



Staff Report to the Zoning Administrator

Application Number: **04-0572**

Applicant: Virgil Bode
Owner: Virgil Bode co-trustees, et. al.
APN: 091-012-01

Agenda Date: August 4, 2006
Agenda Item #: **2.**
Time: After 10:00 a.m.

Project Description: Proposal to recognize the installation of a travel trailer to be used as a temporary caretaker's quarters on a Timber Production zoned parcel.

Location: The property is located on the north side of Araki Road about one mile northeast of *the* intersection of Araki Road and Bear Creek Road about 7 miles east of Highway 9 in Boulder Creek.

Supervisory District: Fifth District (District Supervisor: Stone)

Permits Required: Residential Development Permit for Temporary Caretaker's Quarters

Staff Recommendation:

- Denial of Application 04-0572 without prejudice, based on the attached findings.

Exhibits

- | | |
|--------------------------|---------------------------------|
| A. Project plans | D. Zoning and General Plan Maps |
| B. Findings | |
| C. Assessor's Parcel Map | |

Parcel Information

Parcel Size:	44 acres
Existing Land Use - Parcel:	Timber production, unpermitted mobile home
Existing Land Use - Surrounding:	Timber production, camp, rural residential, vacant rural land
Project Access:	Araki Road, unimproved private right-of-way
Planning Area:	Skyline
Land Use Designation:	R-M (Mountain Residential)
Zone District:	TP (Timber Production)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

Environmental Information

Geologic Hazards:	Mapped in a County Fault zone, steep slopes
Soils:	None completed
Fire Hazard	Portions on property in a mapped constraint
Slopes:	Steep with limited level areas on/near right-of-way
Env. Sen. Habitat:	Riparian (Bear Creek, Conelly Gulch) – Salmonid habitat
Grading:	No grading proposed
Tree Removal:	None
scenic:	Not a mapped resource
Drainage:	N/A
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<u> </u> Inside <u>XX</u> Outside
Water Supply:	Unknown
Sewage Disposal:	Septic – currently no septic clearance
Fire District:	CDF
Drainage District:	None

History and Setting

The property was red tagged for an unpermitted storage shed and the occupation of a travel trailer on 3/18/2004. The applicant applied for and obtained a demolition permit for the storage building. The purpose of this application is to legalize the travel trailer as a temporary caretaker's unit. In addition, the owners have applied for a storage building under building permit application 59266G.

The property is about 40 acres in size. Connelly Gulch and Bear Creek, which are both perennial streams, cross the property. The property's terrain is generally very steep, with slopes of 30-75%, with some level areas near the graded road and on graded timber landings. Araki Road is an unpaved, unimproved logging road, which is impassible during the winter without a 4-wheel drive vehicle.

Zoning & General Plan Consistency

The property is zoned Timber Production (TP) with a Mountain Residential (R-M) General Plan land use designation. A temporary caretaker's mobile home is a discretionary use requiring a Level 5 Residential Development Permit. The minimum qualifications that must be met for a temporary caretaker's mobile home are a minimum of ten acres and location within an isolated area. The subject parcel exceeds the acreage minimum. The site is accessed via a narrow, unimproved dirt road. Significant lengths of Araki Road have gradients in excess of 15%, which in accordance with County Code Section 16.20.180(h) and General Plan Policy 6.5.1 must be paved. In addition, the access road to the proposed building site does not meet minimum standards of a 12-foot width with turnouts every 500 feet required for safe emergency ingress and egress (County Code Section 16.20.180 and General Plan Policy 6.5.1). Moreover, because this road is not paved or base-rocked, it is largely inaccessible during the rainy season without a 4-wheel drive vehicle. Thus, the winter

road conditions would prevent access by normal emergency response vehicles.

The subject parcel is located entirely within a mapped County fault zone. A Geologic Hazards Assessment is required for future submittals to determine if a Geologic Investigation is needed in addition to a soils engineering report to determine the suitability of the site for residential use as well as for foundation design.

One of the stated reasons for needing the temporary caretaker's quarters is for security purposes to protect logging equipment. A search of CDF records did not show any active Timber Harvest Permit for this site. The owners have applied for a non-habitable accessory structure under building permit application 592666 in May 2005. This structure, if approved and constructed, should provide security on the site. Additional security could be provided by constructing a gate across the driveway to limit access. Permission from all deeded users of Araki Road would be required to place a gate across the Araki Road right-of-way. Gates across rights-of-way or within 20 feet of the right-of-way will require an Over-height Fence Permit from the Planning Department. Therefore, alternatives to a Caretaker's mobile home exist that could address the security concerns for this site.

Conclusion

The proposed project is not consistent with the Fire Safety and Grading codes and policies of the Zoning Ordinance and General Plan/LCP with respect to a habitable structure (temporary caretaker's mobile home). Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- **DENIAL** of Application Number **04-0572 without prejudice**, based on the attached findings.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: 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

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.

winter road conditions would prevent access by normal emergency response vehicles. Although the proposed habitable structure is for short-term use (only 3 year maximum is allowed under the County Code), locating even a temporary residence at this site could be detrimental to the health, welfare and safety of persons residing in the structure due to inadequate access in the event of an emergency.

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

This finding cannot be made since the access road to the proposed temporary caretaker's mobile home site does not conform to the County Grading ordinance (Chapter 16.20) with respect to the road surfacing and minimum widths. The Grading Ordinance specifies standards for base rock (minimum standard), additional oil and screening for high erosion areas and for gradients of 15% or greater - asphaltic paving in addition to base rock. The subject access road is graded native soil, some areas of base rock, but no paving on the gradients exceeding 15%. As stated in Finding #1, the road does not meet the minimum road width standards set forth in Chapter 16.20 of a 12-foot width with turnouts every 500 feet.

The stated purpose of the temporary caretaker's mobile home is to provide security for logging equipment on this site. There are security alternatives to the maintenance of the unpermitted temporary caretaker's mobile home on this site. The owners have applied for a non-habitable accessory structure under building permit application 592666 in May 2005. This structure, if approved and constructed, should provide security on the site. Additional security could be provided by constructing a gate across the driveway to limit access with Over-height Fence Permit from the Planning Department. These alternatives are the superior alternatives in light of the condition of the road.

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.**

Application # 04-0572

APN: 091-012-01

Owner: Virgil Bode co-trustees, et. al.

As discussed in Finding #1, the access road does not meet minimum standards set forth in the Fire Safety Element of the 1994 General Plan (policy **6.5.1**) for surfacing and road widths.

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.
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.

Assessor's Parcel Map

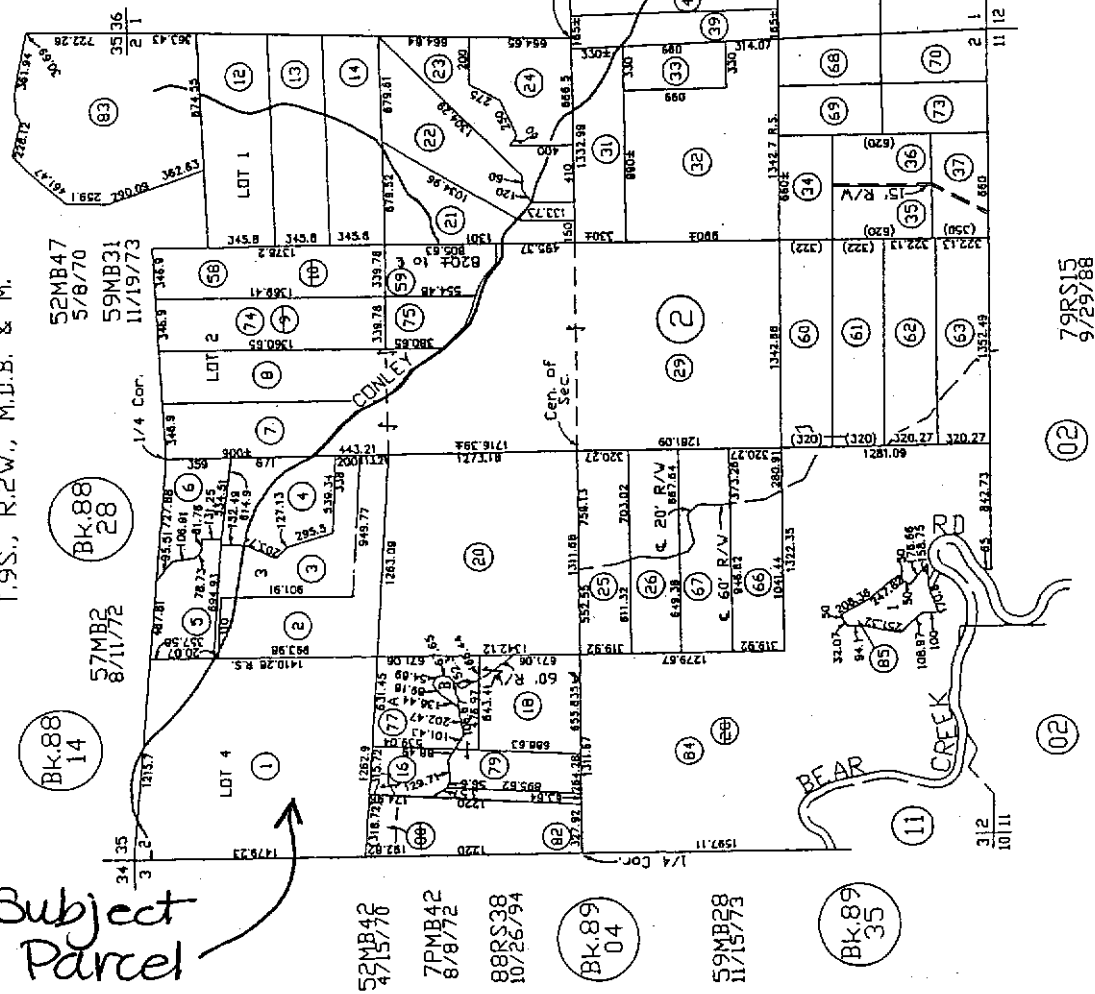
EXHIBIT C

PDR SECS. 1, 2, 11 & 12,
 T9S., R.2W., M.D.B. & M.

91-01

Tax Area Code
 65-021

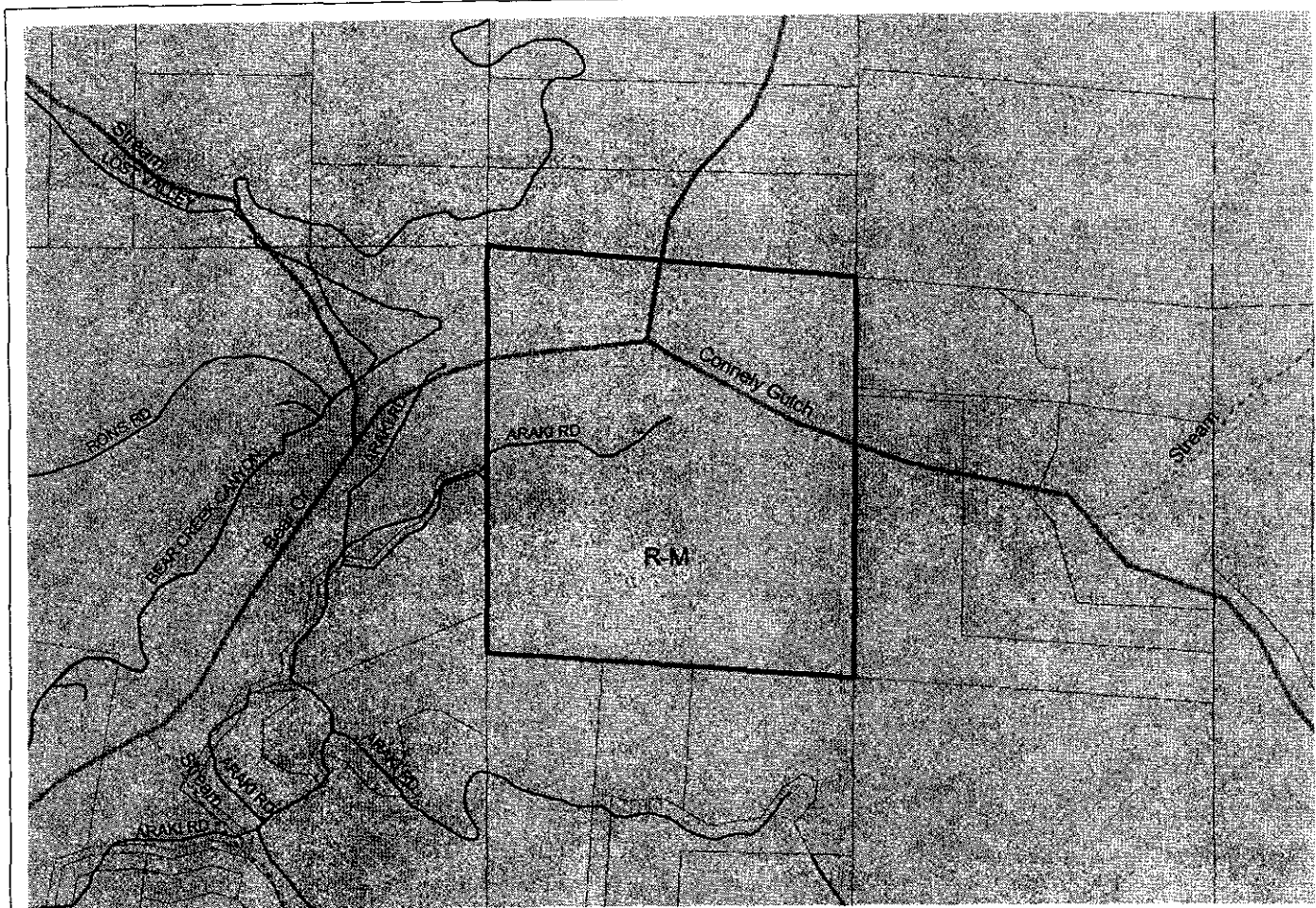
Subject
 Parcel



Assessor's Map No. 91-01
 County of Santa Cruz, Calif. 1/16 Sec. Cor.
 Nov., 1999







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

General Plan Map



1000 0 1000 2000 Feet

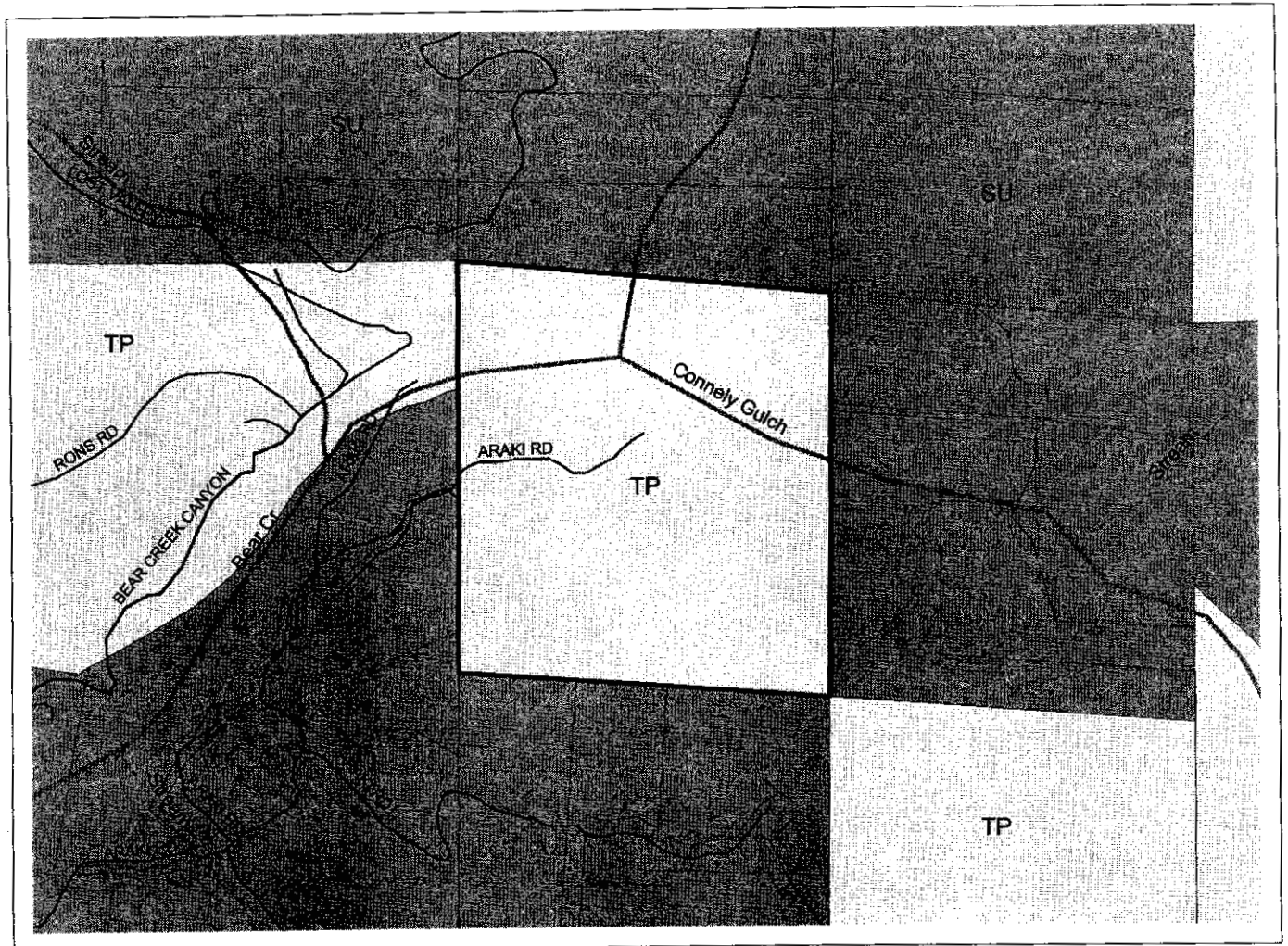
Legend

-  APN 091-012-01
-  Parcel boundaries
-  Streets
-  Intermittent Stream
-  Perennial Stream
-  Mountain Residential (R-M)



Map created by Santa Cruz County
Planning Department:
December 2004

Zoning Map



Legend

- APN 091-012-01
- Parcel boundaries
- Streets
- Intermittent Stream
- Perennial Stream
- Special Use (SU)
- Timber Production (TP)



Santa Cruz County
Department:
iber 2004

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: 04-0572

Assessor Parcel Number: 091-012-01

Project Location: The property is located on the north side of ~~Araki~~ Road about one mile northeast of the intersection of ~~Araki~~ Road and Bear Creek Road about 7 miles east of Highway 9 in Boulder Creek.

Project Description: Proposal to recognize the installation of a travel trailer to be used as a temporary caretaker's quarters on a Timber Production zoned parcel.

Person or Agency Proposing Project: Virgil Bode

Contact Phone Number:

- 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: **15270** – Projects that are disapproved.

E. ☐ Categorical Exemption

Specify type:

F. Reasons why the project is exempt:



Cathleen Carr, Project Planner

Date: 