

STAFF REPORT TO THE ZONING ADMINISTRATOR

APPLICATION NO.: 04-0140

APN: 071-241-17

APPLICANT: Klaus-Peter and Patricia Deyring

OWNER: Klaus-Peter and Patricia Deyring

PROJECT DESCRIPTION: Proposal to demolish four small sheds and to construct a one-story 1,575.5 square foot, detached barn/shop with an attached one-story, 801 square foot garage. Requires a Level 5 Residential Development Permit for a Non-habitable Accessory Structure to exceed 1,000 square feet.

LOCATION: Located on the north side of McEnery Road approximately 0.5 miles from the intersection with West Zayante Road. Situs: 300 McEnery Road, Felton.

FINAL ACTION DATE: 90 days from hearing date

PERMITS REQUIRED: Residential Development Permit

ENVIRONMENTAL DETERMINATION: Categorically Exempt Class 3(a)

COASTAL ZONE: ____yes XXno

PARCEL INFORMATION

PARCEL SIZE: 1.22 acres

EXISTING LAND USE: PARCEL: residential

SURROUNDING residential, Quail Hollow Quarry

PROJECT ACCESS: McEnery Road, privately maintained road

PLANNING AREA: San Lorenzo Valley

LAND USE DESIGNATION: R-R – Rural Residential

ZONING DISTRICT: R-1-20 – Single-family Residential 20,000 square foot lot size minimum

SUPERVISORIAL DISTRICT: 5''

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. None
b. Soils	b. USDA soil type: Zayante Coarse Sand
c. Grading	c. Minor – about 150 cubic yards, grading permit will be required
d. Tree Removal	d. None
e. Biotic Resource	e. Mapped – Sandhills, Insect Study completed
f. Scenic	f. Not mapped
g. Drainage	g. Natural sheet flow to north
h. Traffic	h. No increase
i. Roads	i. McEnery Road, a privately maintained road
j. Archaeology	j. None mapped

SERVICES INFORMATION

Wiin Urban Services Line: yes XX no
Water Supply: San Lorenzo Valley Water District
Sewage Disposal: Septic
Fire District: Zayante Fire
Drainage District: Zone 8

ANALYSIS & DISCUSSION

Project Description and Background

The applicant proposes to construct two non-habitable accessory structures (a 1,575.5 square foot barn/shop with an attached 801 square foot garage) and to demolish four small storage sheds. The project site slopes gently down to the north away from McEnery Road and to the east towards the existing residence and guest house. The soil at the building site is a loamy sand, the soil transitions to pure Zayante coarse sand to the **north** and the northeast of the building site.

Zoning and General Plan Issues

The project parcel is 1.22 acres in size and has a zoning designation of R-1-20 and the General Plan designation of Rural Residential (R-R). R-1-20 is an implementing zone district of the R-R General Plan designation. Single-family residential and residentially related accessory uses are the principal uses for this zone district. The project as it relates to the required setbacks for the R-1-20 zone district standards is the following:

SETBACK	REQUIRED	PROPOSED
Front yard	30 feet	43 feet
Side yard (west)	15 feet	- 26 feet
Side yard (east)	15 feet	> 90 feet
Rear yard	15 feet	15 feet
Separation between structures	10 feet	10 feet to water tank >30 feet to guest house > 37 feet to main house

of conifers along the property line, which will provide screening for the new building. The location of the new building will not affect the light and air **of** these nearby residence due to the separation between the shop and garage and the neighboring house and the line of trees between these structures.

The purpose of the R-R General Plan designation is to provide low density development on lands suitable for rural development. The project is an accessory structure to an existing residence and guest house. The 1,575.5 square foot shop/barn and attached 801 square foot garage, as proposed, are consistent and appropriate uses **within** this General Plan designation.

The site is located within a mapped Biotic resource area, specifically Sandhills parkland. There are no plant species of concern are located within the project area. Nevertheless, there is prime Sandhills habitat and plant species to the immediate north and northeast of the project site. An Insect Investigation was prepared for this project to ensure that the project would not adversely affect the Zayante bandwinged grasshopper or the Mount Hermon June beetle, which could potentially be located on the site. The investigation determined that these species were not present nor were likely to be found within the project's disturbance area. However, **since** the undeveloped portion of the subject parcel at the northeasterly end of the property contains Sandhills habitat, Environment Planning has required that development be restricted in this area in order to maintain the habitat.

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

RECOMMENDATION:

Staff recommends the following actions:

1. Certify the determination that the project is Categorically Exempt from the California Environmental Quality Act, and
2. Approve Application No. 04-0140 based on the findings and subject to the attached conditions.

EXHIBITS

- A. Project Plans prepared by Louis R. Dorcich, AIA, dated 3/30/04
- B. Findings
- C. Conditions
- D. CEQA determination
- E. Assessor's Parcel Map
- F. Zoning and General Plan Maps
- G. Conclusions from Insect *Survey* *
- H. Declaration of Restriction
- I. Agency Comments and Correspondence

*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: Cathleen Carr
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3225
e-mail: cathleen.carr@co.santa-cruz.ca.us

RESIDENTIAL 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 1,575.5 square foot, non-habitable accessory structure (barnshop) with an attached, 801 square foot, non-habitable garage and the conditions under which they would be operated and 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 ~~car~~ parking, storage and hobby use and is not encumbered by physical constraints to development.

In addition, the project will not be materially injurious to properties or improvements in the vicinity. Specifically, the garage/shop structures will not affect the light and air of the nearby residences due to the physical separation between the garage and the closest neighboring house. Specifically there will be more than 25 feet between the structure and the property line, and there is over 10 feet of elevation change between the structure and the neighboring dwelling with the proposed non-habitable structure being at the lower elevation. There is also a line of conifers along the property line that will soften the view of the structure.

The County Building Inspectors will verify that the construction of this structure complies with prevailing building technology, the Uniform Building Code, and the County Building ordinance, thereby insuring the optimum in safety and the conservation of energy and resources.

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-1-20 (Single Family Residential – 20,000 square foot minimum lot size) zone district. The location of the non-habitable accessory structures (barn/shop and attached garage) and the conditions under which they would be operated and maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-20 zone district in that the primary use of the property will be residential with the ancillary use in the garage for vehicle parking and barn/shop for storage and hobby work. The non-habitable accessory structures meet the R-1-20 residential development standards for setbacks, lot coverage and height.

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 R-R (Rural Residential) land use designation. The proposed use is consistent with all elements of the General Plan in that the use is accessory to a primary residential use and is not located in a hazardous area. The project is located within a mapped Biotic sensitive site. A biotic pre-site conducted by the County Resource Planner determined that the no sensitive plant species are located within the area of site disturbance. An Insect Survey was completed by a biologist to determine if the Federally listed Zayante bandwinged grasshopper and/or Mount Hermon june beetle were present on the building site. These insects

were not found and the site was determined to be unsuited to these species of concern. Therefore, the project is consistent with all General Plan policies in Section 5.1 for the protection of the County's biological resources. 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 use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity in that the non-habitable accessory structures do not contain any traffic generating features (bedrooms).

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 non-habitable accessory structure 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 that the structure will not obscure views of adjacent properties or appear out of scale for the neighborhood. The proposed structure has the appearance of a rural barn with two small cupolas to add visual appeal. The project is required to utilize either earthtone or a deep, barn red coloration in character with the architecture and rural character. The roof line uses a slight gambrel styling to add visual interest. The west side of the structure (facing the nearest neighbor) is partially below grade and has two gambrel gables, which lessens visibility and provides an articulated façade.

RESIDENTIAL DEVELOPMENT PERMIT

CONDITIONS OF APPROVAL

Permit No. 04-0140

Owner and Applicant: Klaus-Peter and Patricia Deyring

Assessor's Parcel No. 071-241-17

Location and address: The property is located on the north side of McEnery Road approximately 0.5 miles from the intersection with West Zayante Road. Situs: 300 McEnery Road, Felton.

Exhibits: A. Site plans prepared by Louis R. Dorcich, AIA, dated 3/30/04

- I. This permit authorizes the construction of a 1,575.5 square foot, non-habitable accessory structure (shop/barn) with an attached, 801 square foot, non-habitable accessory structure (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.
 - C. Obtain a Grading Permit from the Santa Cruz County Senior Civil Engineer.
 - D. Pay any outstanding fees in the At-Cost account #13689 for Application 04-0140, if applicable.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
 - 1. Submit colors and materials samples for the proposed structure. The barn/shop and garage shall be painted utilizing either subdued *earth* tones or deep (not bright) barn red.
 - 2. Drainage, and erosion control plans. Drainage shall be retained on site.
 - 3. All site improvements, including driveway details and driveway profile.
 - 4. Grading plans showing existing and proposed grades. Grading plans shall include cross-sections and volume calculations.
 - 5. Show locations and sizes (diameter) of all trees adjacent to the western

property line. Include notation that all healthy trees shall be preserved and any trees that are removed shall be replaced.

6. Show construction and drainage details for the retaining walls. Engineered plans may be required by the Building Official.
 7. Details showing compliance with the Zayante Fire Department requirements set forth in their comments dated 4/21/04.
- B. Meet all requirements of the County Department of Public Works, Drainage Section. Pay the Zone 8 drainage fees. Drainage fees will be assessed on the net increase in impervious area.
 - C. Pay any applicable plan check fee of the Zayante Fire Protection District.
 - D. Complete and record a Declaration of Restriction to maintain a non-habitable accessory structure (garage) greater than 1,000 square feet. **YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION.** Follow the instructions to record the document. A copy of the recorded document shall be submitted to the Planning Department.
 - E. Complete and record a Declaration of Restriction to maintain an area of sensitive habitat. **YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION.** Follow the instructions to record the document. A copy of the recorded document shall be submitted to the Planning Department.
- III. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. Dust suppression techniques shall be included as part of the construction plans and implemented during all earthwork and site preparation.
 - B. All site improvements shown on the final approved Building and Grading Permits plans shall be installed.
 - C. All inspections required by the grading and building permits shall be completed to the satisfaction of the County Building Official and the County Senior Civil Engineer.
- IV. Operational Conditions
- A. The barn/shop and attached garage shall be painted utilizing either subdued earth tones or deep (not bright) barn red.
 - B. A line of trees shall be maintained along the western property line to provide some screening for the western neighbor.

- C. The barn/shop and attached garage shall be maintained as non-habitable structures and shall adhere to following conditions:
1. The barn/shop and attached garage shall not have a separate electric meters from the main dwelling. Electrical service shall not exceed 100A/220V/single phase.
 2. Toilet facilities are prohibited.
 3. Waste drains for a utility sink or clothes washer shall not exceed 1 ½ inches in size.
 4. Mechanical heating, cooling, humidification or dehumidification of the barn/shop and/or attached garage is prohibited. The structures may be either finished with sheet rock or insulated, but shall not utilize both sheet rock and insulation.
 5. The barn/shop and/or attached garage shall not to be converted into a dwelling unit or into any other independent habitable structure in violation of County Code Section 13.10.611.
 6. The barn/shop and/or attached garage shall not have a kitchen or food preparation facilities and shall not be rented, let or leased ~~as an~~ independent dwelling unit. Under County Code Section 13.20.700-K, kitchen ~~or~~ food preparation facilities shall be defined as any room or portion of a room used or intended or designed to be used for cooking and/or the preparation of food and containing one or more of the following appliances: any sink having a drain outlet larger than 1 1/2 inches in diameter, any refrigerator larger than 2 1/2 cubic feet, any hot plate, burner, stove or oven.
 7. The barn/shop and/or attached garage may be inspected for condition compliance twelve months after building permit final, and at any time thereafter at the discretion of the Planning Director. Construction of or conversion to an accessory structure pursuant to an approved permit shall entitle County employees or agents to enter and inspect the property for such compliance without warrant or other requirement for permission.
- 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 EXPIRES ONE YEAR FROM DATE OF APPROVAL
UNLESS YOU OBTAIN YOUR BUILDING AND GRADING PERMITS, INSPECTIONS
AND BUILDING AND GRADING PERMIT FINAL.**

Approval Date: AUGUST 6,2004

Effective Date: AUGUST 20,2004

Expiration Date: AUGUST 20,2006

Don Bussey
Deputy Zoning Administrator

Cathleen Carr
Project Planner

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 04-0140

Assessor Parcel Number: 071-241-17

Project Location: 300 McEnery Road, Felton

Project Description: Proposal to construct a one-story 1,575.5 square foot, detached barn/shop with an attached one-story, 801 square foot garage.

Person or Agency Proposing Project: Klaus-Peter Deyring

Contact Phone Number: (831) 335-7828

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

Specify type:

E. ☒ **Categorical Exemption**

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

F. Reasons why the project is exempt:

Proposal to construct two non-habitable accessory structures a shop/barn over 1,000 square feet and an attached 801 square foot garage on an 1.22 acre parcel in an residential area. The structures are appropriate for the site and R-1-20 zoning and is located away from natural resources and/or constraints, and is separated from adjacent residences by either topography with the garage at a lower elevation or distance (over 40 feet).

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

Cathleen Carr, Project Planner

Date: _____

EXHIBIT D

EXHIBIT E 12 Assessor's Parcel Map

FOR TAX PURPOSES ONLY
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

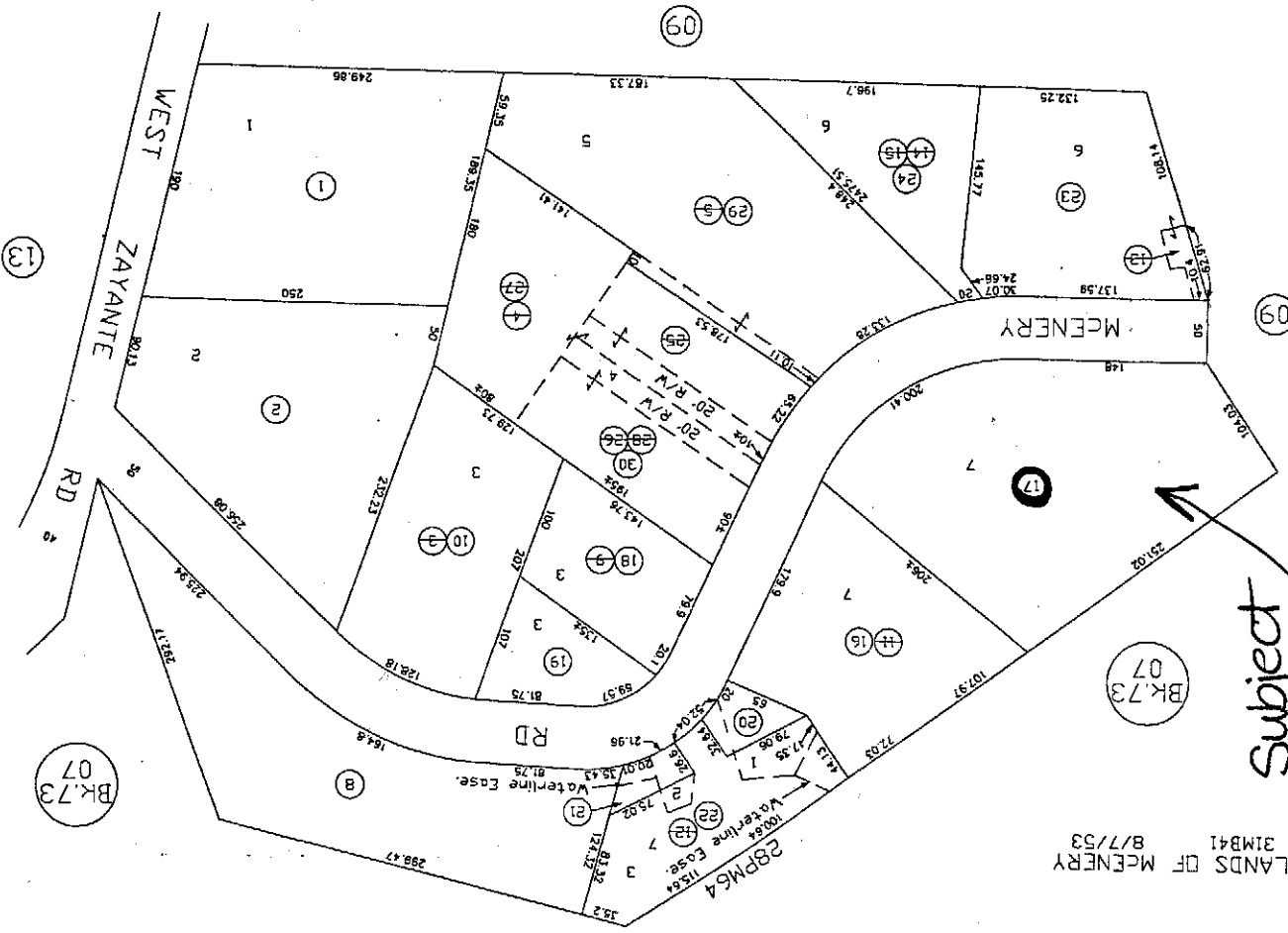
ZAYANTE RANCHO
POR. S.E. 1/4 SEC. 10 & N.E. 1/4 SEC. 15,
T.10S., R.2W., M.D.B. & M.

Tax Area Code
90-108

71-24

LANDS OF MCENERY
31MB41 8/7/53

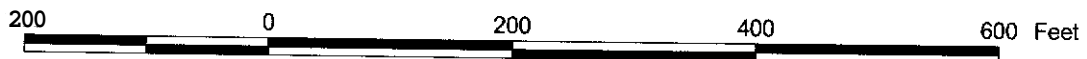
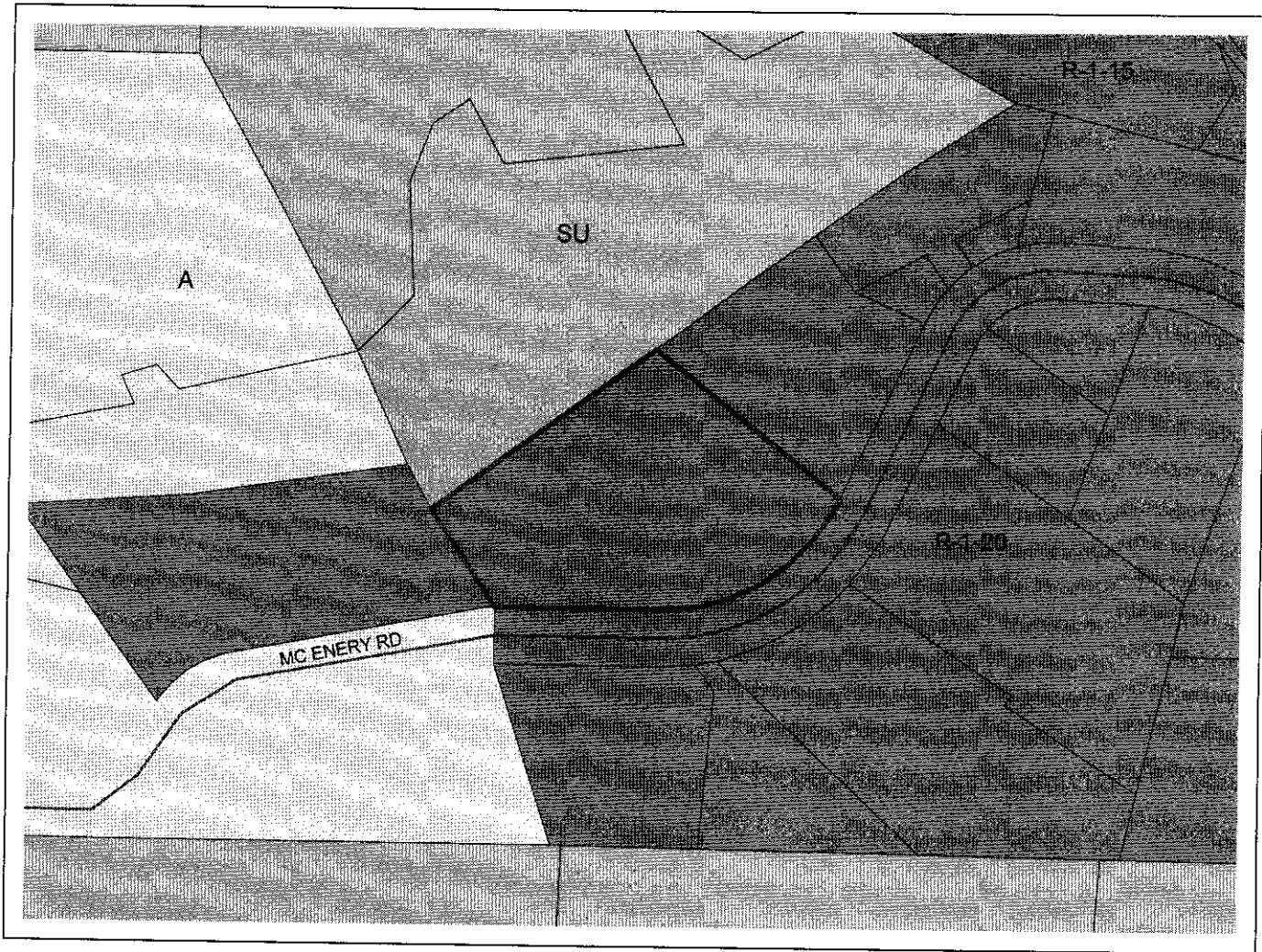
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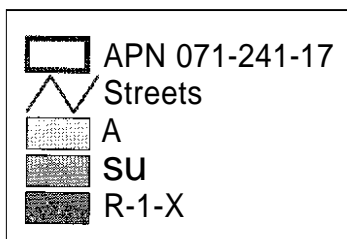
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Assessor's Map No. 71-24
County of Santa Cruz, Calif.
June 2000

Zoning Map

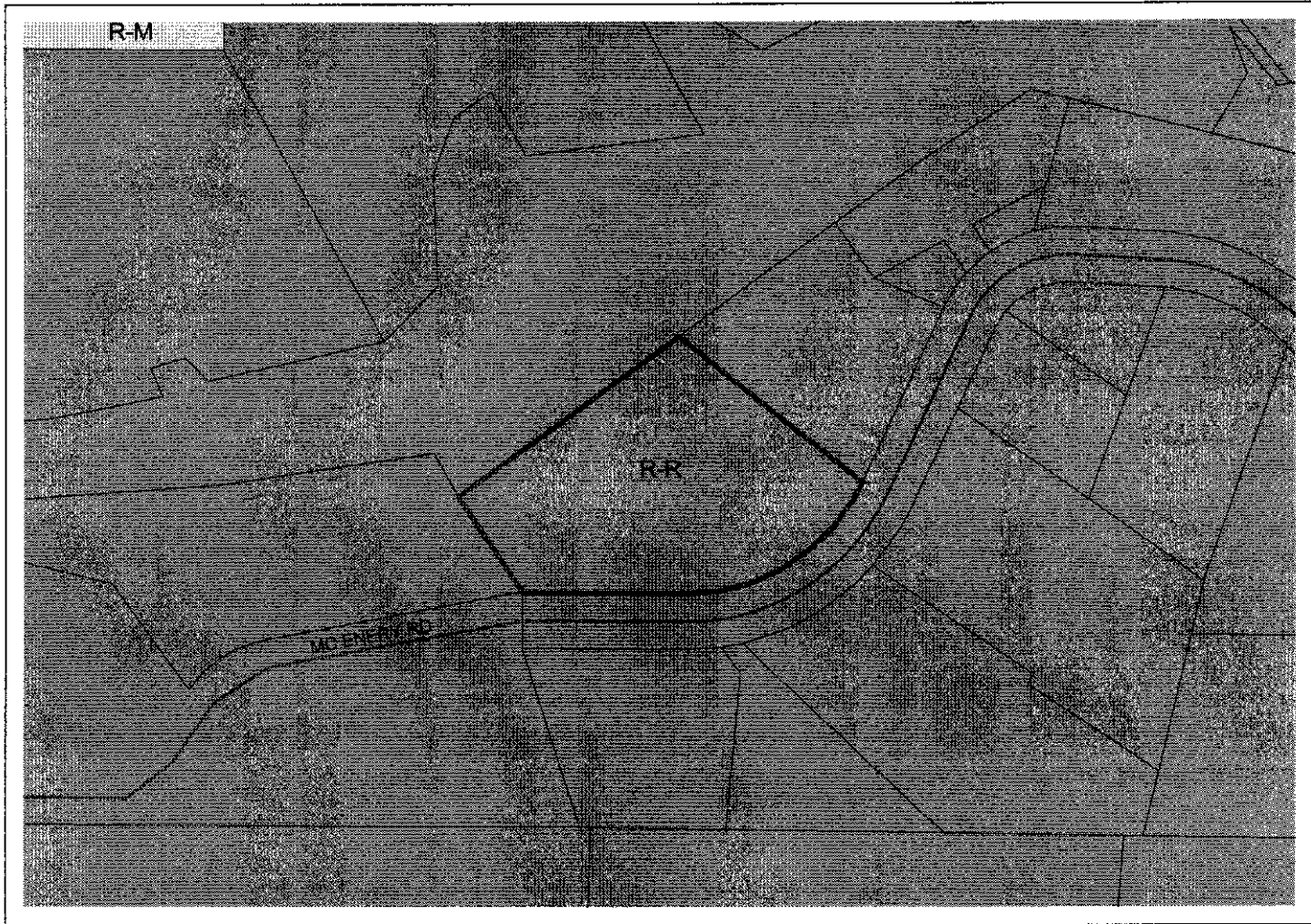


Legend



Map created by Santa Cruz County
Planning Department:
April 2004

General Plan Map



Legend

	APN 071-241-17
	Streets
	Mountain Residential
	Rural Residential

Map created by Santa Cruz County
Planning Department:
April 2004

Entomological Consulting Services, Ltd.

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bugdctr@home.com • www.ecsltd.com

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11 August 2003

Mr. Pete Deyring
152 Oak Creek Blvd.
Scotts Valley, CA 95066

RE: APN 071-241-17 at 300 McEnery Road in Felton, CA
Habitat Assessment Report for the Endangered Mount Hermon June Beetle
and Zayante Band Winged Grasshopper

Dear Mr. Deyring:

This letter reports on the findings of my habitat assessment survey for the endangered Mount Hermon June beetle (MHJB) and Zayante Band Winged grasshopper (ZBWG) at the above-noted parcel in Felton. I can briefly summarize the findings of my habitat assessment by stating that the ZBWG is not likely to occur at this property, while the MHJB may occur in the southeastern portion of the site, but is unlikely to occur in other portions of the site. The remainder of this letter provides pertinent background information on the MHJB and ZBWG, and describes my survey methods and findings in greater detail.

Background Information.

The MHJB is known scientifically as *Polyphylla barbata* (Coleoptera: Scarabaeidae) and was described in 1938 from specimens collected on Mount Hermon in Santa Cruz County. Of the 28 species of *Polyphylla* that occur in North America, the MHJB has one of the most restricted geographic ranges. It is found in association with Zayante sandy soils in the Felton-Scotts Valley-Mt. Hermon-Ben Lomond area of Santa Cruz County, CA, and is known only from these Zayante sandhills. Due to the beetle's limited geographic range and the historical and anticipated loss of habitat within its limited range, the U.S. Fish & Wildlife Service (USFWS) recognized the MHJB as an endangered species in 1997, pursuant to provisions of the federal Endangered Species Act of 1973 (FESA).

The Zayante sandhills support a sand parkland vegetation community that is the preferred habitat for the MHJB. This plant community is characterized by a mosaic mixture of Ponderosa pine, chaparral, and sparsely-vegetated areas of grasses, forbs and shrubs, several of which are indigenous to the Zayante sandhills.

Within these sandhills, the MHJB has been found at about 70 locations. A common feature of all known MHJB locations is the presence of Ponderosa pine, and for this reason it is a likely food plant of the MHJB larvae, which are subterranean and feed

on roots. Additional information on the MHJB can be found in the final ruling to recognize it as an endangered species (USFWS 1997) and its recovery plan (USFWS 1998).

The ZBWG is known scientifically as *Trimerotropis infantilis* (Orthoptera: Acrididae: Oedopodinae) and was described in 1984 from specimens collected near Mount Hermon in Santa Cruz County. It is found in association with Zayante sandy soils in the Mount Hermon-Felton-Scotts Valley-Ben Lomond area of Santa Cruz County, CA. Historically it has been found at about 20 locations in the Zayante sandhills. Due to the grasshopper's limited geographic range and the historical and anticipated loss of habitat within its limited range, the USFWS recognized the ZBWG as an endangered species in 1997, pursuant to provisions of FESA.

Within the sand parkland plant community that is indigenous to the Zayante sand hills, the ZBWG is restricted to areas of barren or sparsely-vegetated loose sands that are sunlit. Adults are usually active from about late-July through late October. There is a single generation per year. Additional information on the ZBWG can be found in the final ruling to recognize it as an endangered species (USFWS 1997) and its recovery plan (USFWS 1998).

Project Site Description.

The residential property that you are considering purchasing measures about 1.2 acres in size. It is located in a residential neighborhood in the community of the Felton. An existing home and garage, plus various sheds and other amenities occur at the property. It is my understanding that after you acquire the property you'd like to build a new detached garage and workshop.

The topography slopes gently from west to east. Soils at the lot are Zayante sands as mapped by Bowman *et al.* (1980). Figures 1-4 are photographs that illustrate existing habitat conditions. Vegetation at the property is dominated by oak, fir, fruit, and ornamental trees with an understory of mowed grasses and herbaceous vegetation. Neither sand parkland vegetation nor Ponderosa pine trees occur at the property.

Survey Methods and Results.

I visited the property on August 5th. Zayante sandy soils were evident at the parcel. Although no Ponderosa pine trees grow on your property, solitary Ponderosa trees are widely scattered on other properties in this portion of Felton. The nearest observed off-site pine is located in a neighbor's front yard on the south side of McEnery Road, approximately 60 feet southeast of an existing concrete slab where you initially proposed to build the new garage and workshop. Because the slab would need to be replaced and enlarged to accommodate your new building, ground disturbance would occur. In loose soils, roots of mature Ponderosa pines are known to extend as far as 150 feet from the trunk (Oliver and Ryker 1990). Since the MHJB feeds on roots of Ponderosa pine, ground disturbance in this portion of the yard could adversely impact this insect. Also, a species of spineflower, which may be a rare plant, was observed growing near the proposed building site in the southeastern portion of the yard. I suggest that you

confirm the identity of this plant by consulting a local botanist. No Ponderosa pines were observed growing on neighboring properties west of your site.

Conclusions and Recommendations.

Although no Ponderosa pines are resident at the property you plan to purchase, roots of the off-site Ponderosa pine located immediately south of your property may extend into the southeastern portion of your property. For this reason I recommend that no grading, excavation, or other ground-disturbing activities occur in the southeastern portion of the yard to avoid potential impacts to the MHJB.

I identified an area that should be large enough to accommodate your planned garage and workshop in the western portion of the property. This portion of the property is located over 150 feet away from the aforementioned Ponderosa pine tree and no other Ponderosas were noted on any properties immediately west, north, or south of this portion of your site. The existing home and garage at your property lie between the aforementioned nearby pine and the western portion of the lot, thus the foundations of these structures should block the roots of that tree. Thus it is unlikely that any roots of nearby Ponderosa pine trees extend into the western portion of the yard. Nonetheless, if grading or other ground disturbing activities occur during the beetle's flight season, typically about mid-May through mid-August, I recommend that any exposed soils be covered with tarps on a daily basis. MHJBs are known to disperse through the community even in areas where they do not breed. Exposed sandy soil could possibly attract dispersing beetles, hence the need to cover it at this time of year. These precautions should avoid any potential impacts to the MHJB.

Similarly, habitat conditions at your property are not suitable to support the ZBWG, so I would not expect it to occur there and the activities associated with construction of your new building will not affect it. This grasshopper requires sunlight bare or sparsely-vegetated loose sandy soils with sand parkland vegetation to breed, conditions that do not occur at your lot.

For these reasons, I conclude that if you construct your proposed new garage and workshop in the western portion of the lot (i.e., upslope of the existing home and garage), your project will not adversely impact either the MHJB or ZBWG. Thus an incidental take permit should not be required by the U.S. Fish & Wildlife Service and no mitigation should be required for your project.

References Cited.

Bowman, R.H. *et al.* 1980. Soil survey of Santa Cruz County, California. U.S. Dept. of Agriculture and Soil Conservation Service in cooperation with the University of California, Agricultural Experiment Station Publications. 148 pp. & maps.

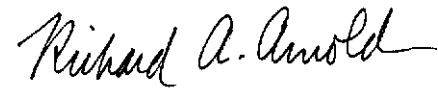
Oliver, W.H. and R.A. Ryker. 1990. *Pinus ponderosa* Dougl. ex Laws. Ponderosa Pine. Pp. 413-424. IN, Burns, R.M. and B.H. Honkala, Tech. Coords.. Silvics of North America.: Part 1. Conifers. Agriculture Handbook #654. U.S. Dept. of Agriculture, Forest Service. Washington, D.C. vol. 1, 675 pp.

U.S. Fish & Wildlife Service. 1997. Endangered and threatened wildlife and plants: determination of endangered status for two insects from the Santa Cruz Mountains of California. Federal Register 62:3616-3628.

U.S. Fish & Wildlife Service. 1998. Recovery plan for two insects and four plants from the Santa Cruz Mountains. Portland, OR. **63 pp.**

Please feel free to contact me if you have questions about my survey findings or need further assistance with this project.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Arnold".

Richard A. Arnold, Ph.D.
President

Attachments: photographs

Cc: Linda Craig

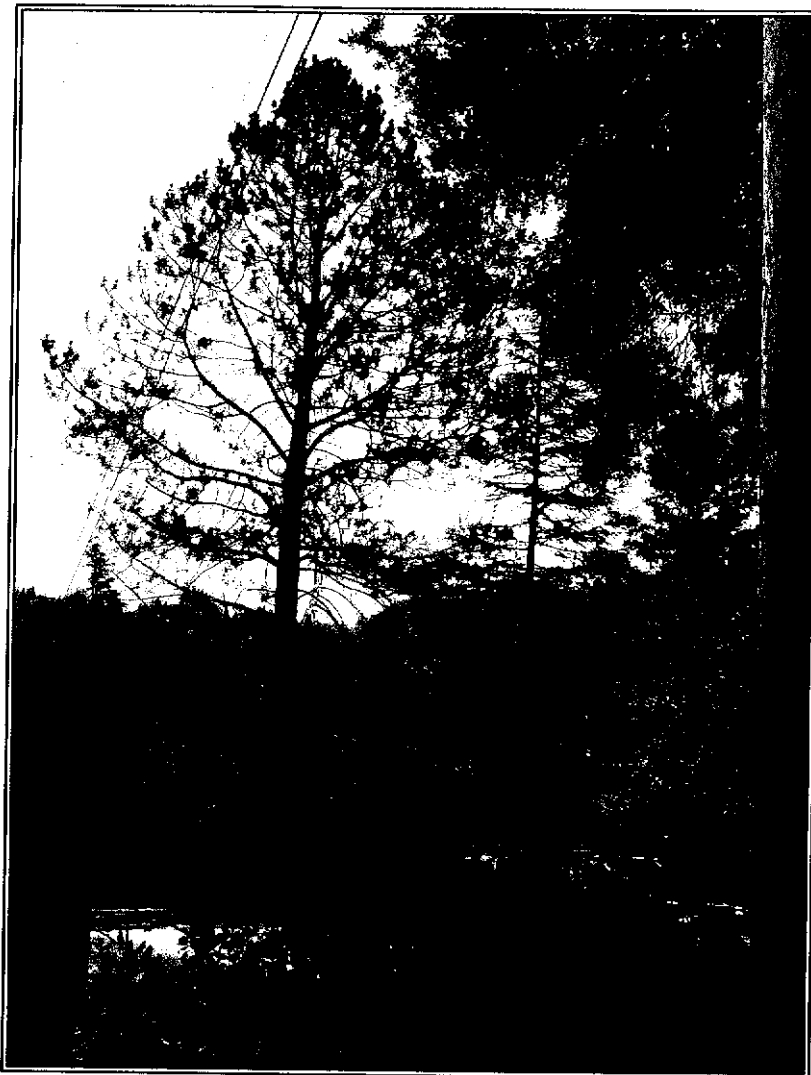


Fig. 1 (left)
Off-site ponderosa pine tree
located south
of 300 McEnery Road

Fig. 2 (below)
Eastern yard
at 300 McEnery Road



EXHIBIT G

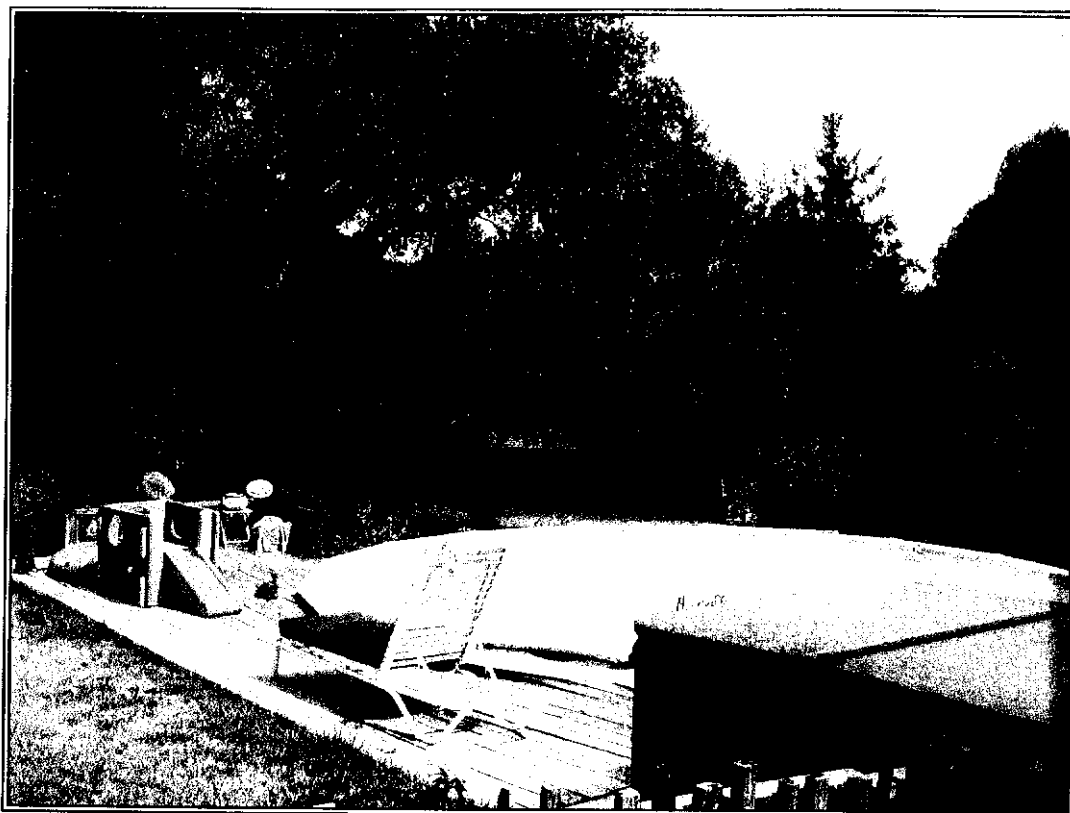


Fig. 3 Amenities in the eastern yard at 300 McEnery Road



Fig. 4 Western yard at 300 McEnery Road,
location of proposed new garage & workshop

Return recorded form to:
Planning Department of the County of Santa Cruz
701 Ocean Street, Fourth Floor
Santa Cruz, CA 95060

Page 1 of 6

DECLARATION OF RESTRICTION REGARDING BIOTIC
RESOURCE(S)

This declaration is made in the County of Santa Cruz, State of California,

effective _____, 20__ by _____
owner(s) of real property described in Exhibit "A" attached hereto and
incorporated herein by reference, also known as Assessor's Parcel Number(s)
071-241-17 (hereinafter "subject property"), who hereby declare(s) that all of
the property described below shall be held, transferred, sold, and conveyed
subject to the following restrictions and conditions, which are for the purpose
of compliance with the County Code of the County of Santa Cruz, and which
shall run with the title to the property and be binding on all parties having any
right, title or interest in the property or any part thereof, their heirs, assigns,
and any other transferees and successors and shall apply to each owner
thereafter.

RECITALS

WHEREAS, Declarants have proposed improvement s (hereafter
referred to as the "project") as described in Exhibit B attached hereto and
incorporated herein by reference;

WHEREAS, the Sensitive Habitat Protection Ordinance of the County
of Santa Cruz (Chapter 16.32 of the County Code, hereinafter "the
Ordinance") requires that any development approved by the County of Santa
Cruz (hereinafter the "County") shall mitigate significant environmental
impacts;

APN:

WHEREAS, the County has found that the portion(s) of the subject property are sensitive habitat as defined in Chapter 16.32 of the County Code in that *Pinus ponderosa* (Ponderosa Pine), which may host a federally protected insect species *Polyphylla barbata* (Mt. Hermon June beetle) occurs adjacent to the property on the southeast ("Habitat Assessment Report for Mt. Hermon June Beetle", Entomological Consulting Services, 11 August 2003) and Northern Maritime Chaparral, a protected habitat, and three associated protected plant species (Bonny Doon manzanita, Santa Cruz Wallflower, Ben Lomond Spineflower) are mapped as potentially occurring on the parcel (California Natural Diversity Database, 2004);

WHEREAS, Grantors have made application for a permit to develop on project site (hereinafter "said permit"), and such development, if inappropriately sited, designed or utilized could have a significant adverse impact in the sensitive habitat described above;

WHEREAS, The County has found that to issue an approval or permit consistent with said Sensitive Habitat Protection Ordinance the County must be assured that the development will be sited, designed and utilized so as to not significantly adversely impact the sensitive habitat;

WHEREAS, the County has found that the restrictions enumerated hereinafter will confine the development to a limited area, prevent expansion of the development, and otherwise constrain the development, and will thus adequately mitigate the adverse impacts set forth above; and

WHEREAS, it is intended that the restrictions contained herein shall be and shall continue to be, to the end of the term of said restrictions, enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said revisions shall thereby qualify as an enforceable restriction under the provisions of the California revenue and Taxation Code Section 402.1.

RESTRICTIONS

NOW THEREFORE, in consideration of the mutual benefits and covenants hereby acknowledged by the parties and the substantial public benefits for the protection of the sensitive habitat, Declarant(s) hereby declare(s) that the subject to the following restrictions and conditions.

1. USE OF PARCEL. No development as defined in Chapter 16.32 of the County Code (including, without limitation, removal of trees and other vegetation, grading, paving, installation of structures such as signs, buildings, or other structures of similar impact) shall occur on any portion of the subject property with the exception of the following, subject to Planning Director's review and approval:

APN:

- a. development as specifically described in application 04-0140, delineated on Exhibit B of this Declaration, and subject to restriction that no other development or surfacing will occur prior to a biotic assessment of the potential impact of such activities on the sensitive habitat;
 - b. No ground disturbance shall occur within 300 feet of any Ponderosa Pine unless preceded by a survey that documents absence of *Polyphylla barbata*;
 - c. in all areas landscaping shall exclusively consist of native plants, preferably grown from native stock propagated from on site vegetation.
2. TERM. This Declaration of Restrictions shall be in effect for a period beginning on the effective date stated above and continuing for the life of the development approved by said approval and/or permit, and so long as any development rights whatsoever remain or are claimed under said approval and/or permit.
3. RECORDATION OF DOCUMENTS. This Declaration of Restrictions shall be duly recorded on the Office of the Recorder for the County of Santa Cruz. In the event that under the terms and conditions of this document, or any subsequent mutual written agreement, these restrictions are terminated with respect to all or any part of the subject property, the County shall, upon written request, execute and record with the Recorder of the County of Santa Cruz any documents necessary to evidence such termination.
4. SUCCESSORS IN INTEREST. This declaration of Restrictions shall be appurtenant to the land described herein, for the term described herein, and all obligation hereby imposed shall be deemed to be covenants and restrictions running with the land, and shall bind any person having at any time any interest or estate in the subject property and as such shall be binding upon and inure to the benefit of all successors, transferees and assigns of the Declarants.
5. CONSTRUCTION OF VALIDITY/SEVERABILITY. If any provisions of these restrictions shall be held to be invalid, or for any reason become unenforceable no other provision shall be thereby affected or impaired, but rather shall be deemed severable.
6. ENFORCEMENT OF DECLARATION. Any conveyance, contract, or authorization (whether written or oral) by the Declarants or their successors on interest which would permit use of the subject property contrary to the term of this Declaration of Restrictions shall be deemed a breach of this Declaration. County or its successors may bring any

APN:

action by administrative or judicial proceeding when County deems necessary or convenient to enforce this Declaration of Restrictions including, but not limited to, an action to enforce the Declaration. Grantors understand and agree that the enforcement proceedings provided in this paragraph are not exclusive and that County may pursue any appropriate legal and equitable remedies.

APN: _____

DECLARATION OF RESTRICTIONS

IN WITNESS WHEREOF, Declarants have executed this Declaration of Restrictions on the _____ day of _____, 20____.

Dated: _____

Declarant

Declarant

ACKNOWLEDGEMENT OF GRANTOR(S)

STATE OF CALIFORNIA

COUNTY OF _____

On _____, before me, _____
Date Name, Title of Officer

Personally appeared _____
Name(s) of signer(s)

____ Personally known to me - OR - ____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official.

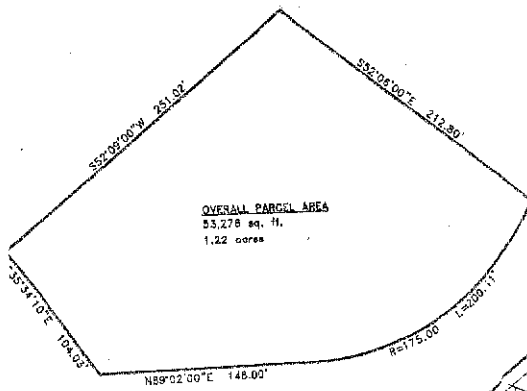
Signature of Notary

EXHIBIT "A"

All that real property situated in the County of Santa Cruz, State ~~of~~ California,
conveyed from _____ to _____ by
deed recorded on Document number _____ - _____, Santa Cruz
County.

Official Records on _____

Assessor's Parcel No. _____



WORK PREPARED BY BASELINE
AND SURVEYORS, INC. 12-18-23

EXISTING
5000 G. WATER TANK

TANK
SLAB
EL=107.1

ENDED
PIPE



EDGE OF PAVEMENT (TYP)

FOUND
IRON
BAR

KEYSTONE OR ALUMINUM
BLACK SPUNNING WALL

GATE

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MCENERY ROAD

SITE PLAN

EXHIBIT B
EXHIBIT ti

27

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Cathleen Carr
Application No.: 04-0140
APN: 071-241-17

Date: June 30, 2004
Time: 12:52:51
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Environmental Planning Completeness Comments

===== REVIEW ON APRIL 21, 2004 BY JESSICA L DEGRASSI =====

Due to the location of this parcel within the mapped Sand Hills area, and from completing the Biotic pre-site, a report by Richard Arnold will be required to investigate the presence/absence of the mount hermon june beetle and zayante band winged grasshopper. His contact number is 925-825-3784 and his email address is bugdctre@comcast.net. When completed submit the report for review.

Environmental Planning Miscellaneous Comments

===== REVIEW ON APRIL 21, 2004 BY JESSICA L OEGRASSI =====

A declaration of restriction will be required prior to the approval of this permit to restrict access to the rear property (behind the existing fence) due to the sensitive habitat found in this area.

An erosion control plan will be required with the submittal of the building application plans that shows how you will control sediment from leaving the site.

Environmental Health Completeness Coimnents

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

===== REVIEW ON APRIL 20, 2004 BY JIM G SAFRANEK =====
NO COMMENT

Environmental Health Miscellaneous Coimnents

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

===== REVIEW ON APRIL 20, 2004 BY JIM G SAFRANEK =====
NO COMMENT

Cal Dept of Forestry/County Fire Completeness Comm

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

===== REVIEW ON APRIL 21, 2004 BY COLLEEN L BAXTER ===== DEPARTMENT
NAME: CDF/COUNTY FIRE Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT. with an annotated copy of this letter: The job copies of the building and fire systems plans and permits must be onsite during inspections. The access road shall be 18 feet minimum width and maximum twenty percent slope. All bridges, culverts and crossings shall be certified by a registered engineer. Minimum capacity of 25 tons. Cal-Trans H-20 loading standard. The access road shall be in place to the following standards prior to any framing construction, or construction will be stopped:

- The access road surface shall be "all weather", a minimum 6" of compacted aggregate base rock, Class 2 or equivalent, certified by a licensed engineer to 95% compaction and shall be maintained. - ALL WEATHER SURFACE: shall be minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for

Discretionary Comments - Continued

Project Planner: Cathleen Carr
Application No.: 04-0140
APN: 071-241-17

Date: June 30, 2004
Time: 12:52:51
Page: 2

grades up to and including 15% and asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%. The maximum grade of the access road shall not exceed 20%, with grades greater than 15% not permitted for distances of more than 200 feet at a time. The access road shall have a vertical clearance of 14 feet for its entire width and length, including turnouts. A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length. Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures. All private access roads, driveways, turn-around and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times. **SHOW** on the plans. **DETAILS** of compliance with the driveway requirements. The driveway shall be 12 feet minimum width and maximum twenty percent slope.

The driveway shall be in place to the following standards prior to any framing construction, or construction will be stopped: - The driveway surface shall be "all weather". a minimum 6" of compacted aggregate base rock, Class 2 or equivalent certified by a licensed engineer to 95% compaction and shall be maintained. - **ALL WEATHER SURFACE:** shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%. oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%. - The maximum grade of the driveway shall not exceed 20%. with grades of 15% not permitted for distances of more than 200 feet at a time. - The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width. - A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length. - Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures. - All private access roads, driveways, turn-arounds and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times. - The driveway shall be thereafter maintained to these standards at all times. All Fire Department building requirements and fees will be addressed in the Building Permit phase. Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction. 72 hour minimum notice is required prior to any inspection and/or test. Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice. the reviewing agency,

Cal Dept of Forestry/County Fire Miscellaneous Can

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

===== REVIEW ON APRIL 21, 2004 BY COLLEEN L BAXTER =====