pay the applicable park dedication fees. The current fee is \$2,789.00 per unit, but is subject to change.
- C. The applicant shall pay the applicable school fees. These fees will be established by the Building Department prior to issuance of a building permit.
- D. The applicant shall pay the applicable roadside/roadway fee. The current fee is \$1,000.00 per unit, but is subject to change.
- E. The applicant shall pay the applicable transportation improvement fee. The current fee is \$3,000 per unit, but is subject to change.
- F. The applicant shall pay the applicable child care fee. The current fee is \$328.00 per unit, but is subject to change.
- G. Building plans shall comply with the recommendations of the soils report review dated February 1, 1993.
- H. The building plans shall comply with all requirements of the Salspuedes Fire Protection District.

EXHIBIT  
EXHIBIT C

Applicant: Don Andre  
APN: 051-291-23  
Application No.: 92-0852

- I. Building plans shall reflect the utilization of the color scheme on file in the Planning Department.
  - J. Building plans shall reflect impleeentation of the landscaping plans on file in the Planning Department.
  - K. Building plans shall comply with the conditions of the Agricultural Buffer Assessment dated February 25, 1993.
  - L. The applicant shall obtain a lake alteration agreement with the Department of Fish and Game. Following issuance of the agreement, building plans shall comply with the conditions of approval of the Fish and Game Lake Alteration Agreement.
  - M. The applicant shall dedicate an pedestrian/equestrian easement to the County of Santa Cruz. Prior to recordation of the easement, the applicant shall contact the Parks, Recreation, and Open Space Department to establish the exact location and width of the easement.
  - N. Building plans shall indicate the sidewalk construction along the frontage of the property in alignment with the sidewalk on the adjacent property to the south. In addition, the applicant shall dedicate a three foot utility easement to the County of Santa Cruz to accomodate existing utilities.
- II. Prior to final inspection/occupancy, the following shall be complied with.
- A. Staff shall verify that the structure complies with the approved color scheme on file in the Planning Department.
  - B. Staff shall verify that the landscaping has been completed in conformance with the plans on file in the Planning Department.
  - C. Environmental Planning Staff shall verify that the project complies with the conditions of the agricultural buffer determination conditions.
  - D. The applicant shall complete the sidewalk construction in conformance with the building permit on file in the Planning Department.
- III. Operational Conditions
- A. Landscaping shall be permanently maintained.
  - 8. Development shall comply with the conditions of approval of the Fish and Game lake Alteration Agreement dated July 7, 1993.

NOTICE OF EXEMPTION  
FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Application No.: 92-0852

Assessor Parcel No.: 051-291-23

Project Location: West side of Cutter Road, north from College Road

Project Description: Proposal to construct a 6,079 square foot single family dwelling.

Person or Agency Proposing Project: Don Andre

Phone Number: 408 728-2021

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

D. Categorical Exemption

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

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

Staff Planner

75174 Daniel

Date: October 14, 1993 \_\_\_\_\_

EXHIBIT H  
EXHIBIT D

PLANNING DEPARTMENT

GOVERNMENTAL CENTER



C O U N T Y   O F   S A N T A   C R U Z

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

February 1, 1993

Tony Campos  
723-F East Lake Avenue  
Watsonville CA 95076

SUBJECT:   Review of soils engineering report by Jacobs Associates  
dated 12/29/92.  
APN:051-291-23, APPLICATION NUMBER 92-0852

Dear Mr. Campos:

Thank you for submitting the report for the parcel referenced above. The report was reviewed for conformance with County Guidelines for Soils/Geotechnical Reports and also for completeness regarding site specific hazards and accompanying technical reports (e.g. geologic, hydrologic, etc.). The purpose of this letter is to inform you that the Planning Department has accepted the report and the following recommendations become permit conditions:

1. All report recommendations must be followed.
2. An engineered foundation plan is required. This plan must incorporate the design recommendations for a pier and grade beam foundation including mitigations for expansive soils.
3. Final plans shall show the drainage system as detailed in the soils engineering report including outlet locations and appropriate energy dissipaters.
4. Final plans shall reference the approved soils engineering report and state that all development shall conform to the report recommendations.
5. Prior to building permit issuance, the soil engineer must submit a brief building, grading and drainage plan review letter to your Resource Planner (Attn: Matt Baldzikowski) stating that the plans and foundation design are in general compliance with the report recommendations. If, upon plan review, the engineer requires plan revisions or additions, the applicant shall submit to Environmental Planning two copies of revised plans and a final plan review letter stating that the plans, as revised, conform to the report recommendations.

EXHIBIT H  
EXHIBIT E

6. The soil engineer must inspect all foundation excavations and a letter of inspection must be submitted to your Resource Planner and your building inspector prior to pour of concrete. This letter must also verify that the building is located within the envelope designated on the approved plans.
7. The soil engineer must submit a final soils/grading report to your Resource Planner and your building inspector regarding the compliance with all technical recommendations of the soil report prior to final inspection (reference County Soils/Geotechnical Reports Guidelines dated April 1992 for final report specifications).

The soil report acceptance is only limited to the technical adequacy of the report. Other issues, like planning, building design, grading, septic or sewer approval, etc., may still require resolution.

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

Please call 454-3164 if we can be of any assistance.

Sincerely,



**JOEL SCHWARTZ**  
Geotechnical Associate



FOR: **DIETER RFFMANN**  
Senior Civil Engineer

cc: Celia Udall, correspondence  
Matt Mullin, Project Planner  
Jacobs Associates, JOB 6340-S78-C51  
Don Andre, 723 East Lake Avenue, Watsonville Ca 95076

/campos

STAFF REPORT TO THE AGRICULTURAL POLICY ADVISORY COMMISSION

APPLICATION NO.: 92-0852 APN: 051-291-23  
APPLICANT: Tony and Rebecca Campos  
OWNER: Tony and Rebecca Campos  
PROJECT DESCRIPTION: Proposal to reduce the 200 foot agricultural buffer setbacks to construct a single-family dwelling.  
LOCATION: West side of Cutter Drive, approximately 550 feet north of Brushwood Lane.  
FINAL ACTION DATE: N/A at this time.  
PERMITS REQUIRED: Agricultural Buffer Determination, Large Dwelling and Roadside/Roadway Exemption.  
ENV. DETERMINATION: Categorical Exemption  
COASTAL ZONE: y e s XX no APPEALABLE TO CC: \_\_\_\_yes \_\_X\_\_no

PARCEL INFORMATION

PARCEL SIZE: 34,008 square feet  
EXISTING LAND USE: PARCEL: Vacant  
SURROUNDING: Residential and Commercial Agriculture  
PROJECT ACCESS: Cutter Drive  
PLANNING AREA: Pajaro Valley  
LAND USE DESIGNATION: Urban Low Residential  
ZONING DISTRICT: R-1-15  
SUPERVISORIAL DIST.: 4

ENVIRONMENTAL OR SITE SPECIFIC INFORMATION PERTINENT TO APAC'S DETERMINATION

<u>Item</u>	<u>Comments</u>
a. Configuration of Parcel	a. Parcel's dimensions are 80'x439' (see Exhibit F).
b. Slopes	b. The parcel moderately slopes towards Kelly Lake with slopes of approximately 15-20%.
c. Env. Sen. Habitat	c. Kelly Lake is identified as a Sensitive Habitat containing a Riparian Corridor. Development within 50' of the lake is not allowed without obtaining a variance to the Sensitive Habitat and Riparian Corridor Ordinance.
d. Grading	d. Kelly Lake is identified as a Sensitive Habitat containing a Riparian Corridor. Development within 50' of the lake is not allowed without obtaining a variance to the Sensitive Habitat and Riparian Corridor Ordinance.
e. Geologic Hazards	e. Identified on-site affect on development unknown at this time.

#### SERVICES INFORMATION

Within Urban Services Line: y e s XX no  
Water Supply: City of Watsonville  
Sewage Disposal: Salsipuedes  
Fire District: Salsipuedes  
Drainage District: Zone 4

#### DISCUSSION

The proposed project requires APAC's determination regarding the proposed reduction of an agricultural buffer setback (Agricultural Buffer Determination) from one adjacent "CA" zoned parcel. The County's Agricultural Protection Ordinance (Section 16.50.095) contains provisions which allow the reduction of the 200 foot setback based upon the existence of special circumstances. In this instance, special circumstances exist which will allow the reduction of the agricultural buffer setbacks, based upon the conditional establishment of buffering barriers. Please see the attached Exhibits (A & B) for additional supporting evidence.

#### RECOMMENDATION

Staff recommends approval of the Application No. 92-0857, based on the attached findings and conditions.

#### EXHIBITS

- A. Findings
- B. Conditions
- C. Location Map
- D. Assessor's Map**
- E. Zoning Map
- F. Site Plan

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

Report Prepared By: SHERYL MITCHELL  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
Phone Number: (408) 454-3104



Required Findings for Reduction of Agricultural  
Buffer Setback  
County Code Section 16.50.095(b) and (c)

Section 16.50.095(b) Required Finding

This can be met by any one of the following 4 alternatives. The number circled below identifies the alternative applicable to this project.

1. SIGNIFICANT TOPOGRAPHICAL DIFFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200-FOOT SETBACK; OR
2. PERMANENT SUBSTANTIAL VEGETATION OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200-FOOT BUFFER SETBACK; OR
3. A LESSER SETBACK DISTANCE IS FOUND TO BE ADEQUATE TO PREVENT CONFLICTS BETWEEN THE NON-AGRICULTURAL DEVELOPMENT AND THE ADJACENT AGRICULTURAL USES, BASED ON THE ESTABLISHMENT OF A PHYSICAL BARRIER, UNLESS IT IS DETERMINED THAT THE INSTALLATION OF A BARRIER WILL HINDER THE AFFECTED AGRICULTURAL USE MORE THAN IT WOULD HELP IT, OR WOULD CREATE A SERIOUS TRAFFIC HAZARD ON A PUBLIC OR PRIVATE RIGHT-OF-WAY; AND/OR SOME OTHER FACTOR WHICH EFFECTIVELY SUPPLANTS THE 200-FOOT BUFFERING DISTANCE TO THE GREATEST DEGREE POSSIBLE; OR
4. THE IMPOSITION OF A 200-FOOT AGRICULTURAL BUFFER SETBACK WOULD PRECLUDE BUILDING ON A PARCEL OF RECORD AS OF THE EFFECTIVE DATE OF THIS CHAPTER, IN WHICH CASE A LESSER BUFFER SETBACK DISTANCE MAY BE PERMITTED, PROVIDED THAT THE MAXIMUM POSSIBLE SETBACK DISTANCE IS REQUIRED, COUPLED WITH A REQUIREMENT FOR A PHYSICAL BARRIER, OR VEGETATIVE SCREENING OR OTHER TECHNIQUES TO PROVIDE THE MAXIMUM BUFFERING POSSIBLE, CONSISTENT WITH THE OBJECTIVE OF PERMITTING BUILDING ON A PARCEL OF RECORD.

The subject property is an existing parcel of record which is approximately 80 feet wide in the dimension adjacent to the "CA" zoned parcel in question (Exhibit E). The proposed development is 59 feet wide in the dimension adjacent to this "CA" zoned parcel and 160 feet long in the direction of Kelly Lake (Exhibit F). The County's Riparian Corridor Ordinance requires a minimum of a 50-foot setback from the average water line of Kelly Lake. The net result of these site conditions (dimensions of parcel, dimensions of the development envelope and the Riparian setback) make a 200 foot agricultural buffer setback unattainable from this "CA" zoned property. The proposed single-family dwelling has been sited so as to be set back approximately 165 feet from this "CA" zoned property and is in a location which meets the required zoning setbacks from the other surrounding properties. The proposed agricultural buffer setback will be adequate to minimize potential land use conflicts, conditional upon the establishment of buffering barriers, in the locations indicated on the site plan (Exhibit F).

Section 16.50.095(c) Required Finding

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO TYPE 1, TYPE 2 or TYPE 3 COMMERCIAL AGRICULTURAL LAND SHALL BE SITED SO AS TO MINIMIZE POSSIBLE CONFLICTS BETWEEN AGRICULTURE IN THE AREA AND NON-AGRICULTURAL USES, AND WHERE STRUCTURES ARE TO BE LOCATED ON AGRICULTURAL PARCELS, SUCH STRUCTURES SHALL BE LOCATED SO AS TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION OR POTENTIAL PRODUCTION.

The proposed homesite has been sited on the residentially zoned parcel so as to minimize potential conflicts between the commercial agricultural and residential land uses, as noted in the above finding.

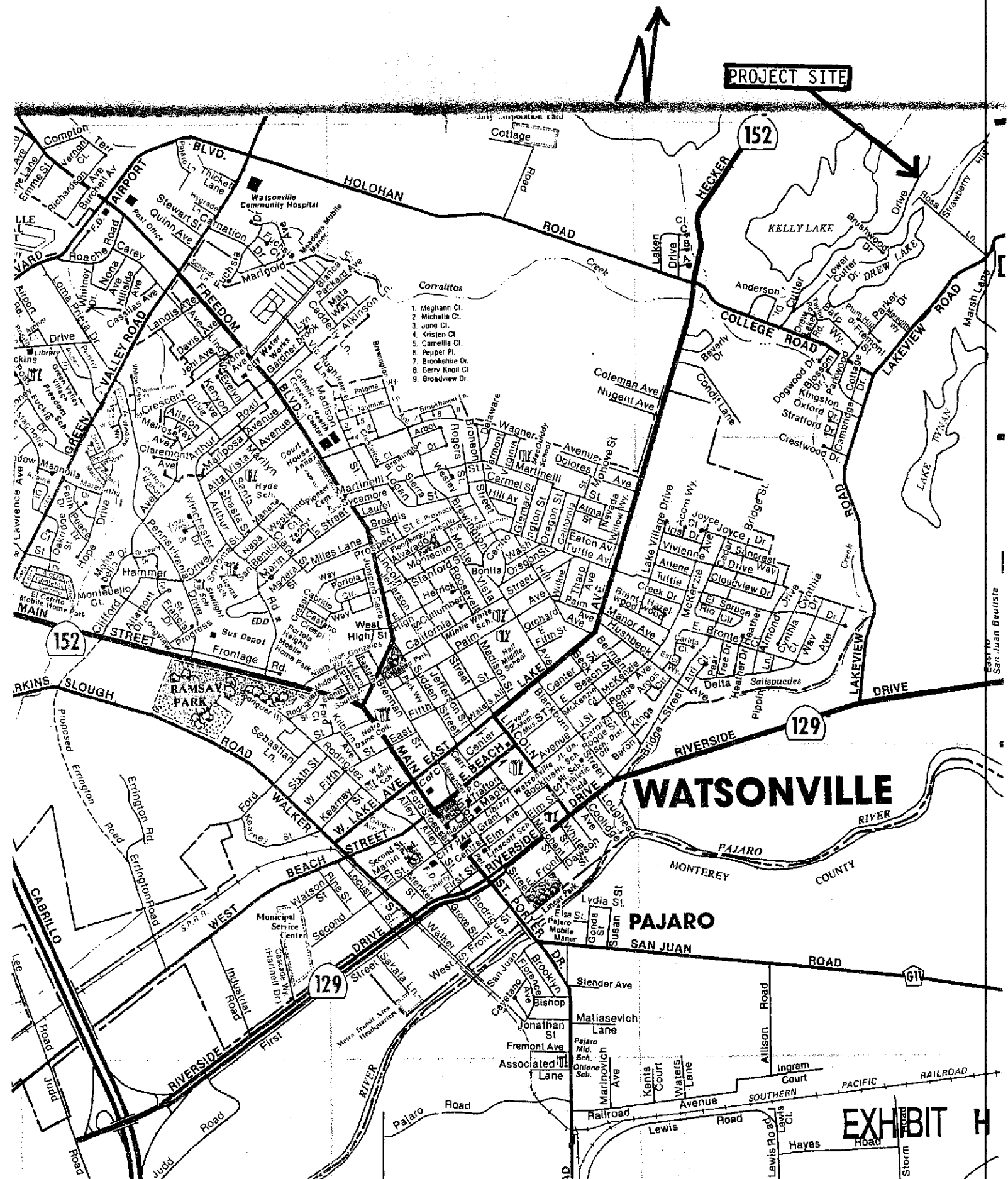
AGRICULTURAL BUFFER DETERMINATION CONDITIONS

1. The construction of all habitable structures shall conform to the agricultural buffer setback(s) as follows:

165 feet measured from the eastern edge of the proposed single-family dwelling to the western property line of the adjacent "CA" zoned parcel (APN 051-431-07); and
2. Applicant shall install and permanently maintain a vegetative buffering barrier within the location shown on Exhibit F (site plan) for a linear distance of approximately 170 feet (less that amount necessary to avoid right-of-ways and to maintain adequate site distance). The vegetative buffering barrier shall be composed of drought tolerant evergreen shrubbery which will attain a height of 12 to 25 feet upon maturity.
3. Prior to building permit issuance, the applicant shall submit a revised site plan to the Resource Section of the Planning Department. The site plan shall be drawn to scale, shall meet all the County's standard requirements, shall incorporate the required agricultural buffering setbacks and barriers (evergreen hedge) and shall depict the required installation of an automatic drip irrigation system. The buffering barrier design shall be based upon pre-approved planting details (species selection and spacing).
4. Prior to Building permit issuance, the applicant shall record a Statement of Acknowledgement, as prepared by the Planning Department, and submit evidence of the recordation of such to the Resource Section of the Planning Department. This Statement of Acknowledgement shall acknowledge the adjacent agricultural land use and the required installation and maintenance of the buffering barrier(s).
5. Prior to building permit issuance, the applicant shall submit the approved revised site/landscape plan and building plans which conform to the Uniform Building Code and Chapter 12 of the Santa Cruz County Ordinance for approval by the Planning Department.
6. The applicant shall call building inspections at 454-2077 for inspection of the required setbacks prior to pouring of foundation concrete.
7. The applicant shall call 454-3104 for the inspection of the buffering barriers prior to final inspection clearance by Santa Cruz County.

apaccamp/457

EXHIBIT C  
LOCATION MAP  
Application: 92-085  
APN: 051-291-23  
CAMPOS' APAC REPORT



Application: 92-0852  
APN: 051-291-23  
CAMPOS' APAC REPORT

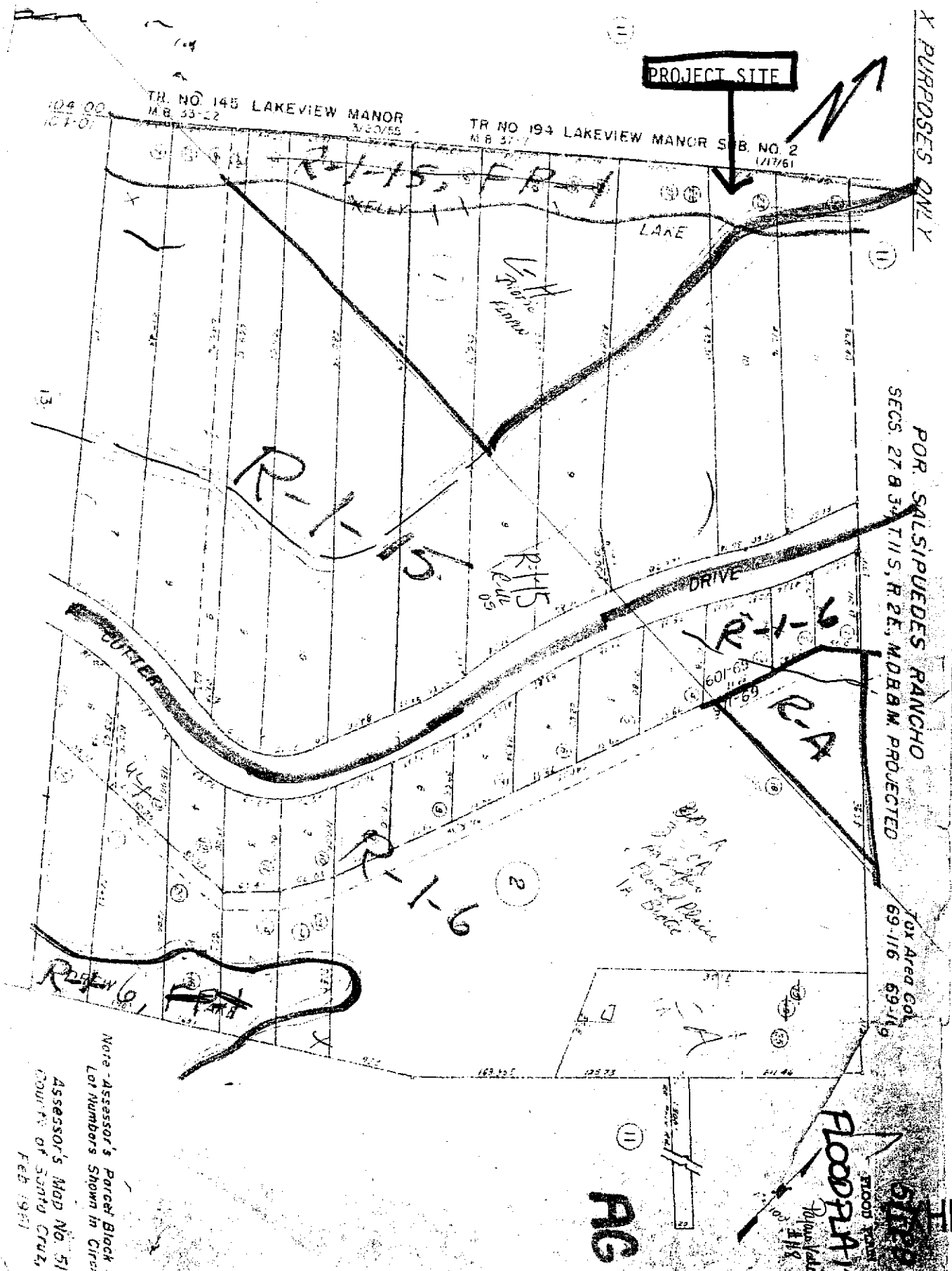


EXHIBIT E  
ZONING MAP  
Application: 92-0852  
APN: 051-291-23  
CAMPOS' APAC REPORT

**COUNTY OF**



## LEGEND

**COUNTY BOUNDARY -**

# MAP

**SFC**

ap<sup>±</sup>13.04.121

2

10

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**Is**

## 7.2.1

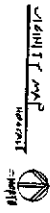
2

1

2

31

EXHIBIT



RECORD OF APAC'S ACTION

\*APAC ACTION: APAC approved staff's recommendations with minor revisions. APAC deleted the requirement for the installation of a buffering barrier on the northern side of the property. The findings and the site plan (Exhibit f) have been modified according to APAC's direction. \* APAC's actions (revisions to the findings and conditions are indicated by text which is underlined or ~~struck-~~  
~~over~~.

Ayes: Commissioner Dau, Commissioner McCrary, Commissioner Sakamoto,  
Commissioner Thomas and Chairperson Ringe

Noes: None

Absent: None

Date: February 25, 1993

apaccamp/457



## AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department

and ANTHONY + REBECCA CAMPOS 724-0193 OR 728-4276  
JATSONVILLE, State of CALIFORNIA, hereinafter called the operator, is as follows:WHEREAS, pursuant to Division 2, Chapter 6 of California Fish and Game Code, the operator, on the 3 day of JUNE, 19 93, notified the Department that he intends to substantially divert or obstruct the natural flow of, or substantially change the channel, or bank of, or use material from the streambed of, the following water: KELLY LAKE, in the County of LOS ANGELES, State of California, S. \_\_\_\_\_ T. \_\_\_\_\_ R. \_\_\_\_\_WHEREAS, the Department (represented by C. BARICH) has made an inspection of subject area on NORTH day of JUNE, 19 93, and has determined that such operations may substantially adversely affect existing fish and wildlife resources including: WETLAND HABITAT AND ITS RELATED SPECIES - FISH, REPTILES, AMPHIBIANS, BIRDS, SMALL MAMMALSSEE NUMBERED CONDITIONS ON THE BACK OF THIS PAGETHEREFORE, the Department hereby proposes measures to protect fish and wildlife during the operator's work. The operator agrees to accept the following recommendations as part of his work: Numbers 2, 13, 16, 20, 21, 22 from the list of recommendations on the back of this page and the following special recommendations:

- A. All work in or near the stream or lake shall be confined to the period JUNE 3, 1993 THROUGH 14 OCT
- B. THIS AGREEMENT IS LIMITED TO THE P/Os - UCTION OF A BOAT DUCK ON KELLY LAKE AS PER SUBMITTED PLANS. AS PER YOUR PLANS THERE SHALL BE NO DISTURBANCE FROM THE TOP OF THE BANK UP TO THE "50' SETBACK LINE", FOR THE DURATION OF THE PROJECT. ONLY NATIVE VEGETATION SHALL BE PLANTED IN THIS AREA.
- C. THERE SHALL BE NO FILL OR GRADING BELOW THE "50' SETBACK LINE"
- D. THE DRAINAGE DISSIPATOR PIT SHALL BE MAINTAINED BY THE PROPERTY OWNER FOR THE LIFE OF THE PROJECT TO PREVENT EROSION. PLANS FOR THE DISSIPATOR PIT MUST BE APPROVED BY THE DEPT. BEFORE ANY CONSTRUCTION. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE BY OCT 15. EACH VR. THIS INCLUDES ALL MEASURES NECESSARY WHILE CONSTRUCTING THE PIT. NO SILT SHALL ENTER THE LAKE FROM THIS PROJECT.
- E. REVEGETATION SHALL BE AS PER YOUR SUBMITTED PLAN. OPERATOR IS RESPONSIBLE FOR A VEGETATION SURVIVAL RATE OF 100% BY THE END OF 5 YRS. IF WITHIN THE 5 YRS ANY VEGETATION DIES THE OPERATOR SHALL REPLACE IT.

The operator, as designated by the signature on this agreement, shall be responsible for the execution of all elements of this agreement. A copy of this agreement must be provided to contractors and subcontractors and must be in their possession at the work site.

If the operator's work changes from that stated in the notification specified above, this agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this agreement and with other pertinent Code Sections, including but not limited to Fish and Game Code Sections 5630, 5652 and 5948, may result in prosecution.

Nothing in this agreement authorizes the operator to trespass on any land or property, nor does it relieve the operator of responsibility or compliance with applicable federal, state, or local laws or ordinances.

THIS AGREEMENT IS NOT INTENDED AS: AN APPROVAL OF A PROJECT OR OF SPECIFIC PROJECT FEATURES BY THE DEPARTMENT OF FISH AND GAME INDEPENDENT REVIEW AND RECOMMENDATIONS WILL BE PROVIDED BY THE DEPARTMENT AS APPROPRIATE ON THOSE PROJECTS WHERE LOCAL, STATE, OR FEDERAL PERMITS OR OTHER ENVIRONMENTAL REPORTS ARE REQUIRED.

This agreement becomes effective WHEN SIGNED BY BOTH PARTIESOperator Anthony Campos  
Rebecca Campos  
Owner

Department Representative

Title FISH AND GAME WARDEN

Organization \_\_\_\_\_

Department of Fish and Game, State of California

Date 9/7/93Date 7-3-93EXHIBIT  
EXHIBIT G

## AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department and ANTHONY AND REBECCA CAMPOS of \_\_\_\_\_, State of \_\_\_\_\_, hereinafter called the operator, is as follows:

WHEREAS, pursuant to Division 2, Chapter 6 of California Fish and Game Code, the operator, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, notified the Department that he intends to substantially divert or obstruct the natural flow of, or substantially change the channel, or bank of, or use material from the streambed of, the following water: KELLY LAKE, in the County of \_\_\_\_\_, State of California, S\_\_\_\_\_ T\_\_\_\_\_ R\_\_\_\_\_.

WHEREAS, the Department (represented by SAME) has made an inspection of subject area on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and) has determined that such operations may substantially adversely affect existing fish and wildlife resources including: \_\_\_\_\_

THEREFORE, the Department hereby proposes measures to protect fish and wildlife during the operator's work. The operator hereby agrees to accept the following recommendations as part of his work: Numbers 2, 13, 16, 20, 21, 23 from the list of recommendations on the back of this page and the following special recommendations:

1. All work in or near the stream or lake shall be confined to the period JUNE 3, 1993 THROUGH OCT 15,

E (cont.) WITH THE SAME SPECIES AND SIZE. ALL VEGETATION SHALL CONSIST

OF NATIVE SPECIES ONLY.

F. NO LITTER, DERRIS, WASH WATER, CEMENT ETC. SHALL ENTER THE LAKE FROM THIS PROJECT.

G. THERE SHALL BE NO CUTTING OF ANY TREES. ALL EXISTING TREES SHALL BE LEFT UNDISTURBED.

H. THE BANKS SHALL BE REVEGETATED WITH GRASS. THERE SHALL BE NO RIP-RAP OR RETAINING WALLS ALLOWED UNLESS PLANS ARE PRE-APPROVED & SIGNED BY THE DEPARTMENT. GRANITE OR CRUSHED ROCK PATHWAY ON PLAN IS OKED.

I. THE DEPARTMENT RESERVES THE RIGHT TO ADD CONDITIONS TO THE PROJECT IF DEEMED NECESSARY AFTER TALKING WITH MATT MULLIN OF THE COUNTY.

J. IF THE OPERATOR FAILS TO COMPLETE THIS PROJECT BY OCT 15, 1993 THE OPERATOR SHALL APPLY FOR AN EXTENSION PRIOR TO JUNE 3, 1993.

The operator, as designated by the signature on this agreement, shall be responsible for the execution of all elements of this agreement. A copy of this agreement must be provided to contractors and subcontractors and must be in their possession at the work.

If the operator's work changes from that stated in the notification specified above, this agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this agreement and with pertinent Code Sections, including but not limited to Fish and Game Code Sections 5650, 5652 and 5948, may result in prosecution.

Nothing in this agreement authorizes the operator to trespass on any land or property, nor does it relieve the operator of responsibility or compliance with applicable federal, state, or local laws or ordinances.

THIS AGREEMENT IS NOT INTENDED AS AN APPROVAL OF A PROJECT OR OF SPECIFIC PROJECT FEATURES BY THE DEPARTMENT OF FISH AND GAME INDEPENDENT REVIEW AND RECOMMENDATIONS WILL BE PROVIDED BY THE DEPARTMENT AS APPROPRIATE ON THOSE PROJECTS WHERE LOCAL, STATE, FEDERAL PERMITS OR OTHER ENVIRONMENTAL REPORTS ARE REQUIRED...

This agreement becomes effective WHEN SIGNED BY BOTH PARTIES

Operator Anthony and Rebecca Campos  
Title Owner

Organization \_\_\_\_\_

Date 4/7/93

Inspection was not made, cross out words within parentheses.

Department Representative \_\_\_\_\_

Title FISH AND GAME WARDEN

Department of Fish and Game, State of California

Date 7-3-93

EXHIBIT H



# County of Santa Cruz

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX. (6 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

February 24, 2000

Don Andre  
723 East Lake Avenue  
Watsonville, CA 95076

# PERMIT

**SUBJECT:** DEVELOPMENT PERMIT - LEVEL IV  
PROJECT APN 051-291-23  
APPLICATION NO 99-0806  
PROPERTY OWNER Anthony and Rebecca Campos

Proposal to construct a single family dwelling and detached garage Requires an Extension of an Agricultural Buffer Reduction Permit Extension 98-0301

Dear Mr. Andre:

Your application for a development permit has been reviewed and approved subject to the conditions beginning on Page 5 of this permit. Please feel free to contact me at (831) 454-3225 if you should have any questions relating to this permit or the conditions of approval. **You must sign and return one copy of this permit to the Planning Department in order for this permit to be valid. Please note that this is the final extension allowed under Chapter 18.10.133(a).**

### Analysis and Discussion

The applicant proposes to construct a single family dwelling on an approximately 33,628 square foot, R-1-10 and R-I-10-GH (Single Family Residential, 10,000 sq. ft. lot minimum, Geologic hazards zone) zoned property. The property is currently undeveloped and is located less than 200 feet from Commercial Agriculture zoned land on the east of the subject property. The proposed dwelling will be located within 165 feet of this CA property, which requires a reduction from the required 200 foot Agricultural Buffer Setback. This proposal was originally considered by the Agricultural Policy Advisory Commission (APAC) on February 25, 1993 under Application 92-0852. APAC approved application 92-0852 with a 165 foot Agricultural Buffer Setback and additional physical barriers involving vegetative screening. As a Large Dwelling Review was also required for the originally proposed project, Application 92-0852 was approved by the Zoning Administrator on November 19, 1993. The Agricultural Buffer Reduction portion of the permit has been subsequently extended under permits 95-0755 (to May 1998) and 98-0301 (one year). The property owner has not yet exercised this permit and has applied for an additional one year extension. The applicant is requesting an extension of the Agricultural Buffer Setback Determination originally approved under 92-0081.

EXHIBIT H

The subject parcel is located in the Pajaro Valley Planning Area and is zoned R-1-10 and R-1-10-GH (Single Family Residential, 10,000 sq. ft. lot minimum with a portion in a geologic hazards zone) and has General Plan designations of Residential Urban Low (R-UL), Urban Open Space (O-U) and Lake (O-L). The western portion of the property is located within Kelly Lake. The nearby Commercial Agriculture parcel (APN 051-431-07) is located east of the subject parcel. The CA land is designated as Type 1A Agricultural Resource land.

The Agricultural Buffer Setback regulations set forth in Chapter 16.50 in the County Code provides for the reduction of the 200 foot buffer setback if the required findings can be made. The proposal meets the special circumstances in that locating the dwelling outside of the 200 foot buffer is not feasible due to flood hazards on the western end of the parcel and the parcel width of only 80 feet. An additional physical barrier in the form of vegetative screening, as required by APAC, will ensure adequate protection for land use conflicts in lieu of a 200 foot separation. See Agricultural Buffer Setback Reduction Findings, beginning on Page 3

The Agricultural Policy Advisory Commission was notified of this level IV application to extend Permit 98-0301 under the current application 99-0806 as part of the February 17, 2000 Agenda packet. No objections were raised regarding the approval of 99-0806, extending permit 98-0301. This extension will allow the development permit to remain in effect for a total of seven (7) years. In accordance with the provisions of Chapter 18.10.133(a) of the County Code regulating permit extensions, this will be the last extension allowed. If this approval expires prior to being exercised, then the applicant/owner must apply for a new development permit to be heard by the Agricultural Policy Advisory Commission.

#### Recommendation

Based on the review by for consistency with agricultural policies, and the attached findings and conditions, Staff recommends approval of the requested extension for the Agricultural Buffer Setback Determination.

RECOMMENDED FOR APPROVAL BY: Cathleen Carr

Cathleen Carr  
Project Planner

DATE: 2-28-00

APPROVED BY: Cathy Graves

Cathy Graves  
Planner IV

DATE: 2-28-00

Exhibit A: Site Plans prepared by Don Andre, dated 9/94 last revised 10/20/94.

**NOTE:** This decision is **final unless** it is appealed.

See permit conditions for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

**THIS PERMIT WILL EXPIRE ON DECEMBER 22, 2000 AND NO FURTHER EXTENSIONS SHALL BE GRANTED, IF NOT EXERCISED.**

**REQUIRED FINDINGS FOR AGRICULTURAL BUFFER SETBACK REDUCTION  
COUNTY CODE SECTION 16.50.095 (b)**

- 1 SIGNIFICANT TOPOGRAPHICAL DIFFERENCES EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT SETBACK. OR
- 2 PERMANENT SUBSTANTIAL VEGETATION OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMINATE THE NEED FOR A 200 FOOT BUFFER SETBACK, OR
- 3 A LESSER SETBACK DISTANCE IS FOUND TO BE ADEQUATE TO PREVENT CONFLICTS BETWEEN THE NON-AGRICULTURAL DEVELOPMENT AND THE ADJACENT AGRICULTURAL USES, BASED ON THE ESTABLISHMENT OF A PHYSICAL BARRIER, UNLESS IT IS DETERMINED THAT THE INSTALLATION OF A BARRIER WILL HINDER THE AFFECTED AGRICULTURAL USE MORE THAN IT WOULD HELP IT, OR WOULD CREATE A SERIOUS TRAFFIC HAZARD ON A PUBLIC OR PRIVATE RIGHT-OF-WAY, AND/OR SOME OTHER FACTOR WHICH EFFECTIVELY SUPPLANTS THE 200 FOOT BUFFERING DISTANCE TO THE GREATEST DEGREE POSSIBLE, OR

The establishment of a physical barrier comprised of vegetative screening will be adequate to mitigate for a lesser setback and prevent potential conflicts between the proposed residential use and agricultural use on the nearby Commercial Agriculture parcel to the east (APN 051-431-07)

- 4 THE IMPOSITION OF A 200 FOOT AGRICULTURAL BUFFER SETBACK WOULD PRECLUDE BUILDING ON A PARCEL OF RECORD AS OF THE EFFECTIVE DATE OF THIS CHAPTER, IN WHICH CASE A LESSER BUFFER SETBACK DISTANCE MAY BE PERMITTED, PROVIDED THAT THE MAXIMUM POSSIBLE SETBACK DISTANCE IS REQUIRED, COUPLED WITH A REQUIREMENT FOR A PHYSICAL BARRIER, OR VEGETATIVE SCREENING OR OTHER TECHNIQUES TO PROVIDE THE MAXIMUM BUFFERING POSSIBLE, CONSISTENT WITH THE OBJECTIVE OF PERMITTING BUILDING ON A PARCEL OF RECORD

Imposition of the 200 foot agricultural buffer would preclude development of an existing lot of record as the parcel is only 80 feet wide. Additional conflicts with other County policies, specifically development within flood zones, preclude meeting the 200 buffer setback. The property is only 160 feet long, however, riparian buffer setbacks and the 100 year flood zone forces the residential development closer to the agricultural land, making the required 200 foot Agricultural Buffer Setback unattainable. The residential development has been located as far from the agricultural land as physically possible. In addition, the placement of a vegetative screening has been required as a condition of approval to provide maximum buffering and which will adequately minimize potential land use conflicts. This reduced agricultural setback is consistent with the objective of permitting building on a parcel of record.

**REQUIRED FINDINGS FOR NON-AGRICULTURAL DEVELOPMENT ON OR ADJACENT TO  
COMMERCIAL AGRICULTURAL LAND**

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO TYPE 1, TYPE 2 OR TYPE 3 AGRICULTURAL LAND SHALL BE SITED SO AS

TO MINIMIZE POSSIBLE CONFLICTS BETWEEN AGRICULTURE IN THE AREA **AND** NON-AGRICULTURAL USES, AND WHERE STRUCTURES ARE TO BE LOCATED ON AGRICULTURAL PARCELS, SUCH STRUCTURES SHALL BE LOCATED SO AS TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION OR POTENTIAL PRODUCTION

The proposed single family dwelling will be located within the only practical building envelope on the subject parcel and will not significantly impact **any** potential commercial agricultural use of the adjacent Commercial Agriculture land. Specifically, a physical barrier **will** be provided as discussed in the findings above to **minimize** land use conflicts.

**AGRICULTURAL BUFFER DETERMINATION  
'CONDITIONS OF APPROVAL**

Approval No 99-0806

Applicant Don Andre

Property Owners Anthony and Rebecca Campos

Assessor's Parcel No 051-291-23

Property location and address The property is located on the west side of Cutter Drive about 1/4 mile from  
Cutter Road. 165 Cutter Drive  
Pajaro Valley Planning Area

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Exhibits: A. Site plan prepared by Don Andre, dated 9/94 last revised 10/20/94.

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- I.** This permit authorizes an one year Time Extension of Agricultural Buffer Setback Determination Permit 98-0301, reducing the 200 foot Agricultural Buffer setback to 165 feet on the eastern side for construction of a single family dwelling and detached garage. 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** 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 Exhibits "A" on file with the Planning Department.
    - 1.** A development setback of 165 foot minimum distance on the east side from the Commercial Agriculture parcel (APN 05 1-431-07), which is a minimum of 20 feet from the property line along Cutter Drive (front yard setback) and 10 feet from the southeast property line (side yard setback).
    - 2.** Final plans shall show the vegetative buffering located along the southeastern side of the residential development between the dwelling and garage and the property line for a linear distance of approximately 170 feet from the southeastern corner (less that amount necessary to avoid right-of-ways and to maintain adequate site distance).
      - a.** The vegetative screening shall be comprised of drought tolerant evergreen shrubbery which is native to the immediate area. The shrubs utilized shall attain a height of 12 to 25 feet upon maturity.
      - b.** Species type, plant sizes and spacing and irrigation plans shall be indicated on the final plans for review and approval by Planning Staff.

- B. The owner shall record a Statement of Acknowledgment, as prepared by the Planning Department, and submit proof of recordation to the Planning Department. This Statement of Acknowledgment shall acknowledge the adjacent agricultural land use and the agricultural buffer setbacks
- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. The required setbacks shall be met and verified by the County Building Inspector prior to foundation pour.
- B. The required vegetative screening shall be installed prior to building permit final inspections. The applicant/owner shall call the Agricultural Planner at 454-3225, a minimum of three working days in advance to schedule an inspection to verify the required barrier (vegetative and/or other) has been completed
- C. All inspections required by the building shall be completed to the satisfaction of the County Building Official and the County Senior Civil Engineer.
- IV. Operational Conditions
- A. The required vegetative screening shall be permanently maintained.
- B. The 165 foot minimum Agricultural Buffer Setback along the eastern and southeastern property lines shall be maintained
- C. 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.

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 EXTENSION EXPIRES ONE YEAR FROM THE DATE OF ORIGINAL APPROVAL ON DECEMBER 22, 2000 UNLESS YOU OBTAIN YOUR BUILDING PERMIT AND COMMENCE CONSTRUCTION. NO FURTHER EXTENSIONS OF THIS PERMIT SHALL BE GRANTED.**



By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. This permit is null and void without the owner's/agent's signature below.

Don Arde Architect  
Signature of Owner/Agent

3 12 2000  
Date

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### APPEALS

In accordance with Section 18 10 300 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Level IV project such as this one. Appeals of decisions of the Principal Planner are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter and the basis upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of action from which the appeal is being taken and must be accompanied by the appropriate appeal filing fee. **Appeal period ends March 14, 2000.**

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

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

Application No. 99-0806

Assessor Parcel No. 051-291-23

Project Description: Proposal to construct a single family dwelling and detached garage. Requires an Extension of an Agricultural Buffer Reduction Permit Extension 98-0301.

Project Location: Located on the west side of Cutter Drive about 1/4 mile from Cutter Road. 165 Cutter Drive, Watsonville.

Person or Agency Proposing Project: Don Andre

Phone Number: (831) 728-2021

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

D. Categorical Exemption

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

E. ☐ Lead Agency Other Than County:

Cathleen Carr  
Cathleen Carr, Project Planner

Date: 2-28-00

**EXHIBIT H**