



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

Agenda Date: June 12, 2001

May 21, 2001

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

Subject: Proposal to rezone Assessor's Parcel Number 079-42 1-01 (formerly APN 079- 12 1-1 2) from the Special Use ("SU") zone district to the Timber Production ("TP") zone district. Requires a Rezoning.

APPLICATION NUMBER: 98-0604

APN: 079-421-01 (formerly APN 079-121-12)

APPLICANT: Dennis Kehoe

OWNER: Charles and Rebecca Aalfs

LOCATION: The property is located on the northwest side of Roberts Road (beyond the Harley Road sign), about 1 mile up Roberts Road from the intersection of Roberts and Love Creek Roads, Ben Lomond.

Members of the Board:

BACKGROUND

On September 1, 1998, the Aalfs applied to rezone the subject parcel from the Special Use (SU) zone district to Timber Production (TP). Application No. 98-0604 was heard by the Planning Commission on February 24, 1999 as Item H-7. After the close of the public hearing, the Planning Commission continued this item and directed staff to return on the March 24th Planning Commission agenda with findings for denial, due to visual impacts which would result from timber harvesting on this steep property. At the March 24th meeting, Roy Webster and Dennis Kehoe, Professional Forester and Legal Counsel for the property owners, wished to address the Commission regarding this application. Since this was scheduled as a consent item and their comments extensive, the Planning Commission continued this item to May 26th in order to reopen the public hearing, directing staff to re-notice this hearing. Due to unanticipated circumstances, staff requested deferral of this hearing date from May 26th to August 25th. At the August 25th Planning Commission, a majority vote could not be attained and the item was continued to September 22. On September 22, 1999, the Planning Commission denied application 98-0604 without prejudice. This decision was appealed to your Board by the applicant on September 29, 1999. A Jurisdictional hearing was held on October 26, 1999. Your Board found that the criteria set forth in Section 18.10.340 of the County

Code for taking jurisdiction over the appeal had not been met, thereby upholding the Planning Commission's decision. The appellant filed a petition and complaint with the Santa Cruz County Superior Court on January 10, 2000. On or about October 19, 2000, the parties agreed to enter into settlement discussions to resolve this litigation, and a final settlement resolving the litigation was executed on May 6, 2001 (Attachment 4). Application 98-0604 to rezone APN 079-421-01 (formerly 079- 12 1- 12) to the Timber Production zone is before your Board for consideration as part of this stipulated settlement.

DISCUSSION

The Settlement Agreement (the "Agreement") requires that the applicants submit a revised Timber Management Plan(TMP) that incorporates all changes to the original October 1, 1998 TMP, that are required to effectuate the terms of the Agreement, to the County by May 7, 2001. A copy of the original TMP with an addendum containing the language of paragraphs 7 through 10 of the Agreement is included as Attachment 5.

The Agreement allows the County more input and oversight of the Aalfs' timber harvest operations than would otherwise be allowed under a California Department of Forestry Timber Harvest Permit. The County may retain an Engineering Geologist to evaluate the placement of the cable tower to minimize slope stability impacts and the tower must be placed at the location identified by the Engineering Geologist. In addition, the harvest will be limited to one cable tower (as opposed to the two originally proposed) thereby reducing potential visual impacts which would be created by intersecting cable corridors. Moreover, cable corridor widths are specified within the stipulation to further reduce potential for adverse visual and erosion impacts. The applicants have agreed to allow the County's representative to review the trees marked for harvesting at the edge of the bluff and the base of the slope. The County's forester may switch a specified percentage of trees in order to provide improved visual screening. The applicants will be limited to removal of no more than 50% of the trees over 18 inches in diameter on the top of the bluff to reduce visual impacts. A key public concern for the Roberts Road residents was timber hauling on Roberts Road. The terms of the Agreement includes a review of the structural integrity of the Roberts Road bridge for removing timber from the subject parcel by a structural engineer, and implementation of the structural engineer's recommendations for strengthening the bridge.

This application has been returned to your Board for review and consideration of the requested zoning change as a result of a settlement to the litigation filed by the applicants challenging your Board's action taken October 26, 1999, to deny jurisdiction. County Counsel has advised that you may take final action on this application without having it reconsidered by the Planning Commission

If your Board takes an action to approve this rezoning application, the property owners must execute and record a deed restriction for the subject parcel, within 30 days of the approval, which precludes, upon completion of the Aalfs' timber harvest, any future commercial timber harvesting operation. Moreover, following the completion of the timber harvest operation, the applicants shall submit an application to rezone the subject parcel from TP to SU or another mutually agreed upon appropriate zoning designation.

CRITERIA FOR REZONING TO TIMBER PRODUCTION

This project qualifies for a statutory exemption (Attachment 2) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703). County Code Section 13.10.375 (c) zoning to the TP district and State Government Code Section 5 1113 specify the six criteria which must be met in order to rezone to TP. The project meets the following six criteria for rezoning to Timber Production:

1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned (Attachment 3).
2. A Timber Management Plan prepared by a registered professional forester has been submitted for the property (Attachment 5). The Timber Management Plan has been reviewed and accepted by the Planning Department as meeting minimum standards (Attachment 6).
3. The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located.
4. The parcel is timberland, capable of producing a minimum of 15 cubic feet of timber per acre annually.
5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres in area.

CONCLUSION

In accordance with County Code Section 13.10.375, Special Standards and Conditions for the Timber Production (TP) District and State Government Code Section 5 1113, the applicants have met all of the criteria to have the property rezoned. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations.

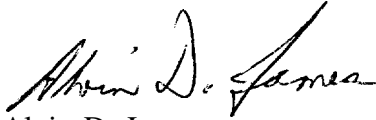
RECOMMENDATION

It is, therefore, RECOMMENDED that your Board, based on the attached Findings (Attachment 1):

1. Approve the determination that the project is statutorily exempt from the California Environmental Quality Act (Attachment 2); and
2. Adopt the attached Ordinance amending Chapter 13.10 of the Santa Cruz County Code that Rezones Assessor's Parcel Number 079-42 1-O 1 from the Special Use (SU) zone district to the Timber Production (TP) zone district (Attachment 7); and
3. Direct the Planning Department to update the General Plan Timber Resources Map to include

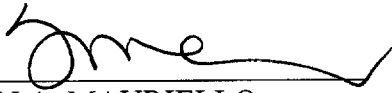
the area within the boundaries of Assessor's Parcel Number 079-42 1-O 1 as Timber Resources.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

cc: Dennis J. Kehoe 3 11 Bonita Drive, Aptos, CA 95003
Webster and Associates 5 12 Capitola Avenue, Suite 201 Capitola, CA 95010
Charles and Rebecca Aalfs P.O. Box 96 Willow Creek, CA 95573

Attachments: 1. Findings
2. CEQA Exemption
3. Assessor's Parcel Map
4. Settlement Agreement
5. Revised Timber Management Plan
6. Review of Timber Management Plan
7. Ordinance Amending Chapter 13.10 of the County Code changing properties from one zone district to another

SAM/ADJ/CLC 98-0604 Aalfs Stip Bdreport.wpd

REZONING FINDINGS:

1. THE PROPOSED ZONE DISTRICT WILL ALLOW A DENSITY OF DEVELOPMENT AND TYPES OF USES WHICH ARE CONSISTENT WITH THE OBJECTIVES AND LAND-USE DESIGNATIONS OF THE ADOPTED GENERAL PLAN; AND,

This rezoning will allow a density of development and types of uses which are consistent with the objectives and the land use designations of Mountain Residential. The uses will more closely conform with the General Plan as a result of the rezoning of a parcel which in part lies within a Timber Resource designation and the areas lying outside of the designated Timber Resources contains timber resources meeting the timber stocking requirements.

2. THE PROPOSED ZONE DISTRICT IS APPROPRIATE OF THE LEVEL OF UTILITIES AND COMMUNITY SERVICE AVAILABLE TO THE LAND; AND,

The proposed TP zone district is appropriate to the level of utilities and community services available to the parcel. The subject parcel is accessed via a publicly maintained road. The parcel is located outside of the Urban Services Line and is, therefore, rural in nature.

3. THE PROPOSED REZONING IS NECESSARY TO PROVIDE FOR A COMMUNITY RELATED USE WHICH WAS NOT ANTICIPATED WHEN THE ZONING PLAN WAS ADOPTED,

The proposed rezoning is necessary to provide for a community related use - timber harvesting and timberland management. Timber harvesting was permitted in the SU zone district in the past in certain circumstances under the jurisdiction of the County and later under the sole authority of the California Department of Forestry. Timber harvesting, however, is no longer an allowed use within the Special Use zone district. The subject parcel contains timber stands meeting the timber stocking standards outside of the designated Timber Resource area. The proposed rezoning will allow for a timber production use on this parcel.

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

ATTACHMENT 2

0728

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. 98-0604

Assessor Parcel No. 079-421-01 (formerly 079-121-12)

Project Location: The property is located on the northwest side of Roberts Road (beyond the Harley Road sign), about 1 mile up Roberts Road from the intersection of Roberts and Love Creek Roads, Ben Lomond.

Project Description: Proposal to rezone a 41.6 acre parcel from the "SU" Special Use zone district to the "TP" Timber Production zone district. Requires a Rezoning.

Person or Agency Proposing Project: Dennis Kehoe for Charles and Rebecca Aalfs

Phone Number: (83 1) 4266237

A. - - - - - The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.

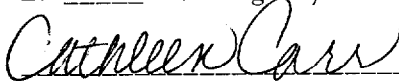
B. _ - - - - Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.

C. _XXXX_ Statutory Exemption other than a Ministerial Project.
Specify type: Article 17, Section 1703. Timberland Preserves

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 type="checkbox"/> 3. New Construction of Small Structure | <input type="checkbox"/> 19. Annexation of Existing Facilities/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 Wildlife 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
Project Planner

Date: 5/22/01

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.
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POR. N.E. 1/4, SEC. 32,
T.9.S., R.2W., M.D.B. & M.

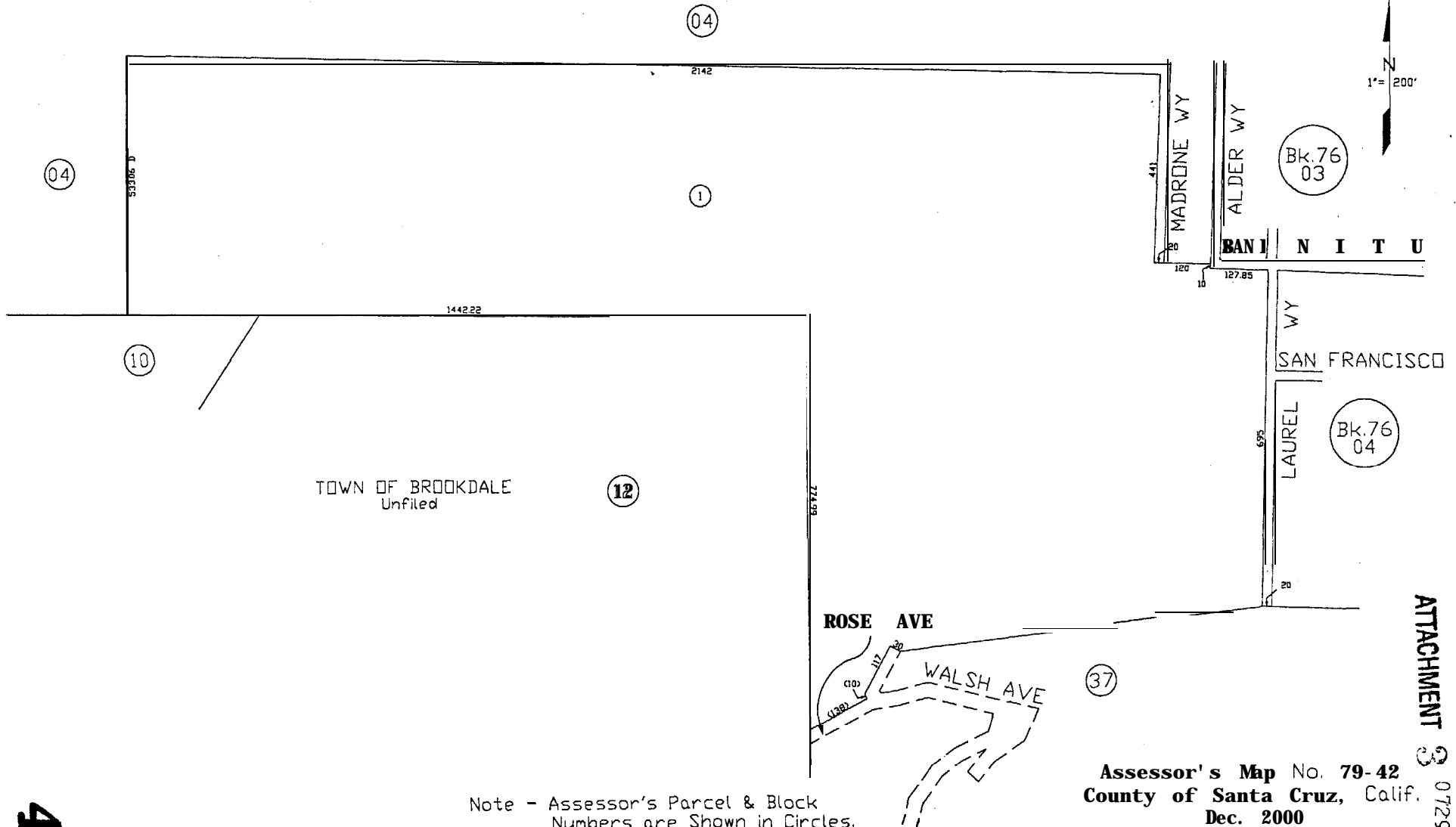
Tax Area Code
90-103

79-42

ASSESSOR'S PARCEL MAP

Electronically redrawn 12/1/00 KSA
Rev. 12/1/00 KSA (Por. from Pg 12)

46



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

Assessor's Map No. 79-42
County of Santa Cruz, Calif.
Dec. 2000

ATTACHMENT 3

0729

0730

1 SAMUEL TORRES, JR. (State Bar No. 96657)

County Counsel, County of Santa Cruz

2 DANA McRAE (State Bar No. 14223 1)

Assistant County Counsel

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Santa Cruz, CA 95060-4068

4 Telephone: (831) 454-2040

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5 FRAN M. LAYTON (State Bar No. 111788)

6 SHUTE, MIHALY & WEINBERGER LLP

396 Hayes Street

7 San Francisco, CA 94 102

Telephone: (415) 552-7272

8 Facsimile: (415) 552-5816

9 Attorneys for Respondents and Defendants

COUNTY OF SANTA CRUZ BOARD OF SUPERVISORS

10 OF SANTA CRUZ COUNTY: AND SANTA CRUZ COUNTY

PLANNING COMMISSION

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SANTA CRUZ

14 CHARLES AALFS and REBECCA AALFS,

Case No. 137457

15 Petitioners and Plaintiffs,

16 v.

STIPULATION AND
[PROPOSED] ORDER
ESTABLISHING PROCESS
FOR SETTLEMENT

17 COUNTY OF SANTA CRUZ, BOARD OF
SUPERVISORS OF SANTA CRUZ COUNTY,
18 SANTA CRUZ COUNTY PLANNING
COMMISSION, and DOES 1 through 500, and
19 each of them,

20 Respondents and Defendants.

22 Petitioners and Plaintiffs Charles Aalfs and Rebecca Aalfs ("Aalfs") and

23 Respondents and Defendants County of Santa Cruz, Board of Supervisors of Santa Cruz

24 County, and Santa Cruz County Planning Commission ("County"), hereby agree and

25 stipulate as follows:

26 1. The Aalfs and the County (collectively "the parties") enter into this
27 Stipulation Establishing Process for Settlement ("Stipulation") upon the basis of the
28 following facts, understandings and intentions of the parties:

1 A. Since 1994, the Aalfs have owned an approximately 41 acre parcel of
2 real property (APN 079-241-12) in the San Lorenzo Valley area of the County of Santa
3 Cruz, California (the "Property"). The Property, which is zoned Special Use ("SU"),
4 was timber harvested in the early part of the last century. A portion of the Property is
5 designated as timberland on the County of Santa Cruz General Plan Timber Resource
6 overlay map. In 1998, the Aalfs submitted an application to the County to rezone the
7 Property from SU to Timber Production ("TP") and the County accepted the application
8 as complete on September 1, 1998. The Planning Department staff presented a report to
9 the Planning Commission on February 24, 1999 recommending that the Property be
10 rezoned to TP because the Aalfs had met all of the criteria for a rezone to TP, including
11 the timber stocking standards set forth in the Public Resources Code.

12 B. The Planning Commission originally heard the Aalfs' rezone application
13 on February 24, 1999. On August 25, 1999, the Planning Commission held a second
14 public hearing on the Aalfs' application. During this hearing, the Planning Department
15 staff presented another report recommending that the Planning Commission deny the
16 Aalfs' application, stating, inter alia, that the proposed rezone was inconsistent with the
17 County's General Plan. Following a third public hearing on September 22, 1999, the
18 Planning Commission voted to deny the Aalfs' application to rezone their Property from
19 SU to TP.

20 C. The Aalfs appealed the Planning Commission's decision to the County
21 Board of Supervisors which declined to take jurisdiction of the appeal, thereby rendering
22 the decision of the Planning Commission final.

23 D. The Aalfs filed their petition and complaint ("petition") on January 10,
24 2000. The Aalfs seek in their petition an order directing the County to set aside its
25 decision denying the Aalfs' application to rezone the Property to TP and further seeking
26 County approval of the rezone application and other relief.

27 E. On July 26, 2000, Judge Yonts overruled the County's demurrer to each
28 of the causes of action raised in the petition. The matter was thereafter set for trial on

1 October 30, 2000. On or about October 19, 2000, the parties agreed to enter into
2 settlement discussions to resolve this litigation and submitted to the Court an Application
3 for Stipulated Continuance of Trial. A Case Management Conference is scheduled for
4 July 19, 2001, at 8:30 a.m.

5 F. The parties engaged in extensive discussions over a six month period for
6 the purpose of negotiating the terms of a settlement of the pending litigation that County
7 staff could recommend to the Board of Supervisors for consideration, public review, and
8 hearing. The Aalfs and the County have now reached agreement on the terms of a
9 settlement of this action that they consider to be a just, fair, adequate and equitable
10 resolution of the claims raised in the petition.

11 G. By this Stipulation, the parties seek to set forth the terms of their
12 settlement agreement and to establish the procedures and processes by which the
13 settlement will be incorporated into a Stipulation for Entry of Final Judgment if the Board
14 of Supervisors approves the application to rezone the Property to TP, following a public
15 hearing to reconsider the Planning Commission's denial of the Aalfs' application. The
16 parties desire to proceed expeditiously; their goal is that final action by the Board of
17 Supervisors shall occur no later than sixty (60) days after the Aalfs submit a complete
18 revised Timber Management Plan ("TMP") to the County. However, as set forth more
19 fully in paragraph 6 below, due to the Board's June calendar and its July recess, all
20 proceedings before the Board of Supervisors may not be concluded until August 30,

21 2 0 0 1 .

22 2. Pursuant to the discussions of the parties, the terms of their settlement
23 agreement and the process to incorporate that settlement into a Stipulation for Entry of
24 Final Judgment are set forth below.

25 3. All proceedings in this action shall be stayed, including all pleadings which
26 might otherwise be filed. Any applicable time deadlines, times within which the matter
27 must be brought to trial and/or statute of limitations are tolled from the date of the Order
28 herein to the date of termination of this Stipulation, if any, by either party hereto. The

ATTACHMENT 4

1 Aalfs shall promptly submit a revised TMP to the County that incorporates all changes to
2 the Aalfs' October 1, 1998 TMP that are required to effectuate the terms of the settlement
3 agreement which are set forth in paragraphs 7 through 10 below ("settlement
4 agreement"). All costs and filing fees for the rezoning process set forth in this Stipulation
5 shall be borne by the County alone.

6 4. The County, after receipt of the revised TMP, shall promptly review the
7 Plan to determine its consistency with the provisions of the parties' settlement agreement.
8 Once the County determines that the Aalfs' revised TMP fully complies with the terms of
9 the settlement agreement, the County shall notice a public hearing before the Board of
10 Supervisors to reconsider the Planning Commission's denial of the Aalfs' application to
11 rezone the Property to TP.

12 5. The Planning Department staff shall diligently seek to procure approval of
13 the Aalfs' rezone application. Nothing herein contained, however, shall be deemed to
14 restrict the discretion of the Board of Supervisors to consider such matters as may be
15 appropriate; provided, however, that the Board of Supervisors nor any other officer or
16 representative of the County shall have the right unilaterally to change any term or
17 condition of either the rezone submission or the parties' settlement agreement in a manner
18 that will cause such change to become part of an agreed settlement between the parties,
19 without the prior written consent of the Aalfs.

20 6. The parties shall make every effort and shall cooperate diligently to have all
21 proceedings before the Board of Supervisors with regard to the rezone application
22 concluded prior to the Board of Supervisors' July 2001 recess, so long as the County
23 receives a complete revised TMP from the Aalfs no later than May 7, 2001. However,
24 the rezone matter may need to be scheduled for Board hearing immediately after the July
25 2001 recess given that the Board devotes considerable time to budget matters during the
26 month of June. If the Board of Supervisors does not approve the Aalfs' application to
27 rezone the Property to TP in accordance with the terms set forth in this Stipulation, or
28 fails to take final action by August 30, 2001, then this Stipulation may be terminated at

1 the option of either party and, if so terminated, the stay provided for in Paragraph 3 shall
2 be dissolved.

3 7. If the Board of Supervisors acts to approve the application to rezone the
4 Property to TP, the Aalfs agree that any Timber Harvest Plan (“THP”) application that
5 they submit to the California Department of Forestry (“CDF”) to conduct timber
6 harvesting on the Property shall, at a minimum, include and be consistent with the
7 settlement agreement terms set forth below:

8 **A. Evaluation of Aalfs’ Proposed Timber Harvesting Operation**

9 (1) The County, at its expense and within its discretion, may retain an
10 engineering geologist to conduct an evaluation to determine the optimal reasonable
11 location for the cable tower that will minimize potential slope stability impacts. The Aalfs
12 agree to place the cable tower at the location identified by the engineering geologist.

13 (2) Prior to submitting a THP to CDF, the Aalfs shall retain a structural
14 engineer to review the structural integrity of the Roberts Road bridge over Love Creek to
15 evaluate the integrity of the bridge for the specific purpose of determining whether it can
16 withstand the weight of the specific type of yarder that will be required for the Aalfs’
17 timber harvesting operation. Further, the Aalfs agree to implement, prior to commencing
18 any timber harvesting operation on the Property, all reasonable measures that the
19 structural engineer recommends for strengthening the Roberts Road bridge for the
20 purpose of removing timber from the Property. The County shall receive a copy of the
21 structural engineer’s written evaluation of the structural integrity of the Roberts **Road**
22 bridge, including the engineer’s recommendations, if any, for strengthening the bridge.

23 **B. Location, Method, and Extent of Timber Harvesting Operation**

24 (1) The Registered Professional Forester (“RPF”) and the Licensed
25 Timber Operator (“LTO”) shall jointly design the cable corridors with the goal of
26 maximizing suspension and minimizing cable corridor widths. The timber harvesting
27 operation on the Property shall be conducted using one cable tower, which cable tower
28 shall not exceed 40 feet in height, In addition, the widths of the cable corridors shall be

1 limited to a maximum of 20 feet, with an average width of no more than 15 feet, unless
2 the RPF and LTO determine that these widths are not reasonably attainable.

3 (2) The “Tractor Operations” area (top of bluff) will be selectively
4 harvested so as not to exceed fifty (50) percent of the trees over 18” in diameter. The
5 fifty (50) percent count shall include those trees removed for road construction, yarder
6 setting, and the landing(s).

7 (3) The RPF shall mark the trees at the edge of the bluff and at the base
8 of the slope with the goal of providing a visual screen for the areas that may be impacted
9 by the timber harvest operation on the Property. The County’s designated forester shall
10 review the trees that the RPF marks for harvesting at the edge of the bluff and at the base
11 of the slope and may switch up to twenty (20) percent of the marked trees in these areas
12 for trees of equal size in order to provide a better visual screen of the areas impacted by
13 the operation.

14 (4) The Aalfs agree to retain a canopy cover within the Watercourse
15 and Lake Protection Zone (“WLPZ”) of all Class II watercourses on the Property that is
16 consistent with the requirements of the State Forest Practice rules. Further, the Aalfs
17 agree that they shall retain such additional canopy cover within the WLPZ of all Class II
18 watercourses on the Property as the Review Team may require following its onsite
19 inspection.

20 (5) The Aalfs shall not harvest any ancient trees, defined as any tree
21 200 years or older. If falling and inspection of a tree indicates that an ancient tree has
22 been harvested, the RPF shall cease operations and consult with a County-designated
23 RPF, to be paid for by the Aalfs.

24 (6) Prior to the Preharvest Inspection, the County shall inspect all trees
25 marked to be harvested. If the County reasonably determines that a marked tree violates
26 the terms of the parties’ settlement agreement, the County of Santa Cruz Review Team
27 Member shall have the authority to change the mark to conform to the settlement
28 agreement.

(7) The Aalfs agree not to helicopter log the site unless, as determined by the Aalfs' RPF and the RPF designated by the County, it is not reasonably feasible to cable log the site. In that case, the Aalfs shall confer with the County to determine both the appropriate alternative means of harvesting timber on the property, which may include helicopter logging, and the reasonable conditions that shall be imposed on such alternative timber harvesting method.

(8) Following completion of the timber harvesting operation, the affected area below the bluff shall be treated with a combination of seed, straw, and the planting of redwood trees. In addition, in lieu of netting, woody debris shall be placed over the straw.

(9) Nothing contained in the parties' settlement agreement or this Stipulation shall be deemed to restrict the discretion of the CDF or to preclude CDF, in approving a THP for the Property, from imposing conditions on the THP that are more restrictive than the terms set forth in the parties' settlement agreement.

8. Within thirty (30) days of the Board of Supervisors' approval of a rezone of the Property to TP, the Aalfs shall execute and record a deed restriction for the Property that precludes, following the completion of the timber harvesting operation that is the subject of this settlement agreement, any future commercial timber harvesting operation on the Property.

9. Following completion of the timber harvesting operation on the Property that is the subject of the parties' settlement agreement, the Aalfs shall promptly submit an application to the County to rezone the Property from TP to SU or to another mutually agreed upon appropriate zoning designation that does not include timber harvesting as a permitted use. All costs and filing fees for the rezone from TP at the completion of the timber harvesting operation shall be borne by the County alone. The County shall process the rezone application in a timely manner which shall not exceed 180 days from the date that the rezone application is accepted by the County as complete or deemed complete by operation of law.

ATTACHMENT 4

1 10. The County shall reimburse the Aalfs for their actual attorney's fees and
2 costs incurred in this matter, subject to a cap of \$30,000.00 on such reimbursement. The
3 check for reimbursement of the Aalfs' attorney's fees and costs shall be made payable to
4 Charles Aalfs and shall be delivered to the attorney for the Aalfs no later than thirty (30)
5 days after the Board of Supervisors approves a rezone of the Property to TP provided
6 that:

7 A. The Aalfs have provided the County with documentation of their
8 attorney's fees and costs incurred in this matter, up to the \$30,000 cap; and

9 B. The Aalfs have delivered to the County, or are delivering concurrently
10 with the attorney's fees payment, the deed restriction for the Property that is required by
11 Paragraph 8 above.

12 11. If the Board of Supervisors acts to approve the application to rezone the
13 Property to TP and the THP is approved by CDF, then the terms of the settlement
14 agreement, set forth in Paragraphs 7 through 10 above, shall be incorporated into a
15 Stipulation for Entry of Final Judgment ("Stipulation for Entry") to be submitted to this
16 Court with a Final Judgment to be entered in this action. The Stipulation for Entry shall
17 provide for a release of all of the Aalfs' claims and relief sought against the County, its
18 employees, agents, and elected officials.

19 12. This Stipulation shall be interpreted and construed in the manner best
20 calculated to carry out its purposes of achieving a settlement of this action. This Court
21 shall retain jurisdiction over this action until after the timber harvesting operation
22 described in Paragraph 7 above has been completed for the purpose of enabling the
23 parties to apply to the Court for any further orders and directions that may be necessary
24 or appropriate to construe, implement or enforce compliance with the terms set forth in
25 this Stipulation.

26 13. This Stipulation shall be binding upon the parties hereto, and their
27 respective employees, counsel, agents, successors and assigns.

28 14. Each signatory hereto represents that he or she is authorized to execute this
Stipulation so as to bind the parties on whose behalf he or she is a signatory. This

ATTACHMENT 4

1 Stipulation may be executed in separate counterparts.

2 DATED: May 6, 2001

CHARLESAALFS and REBECCA AALFS

3
4 BY 

Charles Aalfs

5
6 DATED: May __, 2001

COUNTY OF SANTA CRUZ, et al.

7
8 By 

Chair, Board of Supervisors

9 APPROVED AS TO FORM:

10 DATED: May 1, 2001

11 SAMUEL TORRES, JR. COUNTY COUNSEL
12 DANA McRAE, CHIEF ASSISTANT
13 COUNTY COUNSEL
14 COUNTY OF SANTA CRUZ

SHUTE, MIHALY & WEINBERGER LLP

15 By: 

FRAN M. LAYTON

16 Attorneys for Respondents and
17 Defendants
18 County of Santa Cruz, Board of
19 Supervisors of Santa Cruz County, Santa
20 Cruz County Planning Commission

21 APPROVED AS TO FORM:

22 DATED: May 2, 2001

DENNIS J. KEHOE, LAW CORPORATION

23 By: 

DENNIS J. KEHOE

24 Attorney for Petitioners and Plaintiffs
25 Charles Aalfs and Rebecca Aalfs
26
27
28

1 ORDER APPROVING STIPULATION ESTABLISHING PROCESS
2 FOR SETTLEMENT

3 The Court, having reviewed the Stipulation of the parties in regard to
4 settlement, approves the Stipulation and enters it as an order of the Court.

5 DATED: _____, 2001

6 _____
7 Judge of the Superior Court of the
8 County of Santa Cruz

9
10 P:\SANCRA\ALFS\FML013V2.WPD

Charles and Rebecca Aalfs
Tree Farm

Section 10
Township 9 South
Range 2 West
Mount Diablo **Base** and Meridian

Report Prepared For
Charles and Rebecca Aalfs

Roy Webster
RPF # 1765
of Webster and Associates
May 3, 2001



The following additional provisions are hereby made a part of the Timber Management Plan previously prepared for subject property on October 1, 1998, by John Finlay, RPF # 2608.

Any Timber Harvest Plan (THP) application which the AalFs submit to the California Department of Forestry (CDF) to conduct timber harvesting on the property shall, at a minimum, include and be consistent with the terms set forth below.

A. Evaluation of AalFs' Proposed Timber Harvesting Operation

- 1) The County, at its expense and within its discretion, may retain an engineering geologist to conduct an evaluation to determine the optimal reasonable location for the cable tower that will minimize potential slope stability impacts. The AalFs agree to place the cable tower at the location identified by the engineering geologist.
- 2) Prior to submitting a THP to CDF, the AalFs **shall** retain a structural engineer to review the structural integrity of the Roberts Road bridge over Love Creek to evaluate the integrity of the bridge for the specific purpose of **determining** whether it can withstand the weight of the specific type of yarder that **will** be required for the AalFs' timber harvesting operation. Further, the AalFs agree to implement, prior to commencing any timber harvesting operation on the property, all reasonable measures that the structural engineer recommends for strengthening the Roberts Road bridge for the purpose of removing timber **from** the property. The County shall receive a copy of the structural engineer's written evaluation of the **structural** integrity of the Roberts Road bridge, including the engineer's recommendations, if any, for strengthening the bridge.

B. Location, Method, and Extent of Timber Harvesting Operation

- 1) The Registered Professional Forester (RPF) and the Licensed Timber Operator (LTO) shall jointly design the cable **corridors** with the goal of **maximizing** suspension and **minimizing** cable corridor widths. The timber harvesting operation on the property **shall** be conducted using one cable tower, which cable tower shall not exceed 40 feet in height. In addition, the widths of **the** cable corridors shall be limited to a maximum of 20 feet, with an average width of no more than 15 feet, unless the RPF and LTO determine that these widths are not reasonably attainable.
- 2) The Tractor Operations area (top of **bluff**) will be selectively harvested so as not to exceed 50% of the trees over 18" in diameter. The 50% count shall include those trees removed for road construction, yarder setting and the **landing(s)**.
- 3) The RPF shall mark the trees **at the** edge of the bluff and at the base of the slope with the goal of providing a visual screen for the areas that may be impacted by **the timber** harvest operation on the property. The County's designated forester shall review the trees that the RPF marks for harvesting at the edge of the bluff and at **the** base of the slope and may switch up to 20% of the marked trees in these areas for trees of equal size in order to provide a better visual screen of the areas impacted by the operation.
- 4) The AalFs agree to retain a canopy cover within the Watercourse and Lake protection Zone (WLPZ) of all class II watercourses on the property that is consistent with the requirements of the State Forest Practice Rules. Further, the AalFs agree that they shall retain such additional canopy cover within the WLPZ of all class II watercourses on the property as the Review Team **may** require following its **onsite** inspection.
- 5) The AalFs shall not harvest any ancient trees, **defined** as any tree 200 years or older. If falling and inspection of a **tree** indicates that an ancient tree has been harvested, the RPF shall cease operations and consult with a **County-designated** RPF, to be paid by the AalFs.
- 6) Prior to the Preharvest Inspection, the County shall inspect all trees marked to be harvested. If the County reasonably determines that a marked tree violates the terms of the parties settlement

agreement, the County of Santa **Cruz** Review Team Member shall have the authority to change the mark to **conform** to the settlement agreement.

- 7) The **Aalfs** agree not to helicopter log the site unless, as determined by the Aalfs' RPF and the RPF designated by the County, it is not reasonably feasible to cable log the site. **In** that case, the Aalfs shall confer with **the** County to determine both the appropriate alternative means of harvesting timber on the property, which may include helicopter logging, and the reasonable conditions that shall be imposed on such alternative timber harvesting method.
- 8) Following completion of the timber harvesting operation, the **affected** area below the bluff shall be treated with a combination of seed, straw, and the planting of redwood trees. **In** addition, in lieu of netting, woody debris shall be placed over the straw.
- 9) Nothing contained in the parties settlement agreement or this Timber Management Plan Addendum shall be deemed to restrict the discretion of the CDF or to preclude CDF, in approving a **THP** for the property, **from** imposing conditions on the **THP** that are more restrictive than the terms set forth **in** the parties' settlement agreement.

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Within 30 days of the Board of Supervisors' approval of a rezone of the property to **TP**, the Aalfs shall execute and record a deed restriction for the property that precludes, following the completion of the timber harvesting operation that is the subject of the settlement agreement, any **future** commercial timber harvesting on the property.

Following completion of the timber harvesting operation on the property that is the subject of the parties' settlement agreement, the Aalfs shall promptly submit an application to the County to rezone the property **from** **TP** to **SU** or to another mutually agreed upon appropriate zoning designation that does not include timber harvesting as a permitted use. All costs and filing fees for the rezone **from** **TP** at the completion of the timber harvesting operation **shall** be borne by the County alone. The County **shall** process the rezone application in a timely manner which shall not exceed 180 days **from** the date that the rezone application is accepted by the County as complete or deemed complete by operation of law.

TIMBER MANAGEMENT PLAN

Charles and Rebecca Aalfs
Tree Farm

Site Address: End of Roberts Road

Section 10
Township 9 South
Range 2 West
Mount Diablo Base and Meridian

Ben Lomond, California

Report Prepared For

Charles and Rebecca Aalfs

By

John Finlay
RPF #2608
of Webster and Associates
October 1, 1998

PREFACE

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In April and May of 1998, Webster and Associates was commissioned by Charles and Rebecca Aalfs to prepare a Timber Management Plan on their property. The property encompasses approximately 40 acres in Ben Lomond, CA. The property is situated on the Felton Quad Map, Section 32, Township 9S, Range 2W in Santa Cruz County. Mailing addresses are as follows: Charles and Rebecca Aalfs (APN 079-121-12, 41 acres), PO Box 96, Willow Creek, CA 95573, Phone #(916) 629-2065.

This plan incorporates currently available resource data, interpretation of timber stands on aerial photographs, and field cruise data (2% cruise intensity).

Field work was carried out during July, 1998.

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GOALS AND OBJECTIVES

The overall goal on the Aalfs Tree Farm is to develop a multiple-use sustained-yield forestry program. The intent is to not only produce high quality forest products, but also to protect and enhance the related values of aesthetics and wildlife.

The goals are based upon the following objectives:

1. Prescribe and implement a forest improvement program to improve stocking, increase tree vigor and maximize growth.
2. Maintain a healthy and vigorous forest of well-spaced trees growing at the highest rates feasible considering the other values of the forest.
3. Maintain a high degree of aesthetic consideration during all aspects of forest management.
4. Improve wildlife habitat as part of continuing forest management,
5. Develop a conifer sustained-yield program based on a harvest cycle of 10-15 years.

GENERAL PROPERTY DESCRIPTION

The 40 acre Aalfs Tree Farm is located 1 mile southeast of the town of Boulder Creek in western Santa Cruz County (See Location Map). The region is characterized by mountains which range in elevation of 1,000-1,400 feet. The area is drained by one of the larger rivers in the county, the San Lorenzo River. The property is located on the eastside of the Lower San Lorenzo River Watershed Assessment Area. The San Lorenzo River empties into the Pacific Ocean in the city of Santa Cruz.

There are numerous class 3 watercourses (creeks which flow only during the winter months) through out the properties (See Property Map). Three of those watercourses flow directly into the San Lorenzo River. The others flow into a class 2 watercourse (creeks which flow year-round) which flows through the central portion of the property. Most of the conifer trees reside in the bowl which has been formed by this class 2 watercourse.

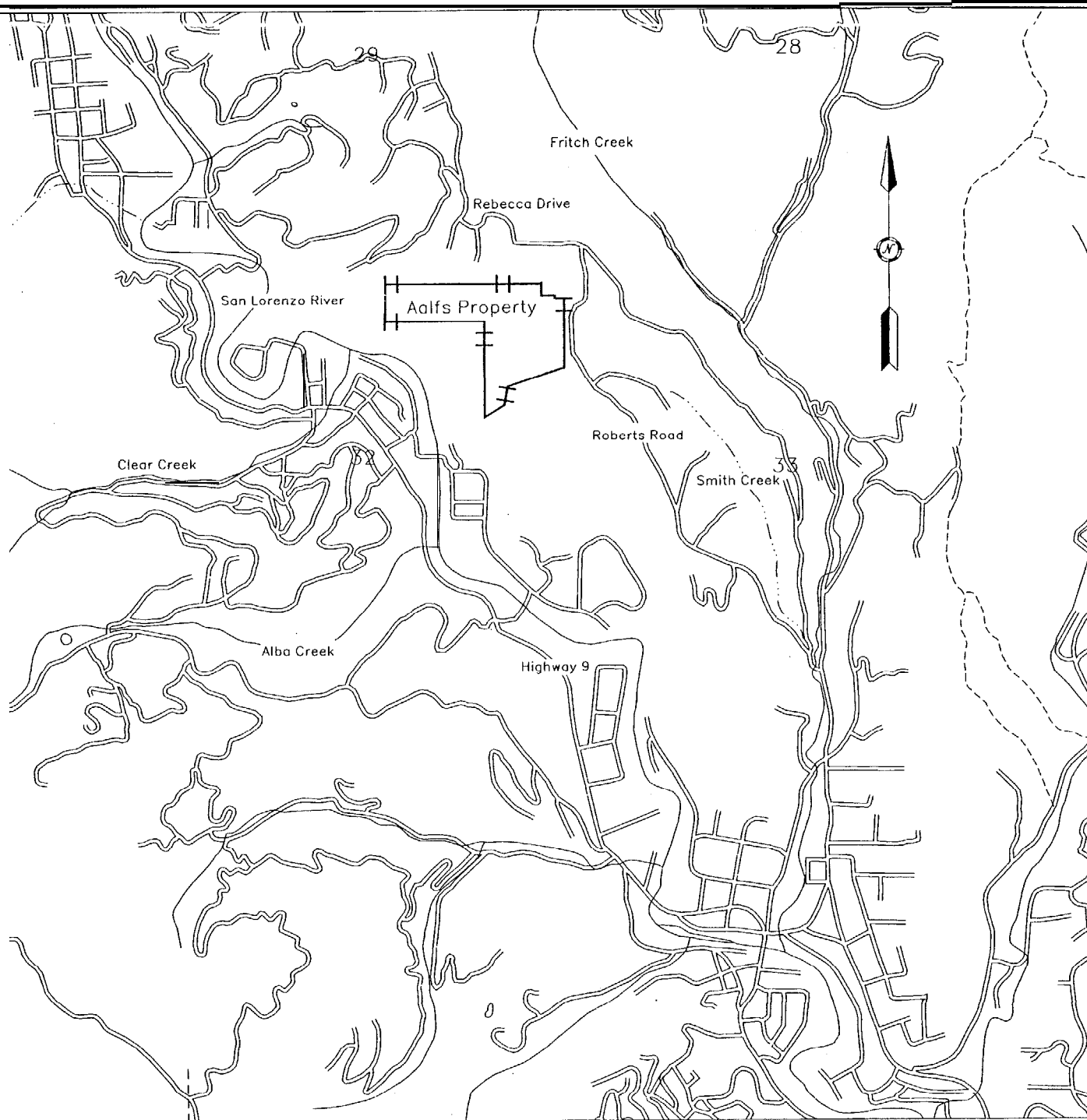
Terrain varies from nearly level along the eastern portion of the properties, which is along the ridge, to nearly vertical as you drop away from some areas of this ridgeline. Elevations vary from 400 feet, along the San Lorenzo River to 1000 feet on the ridge.

Access from Santa Cruz is via Highway 9 to Love Creek Road to Roberts Road. All roads are public with the exception of Roberts Road, which is a private road. Roberts Road enters the property in the southeastern corner. There is another potential access to the property which comes in from the north off of Rebecca Drive. At this time there is no intent to use that access,

The property is approximately 80% forested. Redwood dominates the bowl area around the class 2 watercourse and along some of the class 3 watercourses throughout the property. Douglas-fir occupies many of the higher and drier sites on the property. Hardwoods, chaparral and grasses occupy areas closer to the ridge top, mostly on the boundaries of the property. The redwood understory varies from sparse to dense and consists of shade tolerant, broad-leafed trees, conifer seedlings, shrubs, and an herbaceous ground cover, often with mosses and ferns.

The timber stand is made up of 94% redwood and 6% Douglas-fir.

The property (APN 079-12 L-12) is zoned Special Use. Some of the property is designated with a timber resources overlay on county planning maps. Unfortunately the areas with the timber resources overlay on them do not have conifer trees growing on them. It is the areas without the timber resources overlay that have the conifers growing on them.



Aalfs IMP

General Location Map

Quadrangle:
Felton

T9S, R2W, Sections 28-33
MDBM

Contour Interval: 40

Scale: 1 inch = 2000 feet

—+— THP Boundary

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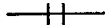





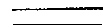

Aalfts I MP Project Map

Quadrangle:
Felton

T9S, R2W, Section 32
MDBM


Contour Interval: 40

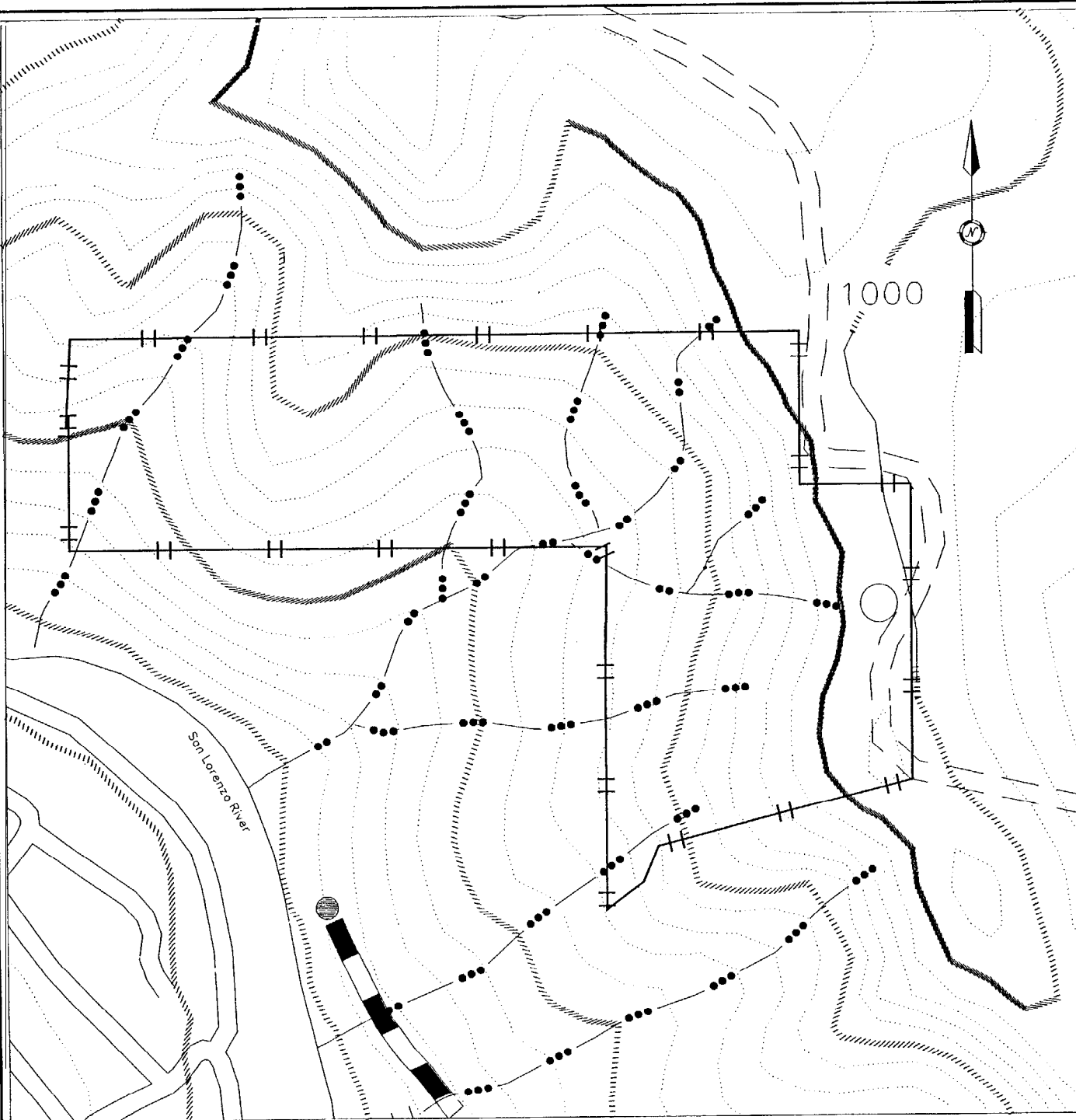
Scale: 1 inch = 400 feet

-  Property Boundary
-  Watercourse, Class III
-  Watercourse, Class II
-  Existing Seas. Road
-  Residence
-  Existing Perm. Road
-  Permanent Public Road
-  Potential Future Homesite

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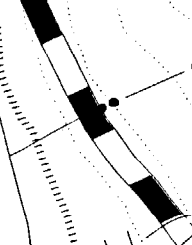
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San Lorenzo River

1000



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HISTORY OF FOREST MANAGEMENT AND USE

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Most of the original logging of old-growth redwood in the Santa Cruz area took place around the turn of the century. Little concern was given to erosion control and aesthetics during these early operations, Steam donkeys and elaborate block and tackle systems were used to move old-growth redwood logs to stream and river bottoms. They were then loaded onto narrow-gauge steam trams for transportation to local mills. Many of the roadbeds and trestle-steps used by the railroads are still in evidence in redwood canyons around the county.

As was common at the time the cutting was often followed by fire, intentionally set to burn bark and slash. Fire not only facilitated log removal from the woods, but was also used to convert cut-over forest to pasture. Residual tree scarring is evidence of these early hot fires, fire scars on second-growth timber indicate subsequent burns.

During the post-World War II housing boom, the demand for softwood timber produced a new type of timber operation in Santa Cruz County. Douglas-fir, passed over in the original logging, was sought after by the industry, in addition to redwood. The use of caterpillar tractors to skid logs and wide-bed trucks to haul them meant that more efficient and wider-ranging operations were conducted.

At the present time, some 50-100 years following the original logging, excellent stands of second-growth redwood have filled in the forest canopy around the remaining residual trees. Many of these second-growth trees, nearly all of which resulted from stump sprouts, have attained diameters of 20-36 inches and will return good value to the landowner when logged. Those growing in the canyon bottoms achieve tall heights in addition to large diameters, although they are sometimes more difficult to access.

This property was logged somewhere around the turn of the century and although many of the larger stumps are not visible the stand is definitely a second growth forest, with the majority of trees in the 18-24 inch range. The property is primarily bowlish in shape, with steep side walls surrounding the numerous class 3's which drain into the main class 2 which flows through the property. The interior of the property cannot be reached by roads due to the steepness of the side walls. Therefore the majority of the property can only be logged by cable yarding.

SOILS TYPES AND SITE INDEX

0751

According to the Soil Survey of Santa Cruz County, there are three types of soils on the property (See Soils and Geology Map), the following information is taken from that survey:

Ben Lomond-Catelli-Sur complex (#113) 30-75 slopes

This complex is on mountains. Most areas extend from ridgetops to drainageways, but a few areas occupy only small parts of mountainsides. Slopes are long and complex. This complex is about 30 percent Ben Lomond sandy loam, 30 percent Catelli sandy loam, and 20 percent Sur stony sandy loam. The Catelli soil makes up as much as 45 percent of the southwesterly slopes of the Ben Lomond and Santa Cruz Mountains. The Sur soil is on some ridges and on some fingers of rock areas that are parallel to the ridges.

Included with these soils in mapping are small areas of Aptos sandy loam, Felton sandy loam, Lompico loam, Maymen stony loam, Nisene loam, and Zayante coarse sand.

The Ben Lomond soil is deep and well drained. It formed in residuum derived from sandstone or quartz diorite. Typically, the soil is covered by a 2-inch mat of partially decomposed needles and twigs. The surface layer is dark grayish brown, slightly acid and neutral sandy loam about 19 inches thick. The subsoil is brown, medium acid sandy loam about 11 inches thick. The substratum is pale brown, medium acid sandy loam about 16 inches thick. Weathered sandstone is at a depth of 46 inches.

Permeability of the Ben Lomond soil is moderately rapid. Effective rooting depth is 40 to 60 inches. Available water capacity is 4.0 to 8.5 inches. Runoff is rapid to very rapid, and the hazard of erosion is high to very high.

The Catelli soil is moderately deep and well drained. It formed in residuum derived from sandstone or granitic rock. Typically, the soil is covered by a 3-inch mat of partially decomposed leaves, bark, and twigs. The surface layer is brown, slightly acid sandy loam about 7 inches thick. The subsoil is yellowish brown and light yellowish brown, slightly acid and medium acid sandy loam about 16 inches thick. The substratum is very pale brown, strongly acid sandy loam about 14 inches thick. Weathered sandstone is at a depth of 37 inches.

Permeability of the Catelli soil is moderately rapid. Effective rooting depth is 20 to 40 inches. Available water capacity is 2 to 5 inches. Runoff is rapid to very rapid, and the hazard of erosion is high to very high.

The Sur soil is moderately deep and somewhat excessively drained. It formed in residuum derived from sandstone, schist, or granitic rock. Typically, the soil is covered by a 1-inch mat of needles, leaves, and twigs. The surface layer is brown, neutral and slightly acid stony sandy loam about 18 inches thick.

The underlying material is reddish yellow, medium acid very stony sandy loam. Unweathered granodiorite is at a depth of 35 inches.

Permeability of the Sur soil is moderately rapid. Effective rooting depth is 20 to 40 inches. Available water capacity is 1.0 to 3.5 inches. Runoff is rapid to very rapid, and the hazard of erosion is high to very high.

These soils are used mainly for timber production, recreation, wildlife habitat, and watershed. They are also used for firewood production and as homesites. 0752

The Ben Lomond soil is well suited to the production of redwood and Douglas-fir, the Catelli soil is somewhat well suited, and the Sur soil is somewhat poorly suited. In a few areas the Sur soil supports Ponderosa pine and Coulter pine. The potential production of merchantable timber from a fully stocked, even-aged stand of redwood trees 80 years old is about 13,360 cubic feet, or 70,000 board feet (International Rule), on the Ben Lomond soil; about 10,240 cubic feet, or 42,600 board feet (International Rule), on the Catelli; and about 5,510 cubic feet, or 10,200 board feet (International Rule), on the Sur soil. The Ben Lomond soil is better suited to timber production than either the Catelli or Sur soil because it is a deeper soil. This complex is limited for the production of timber mainly by the presence of bedrock at a depth of 20 to 40 inches in the Catelli and Sur soil and by the rock fragment content of 35 percent or more in the Sur soil. The moderate depth and high rock fragment content of these soils limit rooting depth and available water capacity.

This complex provides habitat for band-tailed pigeon, jay, hawk, deer, raccoon, coyote, bobcat, rabbit, squirrel, mice, salamander, tree frog, lizard, and snake. These soils are poorly suited to building site development and onsite sewage disposal because of their steep and very steep slopes.

Site Index: This is a measure of a soil's productive potential for growing commercial quality timber. The index is based on only two parameters: a tree's height and its age. Based on a 100 year age curve, the Soil Survey for Santa Cruz County rates the site index for Redwood for this particular soil at 135 and for Douglas-fir it is 147.

Maymen-Rock outcrop complex (#153), 50-75 percent slopes

This complex is on ridges and the upper part of very steep slopes on mountains. Elevation ranges from 800 to 3,000 feet. The mean annual precipitation is about 48 inches, and the mean annual air temperature is about 55 degrees F. The frost-free season ranges from 220 to 245 days.

This complex is about 45 percent Maymen stony loam and 25 percent Rock outcrop.

Included with this complex in mapping are areas of soils that are similar to the Maymen soil but have bedrock at a depth of less than 10 inches. Also included are areas of Ben Lomond sandy loam and Madonna loam and small areas of Catelli sandy loam, Hecker gravelly sandy loam, and Sur stony sandy loam.

The Maymen soil is shallow and somewhat excessively drained. It formed in material weathered from shale, sandstone, or granitic rock. Typically, the surface is covered by a one-inch mat of undecomposed leaves and twigs. The surface layer is pale brown, slightly acid stony loam about 6 inches thick. The subsoil is pale brown, medium acid shaly heavy loam about 8 inches thick. Unweathered, fractured shale is at a depth of 14 inches.

Permeability of the Maymen soil is moderate. Effective rooting depth is 10 to 20 inches. Available water capacity is 1.0 to 2.5 inches. Runoff is very rapid, and the hazard of erosion is very high.

Rock outcrop consists of exposures of sandstone, shale, and granitic rock.

This complex is used for watershed and recreation.

Rapid population growth in the county has resulted in increased pressure for homesites. This soil is poorly suited to use as homesites or for septic tank absorption fields because of the very steep slopes and depth to rock.

There is no site index for this soil because the soil is not suitable for growing trees,

Nisene-Aptos complex (#158), 50-75 percent slopes

This complex is in the Santa Cruz Mountains. Elevation ranges from 400 to 3,000 feet. The mean annual precipitation is about 48 inches, and the mean annual air temperature is about 55 degrees F. The frost-free season ranges from 220-245 days.

This complex is about 35 percent Aptos fine sandy loam and 30 percent Nisene loam.

Included with these soils in mapping are areas of Felton sandy loam, Ben Lomond sandy loam, and Lompico loam. Also included are small areas of Catelli sandy loam, Maymen stony loam, Zayante coarse sand, and soils that are similar to those in this complex but have slopes of less than 50 percent.

The Nisene soil is deep and well drained. It formed in residuum derived from sandstone or shale. Typically, a 2-inch mat of partially decomposed leaves, needles, and twigs covers the surface. The surface layer is dark grayish brown and yellowish brown, slightly acid clay loam and gravelly loam about 48 inches thick. weathered, fine-grained sandstone is at a depth of about 58 inches.

Permeability of the Nisene soil is moderate. Effective rooting depth is 40 to 60 inches. Available water capacity is 5.5 to 10.5 inches. Runoff is very rapid, and the hazard of erosion is very high.

The Aptos soil is moderately deep and well drained. It formed in residuum derived from sandstone, siltstone, or shale. Typically, a 1-inch mat of partially decomposed twigs and leaves covers the surface. The surface layer is dark grayish brown, slightly acid and medium acid fine sandy loam about 6 inches thick. Weathered, fine-grained sandstone is at a depth of about 29 inches.

Permeability of the Aptos soil is moderate. Effective rooting depth is about 20-40 inches. Available water capacity is 2.5 to 6.5 inches. Runoff is very rapid, and the hazard of erosion is very high,

These soils are well suited to the Production of Douglas-fir. The Aptos soil is capable of producing 12,800 cubic feet, or 65,800 board feet (International rule), of merchantable timber per acre from a fully stocked, even-aged stand of 80 year old trees. The Nisene soil is capable of producing 14,990 cubic feet, or 78,000 board feet (International rule), of merchantable timber per acre from a fully stocked, even-aged stand of 80-year-old trees. The Nisene soil produces more timber than the Aptos soil because the Aptos soil has bedrock at a depth of 20 to 40 inches.

This complex provides habitat for band-tailed pigeon, jay, hawk, deer, raccoon, coyote bobcat, rabbit, squirrel, mice, salamander, tree frog, lizard and snake.

These soils are poorly suited to use as homesites or for the installation of onsite sewage disposal systems because of their very steep slopes.

ARCHAEOLOGICAL SITES

There are no known archaeological sites on the property.

Aalfs TMP

Soils and Geology Map

Quadrangle:

Felton

T9S, R2W, Section 32

MDBM

Contour Interval: 40

Scale: 1 inch = 400 feet

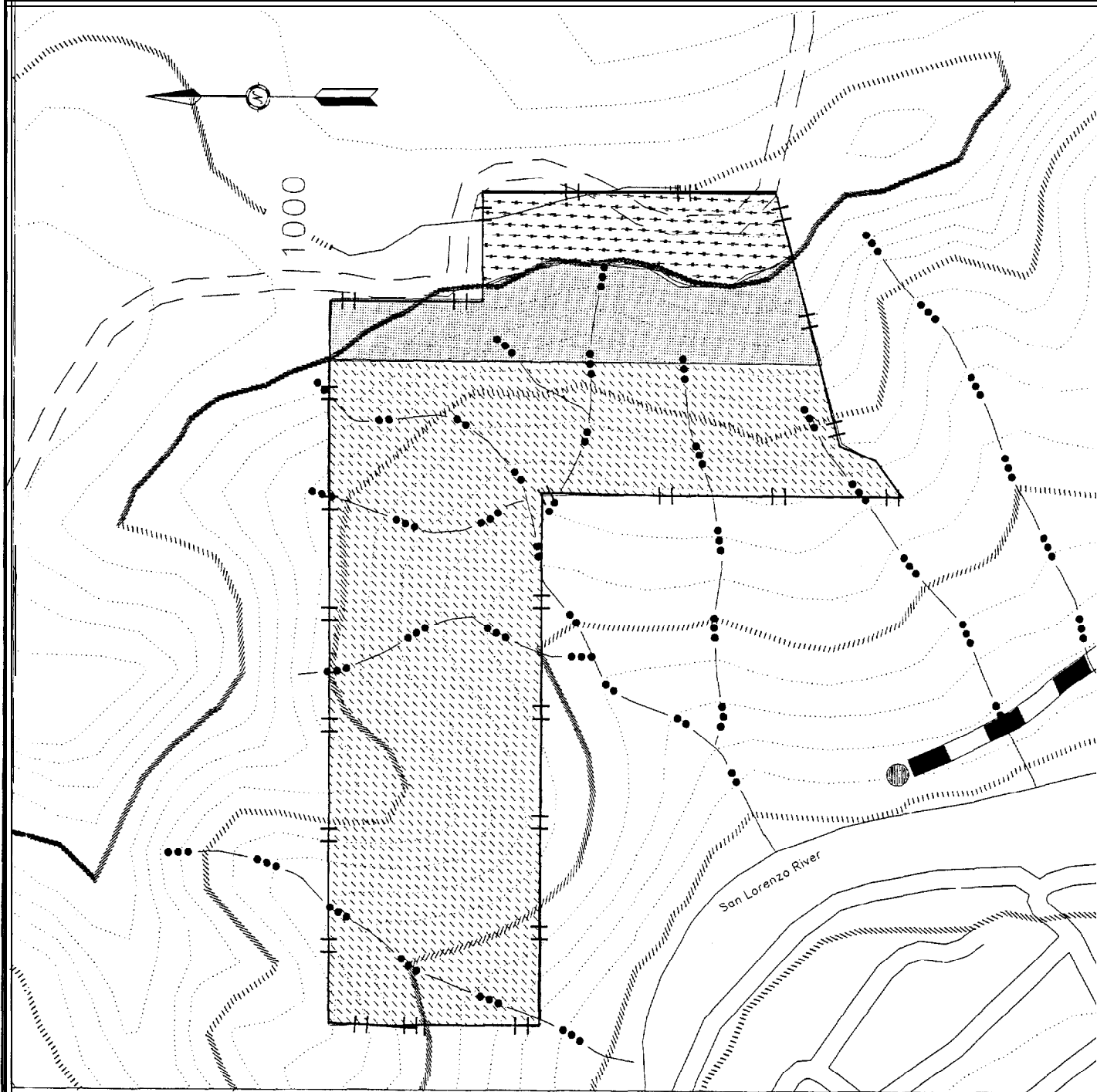
- Property Boundary
- Watercourse, Class III
- Watercourse, Class II
- Existing Seas. Road
- Residence
- Existing Perm. Road
- Permanent Public Road
- Soil #113 (Moderate EHR)
- Soil #153 (Extreme EHR)
- Soil #158 (Moderate EHR)

ATTACHMENT 5

0754

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ATTACHMENT 5

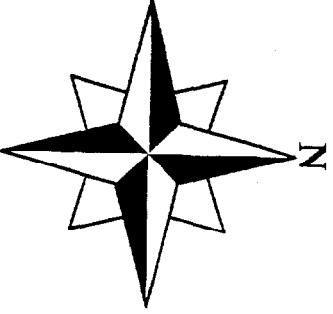
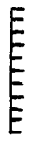
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

3755

COOPER-CLARK GEOLOGY MAP AALFS TIMBER MANAGEMENT PLAN

Scale 1 Inch = 2000 Feet

Property Line



US Geological Survey 1/2 minute
quadrangles with geologic units,
faults, and some landslides depicted

ATTACHMENT 3

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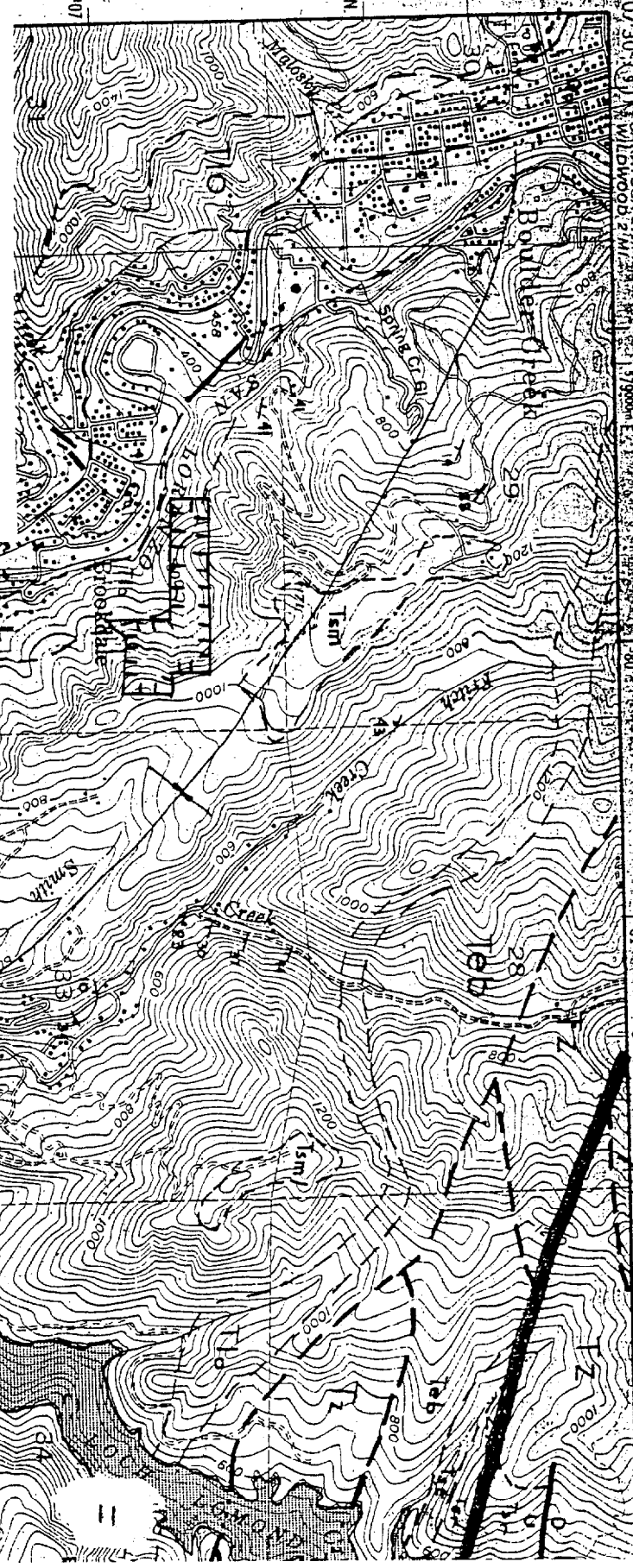
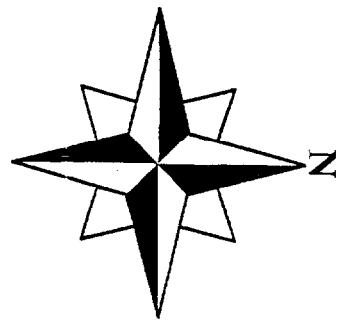
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

US GEOLOGICAL SURVEY GEOLOGY MAP

AALFS TIMBER MANAGEMENT PLAN

Scale 1 inch = 2000 Feet

Property Line



AALFS MANAGEMENT PLAN (TIMBER)

STATE OF CALIFORNIA										
BOARD OF FORESTRY										
ESTIMATED SURFACE SOIL				Soil Types		1. (113) BenLom-Catelli-Sur complex, 30-75% slopes.				
EROSION HAZARD						2. (153) Maymen-Rock complex, 50-75% slopes.				
						3. (158) Nisene-Aptos complex, 50-75% slopes.				
I. SOIL FACTORS						FACTOR				
						RATING				
A. SOIL TEXTURE	FINE	MEDIUM	COARSE	1	2	3				
1. DETACHABILITY	LOW	MODERATE	HIGH							
	RATING	1-9	10-18	19-30	23	17	18			
2. PERMEABILITY	SLOW	MODERATE	RAPID							
	RATING	5-4	3-2	1	1	4	2			
B. DEPTH TO RESTRICTIVE LAYER OR BEDROCK										
		SHALLOW	MODERATE	DEEP						
		1"-19"	20"-39"	40-60"(+)						
	RATING	15-9	8-4	3-1	4	12	3			
C. PERCENT SURFACE COARSE FRAGMENTS GREATER THAN 2MM										
IN SIZE INCLUDING ROCKS OR STONES										
		LOW	MODERATE	HIGH						
		(-)1-39%	40-70%	71-100%						
	RATING	10-6	5-3	2-1	5	3	5			
	SUB TOTAL					33	36	28		
II. SLOPE FACTOR								1	2	3
SLOPE	5-15%	16-30%	31-40%	41-50%	51-70%	71-80%				
RATING	1-3	4-6	7-10	11-15	16-25	26-35	12	32	2	
III. PROTECTIVE VEGETATIVE COVER REMAINING AFTER DISTURBANCE										
	LOW	MODERATE		HIGH						
	0-40%	41-80%		81-100%						
RATING	15-8	7-4		3-1		5	12	7		
IV. TWO-YEAR, ONE HOUR RAINFALL INTENSITY (HUNDREDTHS OF AN INCH)										
		LOW	MODERATE	HIGH	EXTREME					
		(-) 30-39	40-59	60-69	70-80					
	RATING	1-3	4-7	8-1	12-15	15	15	15		
		TOTAL SUM OF FACTORS				65	95	52		
EROSION HAZARD RATING										
		<50	50-65	66-75	>75					
		LOW	MODERATE	HIGH	EXTREME					
THE DETERMINATION IS						M	E	M		

TIMBER TYPE DESCRIPTIONS

0758

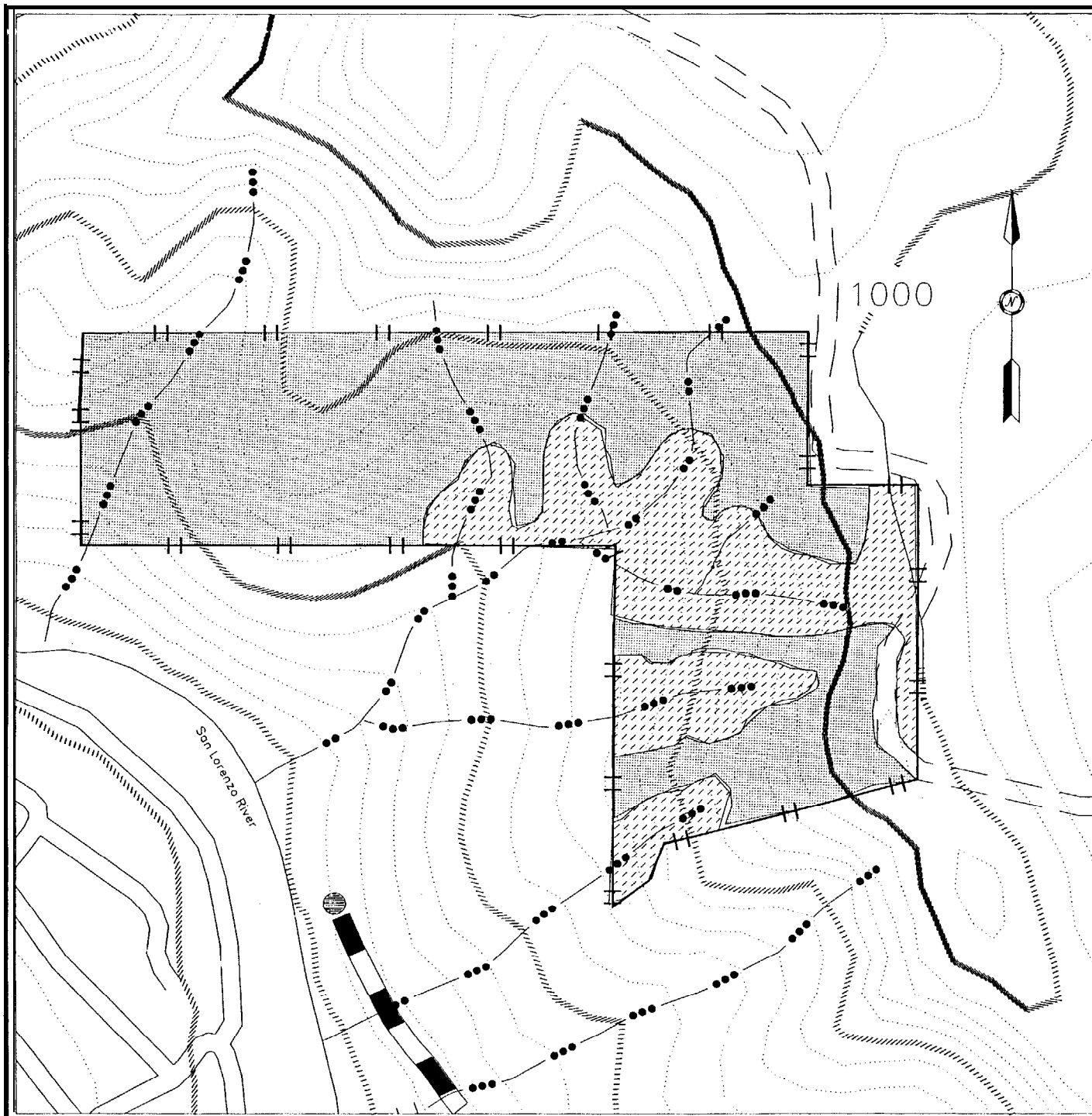
Redwood/Tan Oak (11 acres)

This area (See Vegetation Map) is a very productive second growth timber stand consisting of 94 percent redwood and 6 percent Douglas-fir. Based on a 2% cruise that was done on subject property, it is estimated that the total gross volume of merchantable redwood (that is trees that are greater than 16 inches in diameter) in this area of the property at the time of the cruise was approximately 410 thousand board feet. There was also 39 thousand board feet of Douglas-fir (See Sawlog Volume Chart). The average diameter of the merchantable trees taken during the cruise was 23.8 inches for the redwood and 46 inches for the Douglas-fir (See Diameter Distribution Graph). Half the volume is in trees greater than 28" dbh. This indicates that the trees are about average in diameter for this area. Having not been harvested since the turn of the century, and the fact that ground is just average for conifers, this tree size is explainable.

Present merchantable volume per acre in this area is 39,098 board feet. The stand is growing well, but the trees could be spaced further apart to increase growth rates, this increased spacing would also increase tree vigor. In addition, some of the larger trees (size classes 28-32 and 34-38 inch dbh) could be left to increase in diameter, and at the time of the next harvest a premium price could be realized from these larger diameter logs.

Hardwoods (29 acres)

The conifers live in the drainages throughout the property. Upslope of the flow of water the soils dry out and the hardwoods begin to dominate. The hardwoods consist of laurel trees which live closer to the drainages, madrones which occupy more of the higher and drier sites and the occasional live oak. There are also tan oaks and hazelnut, which are found more in the understory of the redwood trees. There are areas of sparse hardwoods just below the ridge in the southeastern portion of the property where grasses have established themselves.



Aaifs TMP

Vegetation Map

Quadrangle:
Felton

T9S, R2W, Section 32
MDBM

Contour Interval: 40

Scale: 1 inch = 400 feet

- +—+— Property Boundary
- Watercourse, Class III
- Watercourse, Class II
- Existing Seas. Road
- Residence
- Existing Perm. Road
- Permanent Public Road
- Redwood/Tan Oak
- Hardwoods

ATTACHMENT 5

0759

	Webster and Associates 512 Capitola Ave., Suite 201 Capitola, CA 95010
	JMF 8/25/98

0760

PER ACRE SAWLOG VOLUME
by
SPECIES AND DIAMETER CLASS
(Approximate volume in board feet - net Scribner log scale)

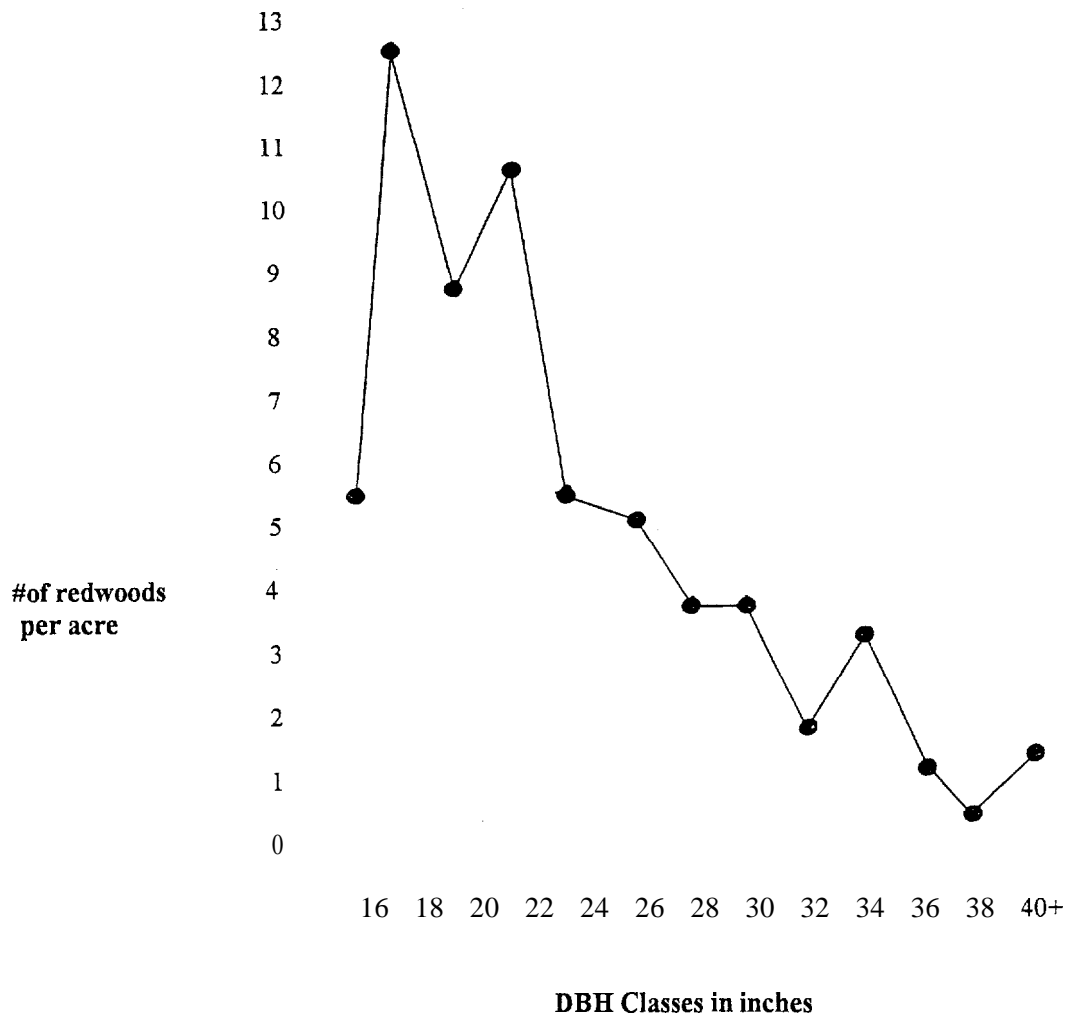
<u>Species</u>	<u>16-20"</u>	<u>22-26"</u>	<u>28-32"</u>	<u>34-38"</u>	<u>40"+</u>	<u>Total</u>
redwood	5,000	9,000	9,000	7,000	7,000	37,000
Douglas-fir	0	0	0	0	2,225	2,225

TOTAL SAWLOG VOLUME
by
SPECIES AND DIAMETER
(Approximate volume in board feet - net Scribner log scale)

<u>Species</u>	<u>16-20"</u>	<u>22-26"</u>	<u>28-32"</u>	<u>34-38"</u>	<u>40"+</u>	<u>Total</u>
redwood	55,000	99,000	99,000	77,000	77,000	407,000
Douglas-fir	0	0	0	0	2,225	24,475

DISTRIBUTION OF REDWOODS 16 DBH AND LARGER

0761



TIMBER GROWTH AND HARVESTING CYCLES

Timber growth is a function of available water, soil conditions, stocking, and tree health. These factors vary over the property, and so does timber growth. Soil fertility for timber growth is rated by site classes based upon the growth of the dominant trees. Much of the conifer growing areas of the Aalfs Tree Farm could be classified as Site III.

The pattern of timber growth **also** varies with stocking conditions. Average growth rates can be computed by dividing current volume by stand age. Trees on the property are approximately 100 years old. The average stocking on the timbered portions of this property are approximately 39,250 board feet per acre. This would mean that the timbered portions of the property are growing an average of 392 board feet per acre. The timbered forest as a whole is growing approximately 4,317 board feet per year,

If a harvest was to occur this year, and under the CA Forest Practice Act, a 35-45% harvest of merchantable conifer trees could be reasonably expected (See Logging Methods Map), a harvest of approximately 172,700 board feet is feasible (using a 40% harvest rate). If this harvest scenario was realized then the stocking after the harvest would be approximately 259,050 board feet. With growth averaging 4,317 board feet per year, a harvest of 108,000 board feet every twenty-five years could be realized (See Initial Harvest and Subsequent Growth Graph). The stocking, after the initial harvest, would be on average approximately 23,000 board feet per acre, which is still a heavily timbered forest.

Aalfs TMP

Logging Methods Map

Quadrangle:
Felton

T9S, R2W, Section 32
MDBM

Contour Interval: 40

Scale: 1 inch = 400 feet

- | | | | |
|--------|------------------------|--|-----------------------|
| —+—+— | Property Boundary | | Residence |
| —•••— | Watercourse, Class III | | Existing Perm. Road |
| —••— | Watercourse, Class II | | Permanent Public Road |
| --- -- | Existing Seas. Road | | Landing ~ Proposed |
| | | | Cable ~ Skyline |
| | | | Tractor/Skidder |
| | | | Out Area |

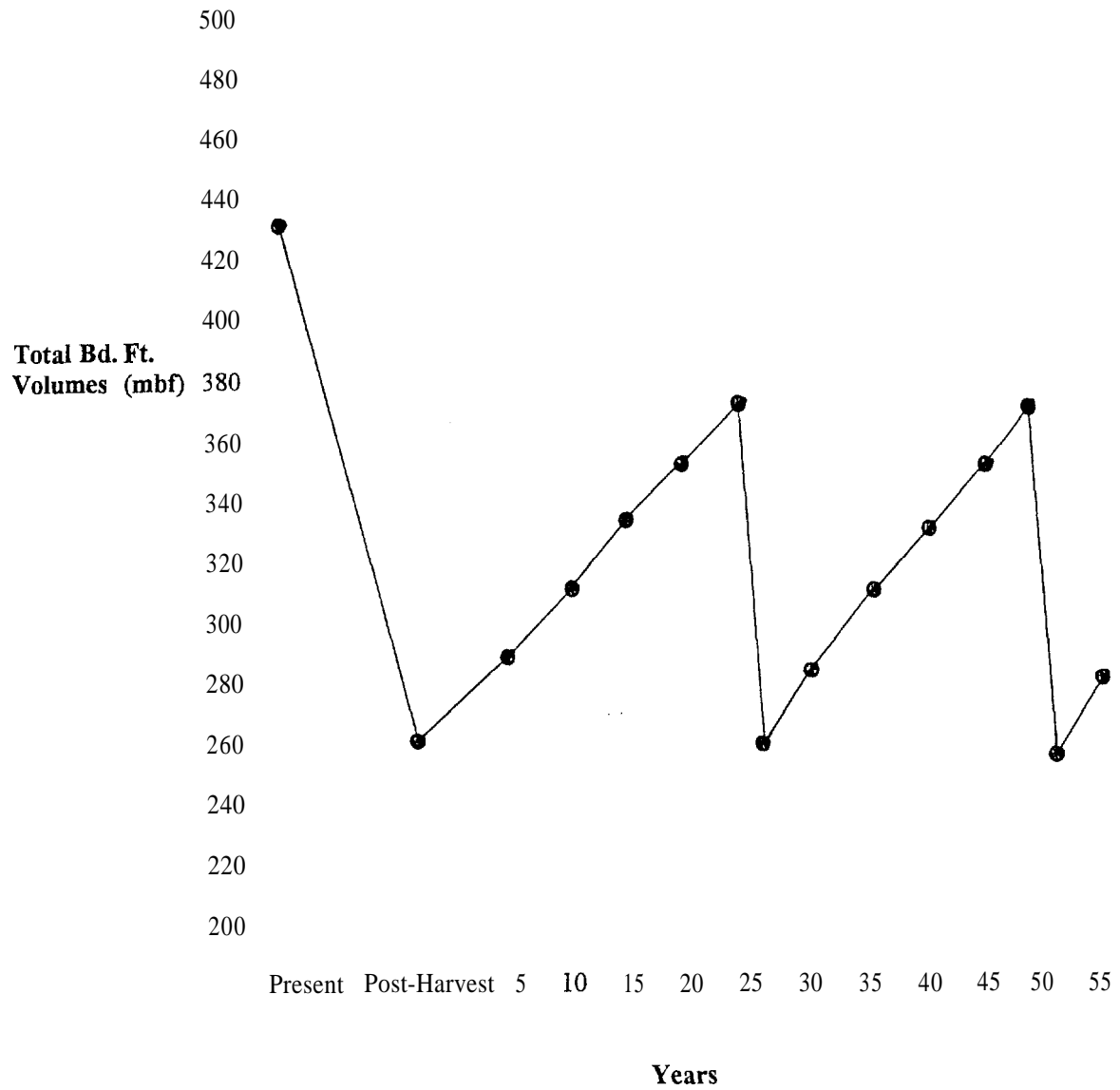
Attachment 5

Webster and Associates
512 Capitola Ave., Suite 201
Capitola, CA 95010

JMF 8/25/98



INITIAL HARVEST AND SUBSEQUENT GROWTH



FOREST IMPROVEMENT AND FIRE PROTECTION

The Aalfs property has two distinct habitat types. Each of the differing types are in excellent condition. Management should focus on the Redwood/Tan Oak type due to its high conifer stocking levels, the need for redwood products and the commercial value from the harvesting of that area. The maintaining of a wide variety of age and size classes is important for a diverse forest and the continuation of consistent growth through subsequent harvests. The initial harvest will be an important time in directing the future growth of the forest and should be treated as such. Some large trees that are exhibiting signs of slowing in growth, should be removed, however large trees that still appear vigorous should be left for future harvests.

It is also important that when the new sprouts start from cut trees that they have enough light to grow successfully. Enough of the existing trees have to be cut to start this next generation of conifers growing well. As these sprouts vie to become the next forest trees they should be thinned so that only a few of the dominant sprouts from each stump remain.

Other than the marginally successful **fuelwood** industry, there is little commercial potential for hardwood products in this area at this time. On the Aalfs forest, the hardwoods are dominated by **madrone** and tan oak and these areas are very productive wildlife habitat with or without management intervention. These areas also act as a good watershed. Conifers have become established in areas where hardwoods would normally exist due to wildfire suppression policies. Present conifer stocking could be expanded into areas that are now dominated by hardwoods, but doing this should be weighed against the benefits of keeping some portions of the forest with sizable proportions of hardwoods,

Within the Redwood/Tan Oak forest, tan oaks are the only hardwood of significance. Despite past experience showing it only marginally successful, logging of tan oaks within this forest type to expand conifer stocking by planting or to promote existing redwood growth could be undertaken. Hardwood logging has been shown to increase browse for deer. Redwood stocking is very good, and planting of conifers should only be undertaken on areas of good soil and where a management regiment of minimizing hardwood growth can be maintained to thwart competition.

Fire protection will be important during all phases of forest management. Buffer areas should be maintained around the inhabited homes (the only homes that really could be effected by fire are those of John Dotson, which is on the top of the ridge, and Bruce Martin's home, which would be less susceptible to fire because it is below the harvest level and along the San Lorenzo River. Lopping of slash to 30 inches above the ground should occur throughout the property. There are no homes or public roads within 200 feet of the harvest boundary.

All contractors involved in forest management and working on the property during fire season should be held in compliance with standard **wildland** protection rules. This means the availability of fire extinguishers or adequate supplies of water, shovels and proper spark arrestors should be maintained.

WILDLIFE

Wildlife makes up an important part of any natural landscape. Birds and mammals can also benefit forest and range resources by preying on rodents and other pests harmful to natural resources. As other resources are managed and protected, wildlife can be as well. Forest management can be used to produce stability and diversity of animal communities and to provide better habitat for selected animals.

The Aalfs property is a good area for wildlife due to the different habitat types and seclusion. Wildlife numbers increase with habitat diversity, interspersed blocks of different vegetation produce more and different types of wildlife than a continuous type of habitat. Wildlife prefer the "edge" effect between hvo different habitat types. Examples of the different habitats on the Aalfs property include, riparian corridors, deep redwood forest, upland hardwood forest with small patches of grass, cliff areas and areas of pure brush.

Species on the property could include, black-tailed deer, California quail, morning dove, and various species of hawks. Wildlife such as squirrels, chipmunks, pocket gophers, mice and wood rats eat seeds, nuts and fruit and are preyed upon by the larger carnivores. These species could include gray fox, raccoon, ringtail cat, weasel, bobcat and mountain lion.

As mentioned before certain management activities can be used to increase different species populations. Live oak and ceanothus can be cut to produce succulent sprouts for deer, Sprouts can be cut every few years to keep a continuous food source. Seeding used for erosion control can be a valuable food source for such species as the quail. A mix of various types of annuals and perennials such as the Santa Cruz Erosion Control Mix would be a good choice.

SNAGS AND DOWNED, WOOD INVENTORY, ANCIENT TREES

Snags are also good places for hiding and nest construction. Snags, where fire considerations permit, should be left wherever possible. Invertebrates use spaces under the bark as cover and places for feeding. Sapsuckers, woodpeckers, and chickadees use them as nesting sites, Skunks, raccoons, and opossum use cavities for dens. Size of snags can vary, from 6 inches in diameter to over 18 inches. A good number of snags per acre would be in the neighborhood of 5-10 of varying sizes. As it presently stands there are probably less than 3 snags or large downed pieces of wood existing per acre on the property. Fir and tan oak snags are preferred over redwood, because they are easier to excavate and have more food sources inhabiting them. Where snags are lacking, hardwoods or cull conifers can be girdled to create them. Old downed logs are also valuable for wildlife as are large standing hardwoods with cavities.

Because this forest was cut and burned a century ago (there are no trees over 150 years of age) there is a shortage of snags and downed woody debris on this property so that an effort should be made to create more of this habitat in the future.

EROSION CONTROL INVENTORY/PLAN AND ANADROMOUS FISH HABITAT

Within the Aalfs property there is an unnamed class 2 watercourse which flows through the center of the property. At present there are no roads within the property with the exception of a short segment at the ridge top in the southeastern corner of the property. There is a small slide along the class 2 watercourse in the interior of the property, but other than that there are no erosion problems. If the property is logged it will be accomplished with a cable yarder. This method of logging reduces the potential for erosion by not impacting the soil to a great degree. If bare areas of soil are exposed slash and or seed/straw-mulch will be put down on the exposed soil. The landing where the cable yarder will be situated will be outsloped and seeded/straw-mulched or slashed to prevent erosion. Adequate soil erosion controls will be placed on the short stretch of dirt haul road after logging is completed.

Some harvesting practices can decrease the quality of fish habitat in streams in Santa Cruz County. Five main causes have been attributed to the poor fish habitat in streams in this area. These causes are: (1) the increasing sedimentation of spawning gravel and filling of rearing pools, (2) the removal of trees that provide recruitment for large woody debris instream habitat structure, (3) the reduction of shade which provides protection from water temperature increase, (4) the reduction of overhanging side stream/cover habitat quality and (5) the reduction of stream flows through water withdrawals during the critical low water periods.

To maintain the good quality of fish habitat on the Aalfs property, steps should be taken to minimize the deleterious effects of timber harvesting. Some of the measures that can be taken are to seed and straw-mulch or slash all bare areas of soil. Placement of large woody debris within streamcourse to retain sediment and provide habitat. Maintain a high level of canopy throughout the watercourses.

The unnamed class 2 does not support any fish due to a waterfall at the beginning of the creek as it flows into the San Lorenzo River, but measures should be employed to maintain its high level of canopy and to limit the amounts of sediment that could enter the creek.

RECREATION AND AESTHETICS

Because of the remoteness and the steepness of the Aalfs property recreational activities have been limited. Some evidence of a wooden lean-to is evident in the upper portions of the property below the road in the southeastern corner of the property.

Due to the nature of the cable yarding method, there is a greater retention of canopy and an absence of roads. This will preserve the aesthetics of the timbered regions of the property. The majority of the property will not be altered by timber harvesting and will maintain its natural state.

FIRE PROTECTION PLAN

The majority of this segment is taken from the CA Forestry Handbook. Since people cause the bulk of the fires, much effort has to be put into trying to prevent fires from starting. A number of different approaches are taken, but prevention largely means education. 90% of fires are started by a careless public either by poor smoking habits and unattended fires. Vehicles, industrial and logging equipment,

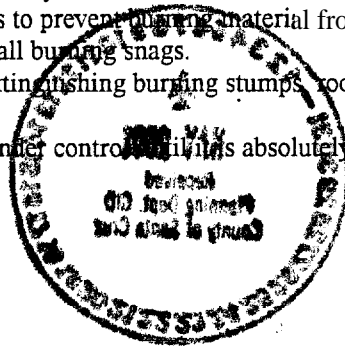
and chimneys also can start forest fires. Therefore, they must have effective devices for arresting sparks that meet legal standards and specifications, and are periodically inspected. Attention should be paid to see that timber operators and workers on the property are conforming to laws, regulations and contract provisions pertaining to smoking, fire tool requirements, and fire in general. Good rules to follow are the posting of fire rules, regulation of smoking and lunch and warming fires, care in blasting and welding, watching cable lines and blocks for friction fires, and caution in using chain saws and other spark emitting equipment.

The elimination or reduction of fuels is really another means of fire prevention. Lopping requirements in the Forest Practice Rules mandate that slash be cut down close to the ground to decrease the chance of a fire from leaping up into trees and also to quicken the time it takes for the branches to decompose. Dangerous materials like engine fuels and explosives should be safely stored and marked. Oily rags, used oil and engine filters, litter and other similar items should be carefully discarded.

State law requires fire-fighting tools at certain places on logging operations. One key place is at active landings where a sealed cache of tools must be kept, plainly marked, and inspected periodically. All supervisors and employees of the forest owner and logger should be instructed to immediately report fires to the authorities and to promptly take control action. A written fire plan is another requirement of the Forest Practice Rules. Every timber operator must file a plan by not later than April 1st of each year.

Controlling a forest fire consists of two phases: 1) stopping the spread, and 2) putting it out, in that order and priority. The principle of fire control is illustrated by what is called the fire triangle. The sides represent heat, air, and fuel. Break anyone of them and the fire dies. This is done by cooling, smothering, or removing the fuel. Thus, flames can be extinguished by dirt, water, chemical retardants, beating, or cutting the fire off from the fuel supply. Listed below are some guidelines for controlling a fire:

1. Size up the fire quickly and decide on the point(s) of attack, taking into consideration the wind, slope, fuels (slash, snags, brush, etc.), intensity of the fire, values at stake, ease of line construction, and natural or other breaks like streams, rock outcrops, and roads.
2. If possible, stop the main spread of the fire at its head by building a fire line or other means, and then work on the flanks and the rear to completely encircle the fire.
3. If the fire head is too hot to handle directly, attack the flanks from the bottom or rear and work rapidly toward the head.
4. Extinguish spot fires away from the main fire.
5. When the fire is surrounded by lines or otherwise contained, widen and improve the lines at critical points, taking necessary steps to prevent burning material from rolling across the line by ditching or other methods, and extinguish or fall burning snags.
6. Take mop-up action by extinguishing burning stumps, roots, chunks, logs and heavy fuels near the lines.
7. Patrol the fire to keep it under control until it is absolutely safe.



Application No.: 98-0604
 APN: 079-421-01 (formerly 079-I 21-I 2)
 Applicant: Kehoe for Aalfs

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE CHANGING FROM ONE ZONE DISTRICT TO ANOTHER

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors finds that the public convenience, necessity, and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the property located on the northwest **side** of Roberts Road (beyond the Harley Road sign), about 1 mile up Roberts Road from the intersection of Roberts and Love Creek Roads, Ben Lomond; finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16.01 of the County Code have been complied with by the preparation and approval of a Statutory Environmental Exemption for the project.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan amendment as described in Section III, **and** adopts their findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
2. The proposed zone district is appropriate of the level of utilities and community services available to the land; and
3. **I-I**
 - a) The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served **by** a different zone district; or
 - [XXX]** b) The proposed rezoning is necessary to provide for a community related use which was not anticipated when the zoning plan was adopted; or
 - [-]** c) The present zoning is the result of an error; or

Application No.: 98-0604
 APN: 079-421-01 (formerly 079-I 21-I 2)
 Applicant: Kehoe for Aalfs

- ☐ d) The present zoning is inconsistent with the designation shown on the General Plan.

SECTION III

Chapter 13.10, Zoning Regulations, of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following property from the existing zone district to the new zone district as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
079-421-01	"SU"	"TP"

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this 12th day of June, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
 NOES: SUPERVISORS
 ABSENT: SUPERVISORS
 ABSTAIN: SUPERVISORS

 Tony Campos
 Chairperson of the Board of Supervisors

ATTEST: _____
 Clerk of the Board

APPROVED AS TO FORM: 

 County Counsel

DISTRIBUTION: County Counsel
 Planning: Cathleen Carr
 Bernice Romero
 Assessor

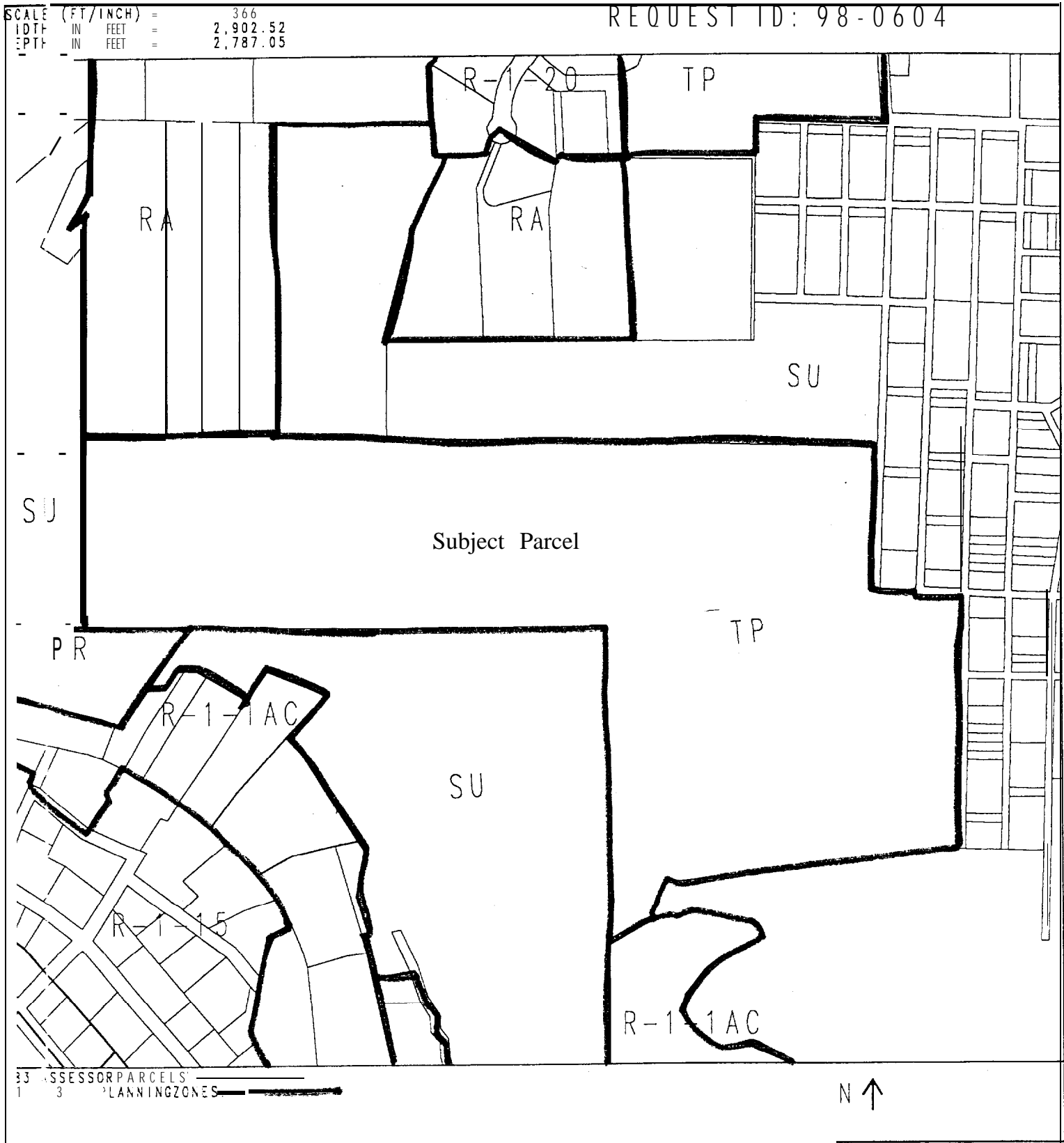
0773

REQUEST ID: 98-0604

SCALE (FT/INCH) = 366
 WIDTH IN FEET = 2,902.52
 DEPTH IN FEET = 2,787.05



EXISTING ZONING



PROPOSED ZONING