



 COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
 ALVIN JAMES, DIRECTOR

Agenda Date: June 11, 2002

May 23, 2002

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

Subject: Proposal to rezone Assessor's Parcel Numbers 107-052-03 and 04 from the Residential Agriculture ("RA") zone district to the Timber Production ("TP") zone district. Requires a Rezoning. The property is located on the southeast side of Browns Valley Road approximately 1/4 mile south of the intersection of Redwood and Browns Valley Roads. Situs: 846 and **858** Browns Valley Road, Corralitos.

Application Number: 99-0677
 Assessor's Parcel Numbers: 107-052-03 and 04
 Applicant: Gary Paul
 Owner: Herbert and Valerie Decker

Members of the Board:

BACKGROUND

The County's General Plan Policy on Timber Resources is to "encourage timberland owners to apply for Timber Production Zoning where appropriate." Your Board adopted a resolution on April 14, 1998 establishing a flat fee of \$750 to process a rezoning to the Timber Production zone district, in order to facilitate appropriate rezoning of timberlands.

On October 7, 1999, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone two parcels totaling about 14.2 acres from the Residential Agriculture (RA) zone district to the Timber Production (TP) designation. 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 specifies 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 5, Exhibit F).
2. A Timber Management Plan, dated July 19, 1999 with addenda dated March 20, 2000 (geologic evaluation) and March 21, 2001, prepared by a registered professional forester has been

submitted for the property (Attachment 5, Exhibit J). The Timber Management Plan has been reviewed and accepted by the Planning Department as meeting minimum standards (Attachment 5, Exhibit K).

3. The parcels currently meet 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 parcels are located.
4. The parcels are timberland, as the entire property is capable of producing a minimum of 15 cubic feet of timber per acre annually and are located within a mapped Timber Resource area.
5. The uses on the parcels 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.

In addition, the three required findings for rezoning have been prepared and are included with this staff report as Attachment 1.

On May 8, 2002, the Planning Commission heard this application at a noticed public hearing. The Planning Commission unanimously adopted Resolution 9-02 (Attachment 3), recommending approval of the rezoning of the subject parcel to your Board. Minutes of the Planning Commission meeting can be seen as Attachment 6.

DISCUSSION

Project Setting:

The project site is located in the Eureka Canyon planning area. The parcels are approximately 5 and 10 acres respectively, and the smaller parcel is developed with single family dwelling and associated structures. The proposed timber harvest will access via a private driveway off of Browns Valley Road on the adjacent Timber Production parcel - APN 107-052-08. The front property line of the subject properties is the frontage of Browns Valley Road - a County designated Scenic Road. Browns Creek is a perennial stream, crossing the subject parcels roughly parallel to Browns Valley Road. Browns Creek provides spawning and rearing habitat for Southern steelhead trout (*Oncorhynchus mykiss irideus*), a Federally listed threatened species.

General Plan & Zoning Consistency

Both subject parcels have a 1994 General Plan land use designation of Mountain Residential and are located entirely within a mapped Timber Resource designated area (Attachment 5, Exhibit I). Parcels 107-052-03 and 04 are currently zoned Residential Agriculture. The Residential Agriculture and Timber Production zoning districts implement the Mountain Residential General Plan designation, as specified in Section 13.10.170 of the County Code.

Browns Creek meets the definition of Sensitive Habitat under General Plan policy 5.1.2(c) through (f), (i) and (j). The key definitions are (c) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (e) and (f); (d) Areas which provide habitat for Species of Special Concern as listed by the California Department of Fish and Game; (e) Areas which provide habitat for

rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act guidelines; (f) Areas which provide habitat for rare, endangered or threatened species as designated by the State Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society; which all apply to the Southern steelhead trout population and possible Coho salmon in Bear Creek. General Plan policy 5.1.4 states “implement the protection of sensitive habitats by maintaining the existing Sensitive Habitat Protection ordinance” (this ordinance is Chapter 16.32 of the County Code). In addition, General Plan policy 5.1.6 states that sensitive habitats shall be protected against any significant disruption of habitat values; any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Projects must be reduced in scale, redesigned, mitigated or, if no alternative exists, denied. Policy 5.1.7 includes the following language, “Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance.” The Sensitive Habitat Protection ordinance’s definition of development includes the following “the removal or harvesting of major vegetation other than for ... timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973; the disturbance of any rare, endangered, or locally unique plant or animal or its habitat”. Thus, timber harvesting under a CDF Timber Harvest Permit is specifically exempted from the regulations of Chapter 16.32. Nevertheless, as timber harvesting is not allowed under the subject parcels’ current zoning, the proposed rezoning must be analyzed with respect to and found in conformance with the County’s General Plan policies for protecting the County’s biological resources.

The property immediately adjacent to Browns Creek is highly visible from Browns Valley Road, which is a designated Scenic Road in the County’s 1994 General Plan. The County’s General Plan policy 5.10.3 on Visual Resources states that significant public vistas shall be protected “by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design”. Moreover, policy 5.10.10 Designation of Scenic Roads states “(t)he following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection”. Timber harvesting on this property between Browns Valley Road and Browns Creek could have a detrimental affect on its visual aesthetics, as viewed from Browns Valley Road, and thus be inconsistent with the General Plan.

Objective 6.2 of the County’s 1994 General Plan is to “reduce safety hazards and property damage caused by landslides and other ground movements affecting use activities in areas of unstable geologic formations, potentially unstable slopes...”. There is evidence of slope instability on APN 107-052-04 following the 1989 Loma Prieta earthquake. Certain timber harvesting activities such as road and skid trail construction on this parcel could potentially aggravate slope instability problems. The proposed rezoning will allow a use, timber harvesting, which, on this parcel, increases the potential for landsliding. Timber harvesting activities and the slope stability issues have been evaluated in a Geologic Investigation prepared by John Coyle and Associates (Attachment 5, Exhibit J). The report recommended limitations to timber harvesting to avoid exacerbating any unstable slopes.

The property owners have entered into an Agreement with the County of Santa Cruz setting limitations on certain timber harvesting activities on the subject parcels, resolving the aforementioned conflicts between timber harvesting activities and the County’s General Plan. Specifically, the property owners have agreed to a “no cut zone” between Browns Valley Road and Browns Creek and for an additional 50 foot width along the opposite bank of Browns Creek. This no cut zone is consistent with the County’s riparian corridor protection policies and corridor widths for a perennial stream. This undisturbed area will also provide adequate protection for this sensitive biotic habitat consistent with the County’s Sensitive Habitat protection policies. Moreover, the scenic value of the subject parcels will be retained. Finally, the property owners have agreed that all timber harvesting activities will be undertaken in strict compliance with the recommendations contained in the John Coyle & Associates’

Geologic Review. With this agreement, the proposed rezoning will conform with the General Plan's policies for the protection of sensitive habitat, riparian corridors and scenic resources and for reducing health and safety risks associated with slope instability. A copy of this Agreement is included as Attachment 7.

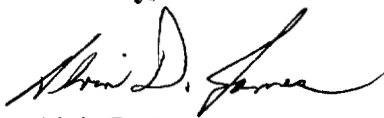
All of the criteria have been met for rezoning this parcel to the Timber Production zoning designation, in accordance with County Code Section 13.10.375, Special Standards and Conditions for the Timber Production (TP) District. All required findings can be made to approve this application and the rezoning 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):

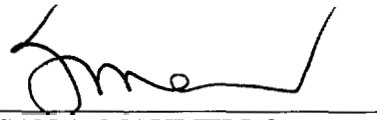
1. Approve the determination that the project is statutorily exempt from the California Environmental Quality Act (Attachment 2); and
2. Adopt the attached Ordinance amending Chapter 13.10 of the Santa Cruz County Code that Rezones Assessor's Parcel Numbers 107-052-03 and 04 from the RA zone district to the TP zone district (Attachment 4); and
3. Direct the chairperson of the Board to execute the Agreement Concerning Application for Rezone to Timber Production (Attachment 7); and
4. Direct the Planning Department to work with Recorder's Office to record the Declaration of Restriction for Future Timber Harvesting.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

cc: Gary Paul, 5521 Scotts Valley Drive, Suite 235, Scotts Valley, CA 95066
Herbert and Valerie Decker, 846 Browns Valley Road Watsonville, CA 95076

Attachments:

1. Findings
2. CEQA Exemption
3. Planning Commission Resolution No 9-02
4. Ordinance Amending Chapter **13.10** of the County Code
5. Planning Commission Staff Report of April 10,2002
6. Planning Commission Minutes for April 10,200265
7. Agreement

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,

The 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 zoning of two parcels which lie entirely within a Timber Resource designation, which contain timber resources meeting the timber stocking requirements and which are contiguous to Timber Production zoned parcels to Timber Production.

General Plan Policy 5.10.1 defines visual resources as areas having regional public importance for their natural beauty or rural agricultural character, including vistas from designated scenic roads, Coastal Special Scenic Areas, and other unique features. In addition, General Plan Policy 5.10.2 recognizes that the visual resources of Santa Cruz County possess diverse characteristics and that the resources worthy of protection include wooded forests and mountain hillside views. Moreover, General Plan Policy 5.10.3 states that public vistas, as described in policy 5.10.2, shall be protected by minimizing disruption of landform and aesthetic character caused by timber harvests. The lower elevations of these parcels, which are adjacent to Browns Valley Road and Browns Creek are visible to travelers on Browns Valley Road, which the County's General Plan designates as a scenic road. Designated scenic roads are valued for their vistas, and General Plan Policy 5.10.10 requires that the public vistas from a designated scenic road be afforded the highest level of protection.

Furthermore, Browns Creek provides spawning and rearing habitat for the Southern steelhead trout - a Federally listed threatened species. Browns Creek and its riparian corridor meets the definition of a Sensitive Habitat under General Plan policy 5.1.2(b) through (f), (i) and (j). General Plan policy 5.1.6 states that sensitive habitats shall be protected against any significant disruption of habitat values; any proposed land use within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Projects must be reduced in scale, redesigned, mitigated or, if no alternative exists, denied. Policy 5.1.7 states "Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance". Timber harvest operations in accordance with a timber harvesting plan approved by the California Department of Forestry, however, are specifically exempted from the Sensitive Habitat Protection ordinance (Chapter 16.32) regulations. As timber harvesting is exempt from Chapter 16.32, timber harvesting could not be mitigated, reduced in scale or redesigned through the regulations of Chapter 16.32. General Plan policies 5.2.2 Riparian Corridor and Wetland Protection Ordinance and 5.2.3 Activities Within Riparian Corridors and Wetlands define riparian corridors and the level of protection afforded these resources. General Plan policy 5.2.1 defines the riparian corridor for a perennial stream as 50 feet from the high water mark. The removal of trees within the 50 foot riparian corridor could damage salmonid habitat through increased water temperatures through loss of shade. Moreover, the site disturbance resulting from timber harvesting activities can increase erosion, resulting in increased turbidity and sedimentation within the stream, thereby degrading in stream water quality and aquatic habitats.

Objective 6.2 of the County's 1994 General Plan is to "reduce safety hazards and property damage caused by landslides and other ground movements affecting use activities in areas of unstable geologic formations, potentially unstable slopes...". There is evidence of slope instability on APN 107-052-04 following the 1989 Loma Prieta earthquake. Certain timber harvesting activities such as road and skid trail construction on this parcel could potentially aggravate slope instability problems. The proposed rezoning will allow a use, timber harvesting, which, on this parcel, increases the potential for landsliding. The affect of timber harvesting activities on the slope stability has been evaluated in a

Geologic Investigation prepared by John Coyle and Associates. The report recommended limitations to timber harvesting to avoid exacerbating any unstable slopes.

In order to provide the highest level of protection of these resources, the property owners have entered into an Agreement with the County of Santa Cruz setting limitations on certain timber harvesting activities on the subject parcels, resolving the aforementioned conflicts between timber harvesting activities and the County's General Plan. Specifically, the property owners have agreed to a "no cut zone" between Browns Valley Road and Browns Creek and for an additional 50 foot width along the opposite bank of Browns Creek. This no cut zone is consistent with the County's riparian corridor protection policies and corridor widths for a perennial stream. This undisturbed area will also provide adequate protection for this sensitive biotic habitat consistent with the County's Sensitive Habitat protection policies. Moreover, the scenic value of the subject parcels will be retained. Finally, the property owners have agreed that all timber harvesting activities will be undertaken in strict compliance with the recommendations contained in the John Coyle & Associates' Geologic Review. With this agreement, the proposed rezoning will conform with the General Plan's policies for the protection of sensitive habitat, riparian corridors and scenic resources and for reducing health and safety risks associated with slope instability.

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 an adjacent Timber Production parcel. The access to the adjacent TP property is off of a publicly maintained road. The parcels are located outside of the Urban Services Line and are, 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 RA zone districts in the past in certain circumstances under the jurisdiction of the County and later under the sole authority of the California Department of Forestry. Presently, timber harvesting is only allowed within the Timber Production and Parks and Recreation, Mineral Extraction zone districts. The subject parcels contain timber stands meeting the timber stocking standards and lies entirely within a designated Timber Resource area. The rezoning will allow the continuation of harvesting and management of the timberlands on the subject parcels.

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

ATTACHMENT 2

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

Application No. 99-0677

Assessor Parcel No. 107-052-03 and 04

Project Location: Located on the southeast side of Browns Valley Road approximately 1/4 mile south of the intersection of Redwood and Browns Valley Roads. Situs: 846 and 858 Browns Valley Road, Corralitos.

Project Description: Proposal to rezone Assessor's Parcel Numbers 107-052-03 and 04 from the Residential Agriculture ("RA") zone district to the Timber Production ("TP") zone district. Requires a rezoning.

Person or Agency Proposing Project: Gary Paul

Phone Number: (831)426-6485

- A. The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
- B. Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.
- C. Statutory Exemption other than a Ministerial Project.
Specify type: 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: 4/26/02

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 9-02

On the motion of Commissioner **Durkee**
duly seconded by Commissioner **Bremner**
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. **99-0677**, involving property located on the southeast side of Browns Valley Road approximately 1/4 mile south of the intersection of Redwood and Browns Valley Roads at **846** and **858** Browns Valley Road, Corralitos, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.


NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing properties from the "RA" Special Use zone district to the "TP" Timber Production zone district.

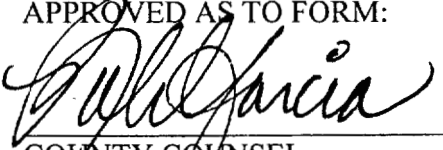
BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 8th day of May, 2002, by the following vote:

AYES: COMMISSIONERS Hummel, Osmer, Durkee, Bremner
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS Shepherd
ABSTAIN: COMMISSIONERS


DENNIS OSMER, Chairperson

ATTEST: 
CATHY GRAVES, Secretary

APPROVED AS TO FORM:

COUNTY COUNSEL

Application No.: 99-0677
 APN: 107-052-03 and 04
 Applicant: Gary Paul for Decker

ATTACHMENT 4

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 southeast side of Browns Valley Road approximately 1/4 mile south of the intersection of Redwood and Browns Valley Roads; situs: 846 and 858 Browns Valley Road, Corralitos; 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. 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
 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
 d) The present zoning is inconsistent with the designation shown on the General Plan.

Application No.: 99-0677
APN: 107-052-03 and 04
Applicant: Gary Paul for Decker

0436

ATTACHMENT 4

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>
107-052-03	"RA"	"TP"
107-052-04	"R A"	"TP"

SECTION IV

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

PASSED AND ADOPTED this 11th day of June, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

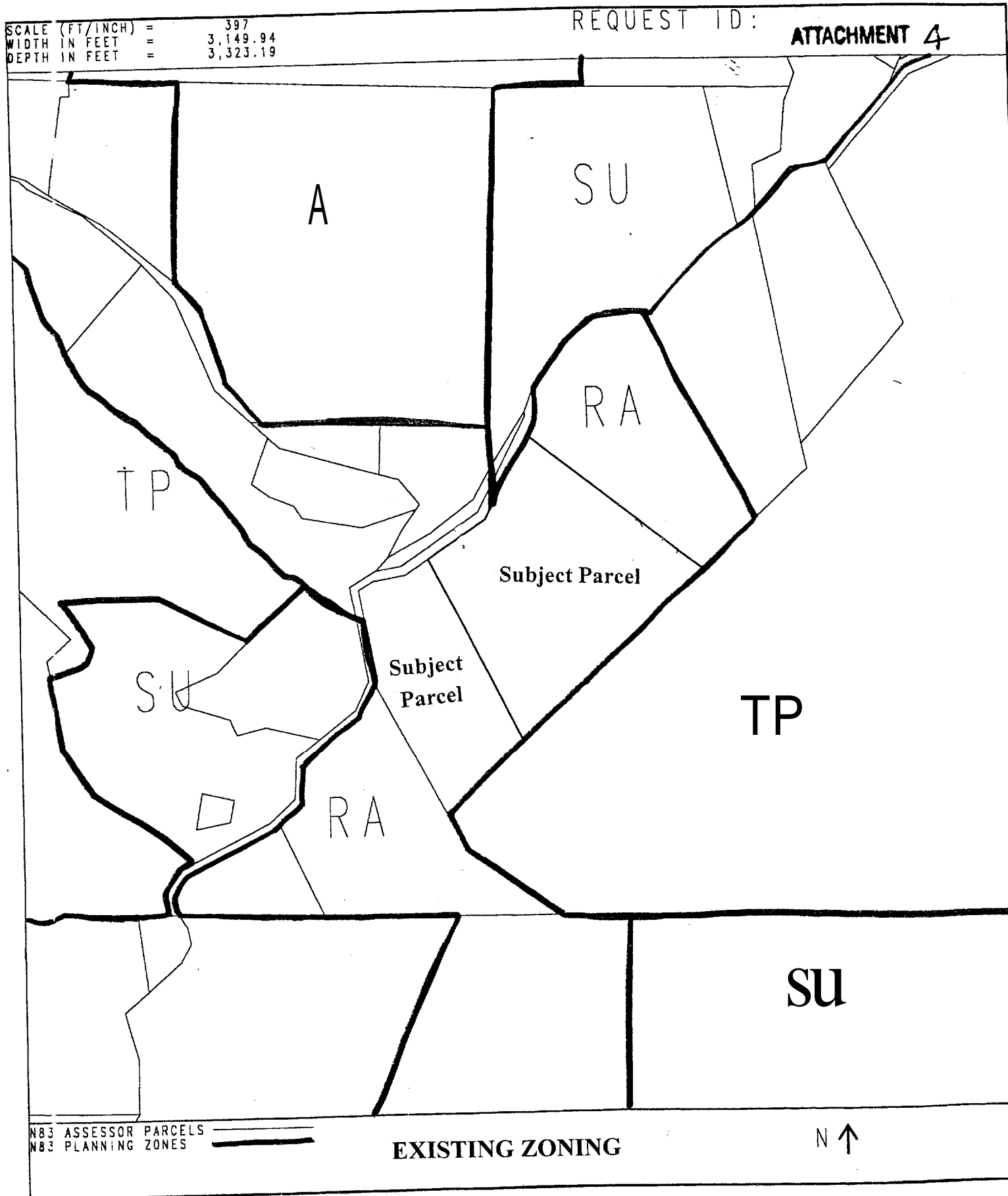
AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Jan Beutz
Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
Asst. County Counsel

DISTRIBUTION: County Counsel
Assessor
Planning: Cathleen Carr
Bernice Romero



REQUEST ID: ATTACHMENT 4

SCALE (FT/INCH) = 397
WIDTH IN FEET = 3,149.94
DEPTH IN FEET = 3,323.19

N83 ASSESSOR PARCELS
N83 PLANNING ZONES

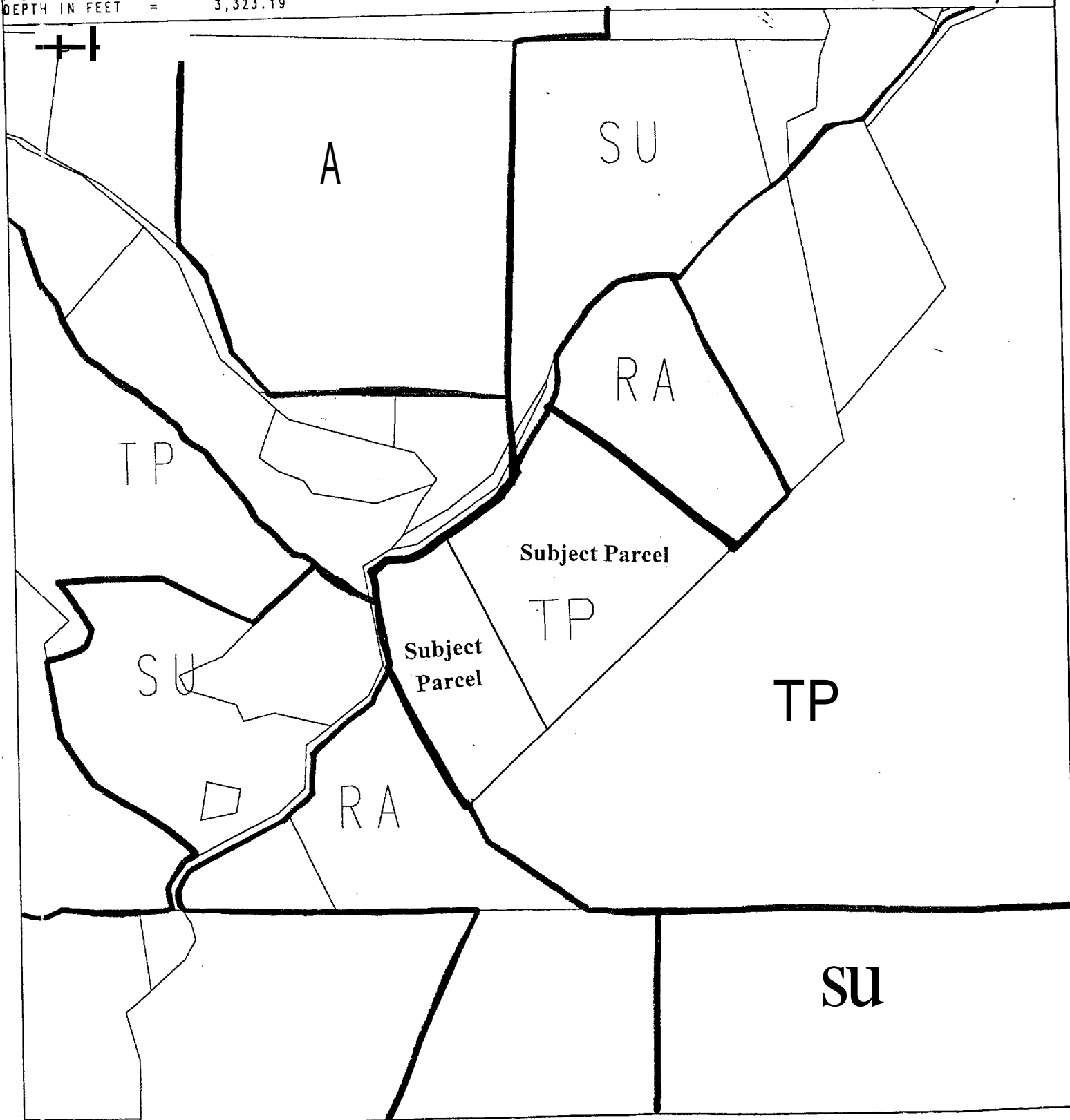
EXISTING ZONING

N ↑

SCALE: (FT/INCH) = 397
WIDTH IN FEET = 3,149.94
DEPTH IN FEET = 3,323.19

REQUEST ID:

ATTACHMENT 4



NB3 ASSESSOR PARCELS
NB3 PLANNING ZONES

PROPOSED ZONING

N ↑

ATTACHMENT 5

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: May 8, 2002
Agenda Item: No. H-2
Time: After 9:00 a.m.

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO.: 99-0677

APNS: 107-052-03 and 04

APPLICANT: Gary Paul

OWNER: Herbert and Valerie Decker

PROJECT DESCRIPTION: Proposal to rezone Assessor's Parcel Numbers 107-052-03 and 04 from the Residential Agriculture ("RA") zone district to the Timber Production ("TP") zone district. Requires a Rezoning.

LOCATION: The property is located on the southeast side of Browns Valley Road approximately 1/4 mile south of the intersection of Redwood and Browns Valley Roads. Situs: 846 and 858 Browns Valley Road, Corralitos.

FINAL ACTION DATE: Exempt from the Permit Streamlining Act (Legislative Action)

PERMITS REQUIRED: Zoning Ordinance Amendment

ENVIRONMENTAL DETERMINATION: Statutory exemption from CEQA per section 1703

COASTAL ZONE: ___yes XXno

PARCEL INFORMATION

PARCEL SIZE: 107-052-03 4.9 acres
107-052-04 9.3 acres

EXISTING LAND USE: PARCEL: Rural residential, vacant residential and timber production

SURROUNDING: Timber production, vacant rural and rural residential

PROJECT ACCESS: Browns Valley Road

PLANNING AREA: Eureka Canyon Planning Area

LAND USE DESIGNATION: "R-M' Mountain Residential

ZONING DISTRICT: 107-052-03 "RA" Residential Agriculture
107-052-04 "RA" Residential Agriculture

SUPERVISORIAL DISTRICT: Second

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. Slope stability – Geologic study completed
b. Soils	b. Ben Lomond-Felton complex
c. Fire Hazard	c. None mapped
d. Slopes	d. 20 to 75+%
e. Env. Sen. Habitat	e. Riparian and Salmonid Habitat - Brown's Creek
f. Grading	f. New skid trails, no new timber landings required
g. Tree Removal	g. Future Timber Harvest Proposed
h. Scenic	h. Portions adjacent to Brown's Creek are visible from Browns Valley Road - a County General Plan designated scenic road.
i. Drainage	i. NIA
j. Traffic	j. NIA
k. Roads	k. Access via adjacent TP property 107-052-08
l. Parks	l. N/A

Gary Paul for Decker
 Application No.: 99-0677
 APNS: 107-052-03 and 04

ATTACHMENT 5

m. Sewer Availability	m. N/A
n. Water Availability	n. N/A
o. Archeology	o. None mapped

SERVICES INFORMATION

W/in Urban Services Line: yes XX no
 Water Supply: Private Well
 Sewage Disposal: Septic
 Fire District: California Department of Forestry Fire District
 Drainage District: Zone 7

ANALYSIS & DISCUSSION

Background

On October 7, 1999, the County Planning Department accepted this application for rezoning two parcels totaling about 14.2 acres from the Residential Agriculture (RA) zone district to Timber Production (TP). California State Government Code Section 51113 and County Code Section 13.10.375 (c), zoning to the TP district specifies the six criteria which must be met in order to rezone to TP. This project qualifies for a statutory exemption (Exhibit B) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Project Setting

The project site is located in the Eureka Canyon planning area. The parcels are approximately 5 and 10 acres respectively and the smaller parcel is developed with single family dwelling and associated structures. The proposed timber harvest will access via a private driveway off of Browns Valley Road on the adjacent Timber Production parcel - APN 107-052-08. The front property line of the subject properties is the frontage of Browns Valley Road - a County designated Scenic Road. Browns Creek is a perennial stream crossing the subject parcels roughly parallel to Browns Valley Road. Browns Creek provides spawning and rearing habitat for Southern steelhead trout (*Oncorhynchus mykiss irideus*), a Federally listed threatened species.

The subject parcels are bordered on the north by SU zoned properties. The properties along the northeast, east, southeast and south boundaries are zoned TP. The parcels located southwest, west and northwest of the subject parcels are zoned RA. The Zoning Map for APNs 107-052-03 and 04 and the surrounding parcels is included as Exhibit G.

General Plan & Zoning Consistency

Both subject parcels have a 1994 General Plan land use designation of Mountain Residential and are located entirely within a mapped Timber Resource designated area (Exhibit I). Parcels 107-052-03 and 04 are currently zoned Residential Agriculture. The Residential Agriculture and Timber Production zoning districts implement the Mountain Residential General Plan designation, as specified in Section 13.10.170 of the County Code.

Gary Paul for Decker
 Application No.: 99-0677
 APNS: 107-052-03 and 04

Browns Creek meets the definition of Sensitive Habitat under General Plan policy 5.1.2(c) through (f), (i) and (j). The key definitions are (c) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (e) and (f); (d) Areas which provide habitat for Species of Special Concern as listed by the California Department of Fish and Game; (e) Areas which provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act guidelines; (f) Areas which provide habitat for rare, endangered or threatened species as designated by the State Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society; which all apply to the Southern steelhead trout population and possible Coho salmon in Bear Creek. General Plan policy 5.1.4 states “implement the protection of sensitive habitats by maintaining the existing Sensitive Habitat Protection ordinance” (this ordinance is Chapter 16.32 of the County Code). In addition, General Plan policy 5.1.6 states that sensitive habitats shall be protected against any significant disruption of habitat values; any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Projects must be reduced in scale, redesigned, mitigated or, if no alternative exists, denied. Policy 5.1.7 includes the following language, “Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance.” The Sensitive Habitat Protection ordinance’s definition of development includes the following “the removal or harvesting of major vegetation other than for ... timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973; the disturbance of any rare, endangered, or locally unique plant or animal or its habitat”. Thus, timber harvesting under a CDF Timber Harvest Permit is specifically exempted from the regulations of Chapter 16.32. Nevertheless, as timber harvesting is not allowed under the subject parcels’ current zoning, the proposed rezoning must be analyzed with respect to and found in conformance with the County’s General Plan policies for protecting the County’s biological resources.

The property immediately adjacent to Browns Creek is highly visible from Browns Valley Road, which is a designated Scenic Road in the County’s 1994 General Plan. The County’s General Plan policy 5.10.3 on Visual Resources states that significant public vistas shall be protected “by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design”. Moreover, policy 5.10.10 Designation of Scenic Roads states “(t)he following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection”. Timber harvesting on this property between Browns Valley Road and Browns Creek could have a detrimental affect on its visual aesthetics, as viewed from Browns Valley Road, and thus be inconsistent with the General Plan.

Objective 6.2 of the County’s 1994 General Plan is to “reduce safety hazards and property damage caused by landslides and other ground movements affecting use activities in areas of unstable geologic formations, potentially unstable slopes...”. There is evidence of slope instability on APN 107-052-04 following the 1989 Loma Prieta earthquake. Certain timber harvesting activities such as road and skid trail construction on this parcel could potentially aggravate slope instability problems. The proposed rezoning will allow a use, timber harvesting, which, on this parcel, increases the potential for landsliding. Timber harvesting activities and the slope stability issues have been evaluated in a Geologic Investigation prepared by John Coyle and Associates (Exhibit J). The report recommended limitations to timber harvesting to avoid exacerbating any unstable slopes.

The property owners have entered into an Agreement with the County of Santa Cruz setting limitations on certain timber harvesting activities on the subject parcels, resolving the aforementioned conflicts

Gary Paul for Decker
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between timber harvesting activities and the County's General Plan. Specifically, the property owners have agreed to a "no cut zone" between Browns Valley Road and Browns Creek and for an additional 50 foot width along the opposite bank of Browns Creek. This no cut zone is consistent with the County's riparian corridor protection policies and corridor widths for a perennial stream. This undisturbed area will also provide adequate protection for this sensitive biotic habitat consistent with the County's Sensitive Habitat protection policies. Moreover, the scenic value of the subject parcels will be retained. Finally, the property owners have agreed that all timber harvesting activities will be undertaken in strict compliance with the recommendations contained in the John Coyle & Associates' Geologic Review. With this agreement, the proposed rezoning will conform with the General Plan's policies for the protection of sensitive habitat, riparian corridors and scenic resources and for reducing health and safety risks associated with slope instability. A copy of this Agreement is included as Exhibit C.

In accordance with California State Government Code Section 51113 and County Code Section 13.10.375, Special Standards and Conditions for the Timber Production (TP) District, 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 (Exhibit F).
2. A Timber Management Plan, dated July 19, 1999 with addenda dated March 20, 2000 (geologic evaluation) and March 21, 2001, prepared by a registered professional forester has been submitted for the property (Exhibit J). The Timber Management Plan has been reviewed and accepted by the Planning Department as meeting minimum standards (Exhibit K).
3. The parcels currently meet 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 parcels are located.
4. The parcels are timberland, as the entire parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually and approximately one third of the parcel is located within a mapped Timber Resource area.
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

All of the criteria have been met for rezoning the subject parcels to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations pursuant to California State Government Code Section 51113 and County Code Section 13.10.375 and subject to the attached Agreement (Exhibit C). Please see Exhibit A ("Findings") for a complete listing of findings and evidence related to the above discussion.

Gary Paul for Decker
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RECOMMENDATION:

Staff recommends that your Commission adopt the attached Resolution (Exhibit D), sending a recommendation to the Board of Supervisors for approval of Application No. 99-0677 based on the attached findings (Exhibit A), and the approval of the determination that the project is statutorily exempt from CEQA (Exhibit B).

EXHIBITS

- A. Findings
- B. Notice of Exemption from CEQA
- C. Agreement
- D. Planning Commission Resolution
- E. Location Map
- F. Assessor's Parcel Map
- G. Zoning Map
- H. General Plan Map
- I. Timber Resource Map
- J. Timber Management Plan by Gary Paul dated July 19, 1999 with 2001 addenda
- K. Timber Management Plan Acceptance

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

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

Report reviewed by: 
 Cathy Graves

Principal Planner
 Development Review

Gary Paul for Decker
 Application No.: 99-0677
 APNS: 107-052-03 and 04

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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,

The 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 zoning of two parcels which lie entirely within a Timber Resource designation, which contain timber resources meeting the timber stocking requirements and which are contiguous to Timber Production zoned parcels to Timber Production.

General Plan Policy 5.10.1 defines visual resources as areas having regional public importance for their natural beauty or rural agricultural character, including vistas from designated scenic roads, Coastal Special Scenic Areas, and other unique features. In addition, General Plan Policy 5.10.2 recognizes that the visual resources of Santa Cruz County possess diverse characteristics and that the resources worthy of protection include wooded forests and mountain hillside views. Moreover, General Plan Policy 5.10.3 states that public vistas, as described in policy 5.10.2, shall be protected by minimizing disruption of landform and aesthetic character caused by timber harvests. The lower elevations of these parcels, which are adjacent to Browns Valley Road and Browns Creek are visible to travelers on Browns Valley Road, which the County's General Plan designates as a scenic road. Designated scenic roads are valued for their vistas, and General Plan Policy 5.10.10 requires that the public vistas from a designated scenic road be afforded the highest level of protection.

Furthermore, Browns Creek provides spawning and rearing habitat for the Southern steelhead trout - a Federally listed threatened species. Browns Creek and its riparian corridor meets the definition of a Sensitive Habitat under General Plan policy 5.1.2(b) through (f), (i) and (j). General Plan policy 5.1.6 states that sensitive habitats shall be protected against any significant disruption of habitat values; any proposed land use within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Projects must be reduced in scale, redesigned, mitigated or, if no alternative exists, denied. Policy 5.1.7 states "Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance". Timber harvest operations in accordance with a timber harvesting plan approved by the California Department of Forestry, however, are specifically exempted from the Sensitive Habitat Protection ordinance (Chapter 16.32) regulations. As timber harvesting is exempt from Chapter 16.32, timber harvesting could not be mitigated, reduced in scale or redesigned through the regulations of Chapter 16.32. General Plan policies 5.2.2 Riparian Corridor and Wetland Protection Ordinance and 5.2.3 Activities Within Riparian Corridors and Wetlands define riparian corridors and the level of protection afforded these resources. General Plan policy 5.2.1 defines the riparian corridor for a perennial stream as 50 feet from the high water mark. The removal of trees within the 50 foot riparian corridor could damage salmonid habitat through increased water temperatures through loss of shade. Moreover, the site disturbance resulting from timber harvesting activities can increase erosion, resulting in increased turbidity and sedimentation within the stream, thereby degrading in stream water quality and aquatic habitats.

Objective 6.2 of the County's 1994 General Plan is to "reduce safety hazards and property damage caused by landslides and other ground movements affecting use activities in areas of unstable geologic

Gary Paul for Decker
 Application No.: 99-0677
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ATTACHMENT 5

formations, potentially unstable slopes...". There is evidence of slope instability on APN 107-052-04 following the 1989 Loma Prieta earthquake. Certain timber harvesting activities such as road and skid trail construction on this parcel could potentially aggravate slope instability problems. The proposed rezoning will allow a use, timber harvesting, which, on this parcel, increases the potential for landsliding. The affect of timber harvesting activities on the slope stability has been evaluated in a Geologic Investigation prepared by John Coyle and Associates. The report recommended limitations to timber harvesting to avoid exacerbating any unstable slopes.

In order to provide the highest level of protection of these resources, the property owners have entered into an Agreement with the County of Santa Cruz setting limitations on certain timber harvesting activities on the subject parcels, resolving the aforementioned conflicts between timber harvesting activities and the County's General Plan. Specifically, the property owners have agreed to a "no cut zone" between Browns Valley Road and Browns Creek and for an additional 50 foot width along the opposite bank of Browns Creek. This no cut zone is consistent with the County's riparian corridor protection policies and corridor widths for a perennial stream. This undisturbed area will also provide adequate protection for this sensitive biotic habitat consistent with the County's Sensitive Habitat protection policies. Moreover, the scenic value of the subject parcels will be retained. Finally, the property owners have agreed that all timber harvesting activities will be undertaken in strict compliance with the recommendations contained in the John Coyle & Associates' Geologic Review. With this agreement, the proposed rezoning will conform with the General Plan's policies for the protection of sensitive habitat, riparian corridors and scenic resources and for reducing health and safety risks associated with slope instability.

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

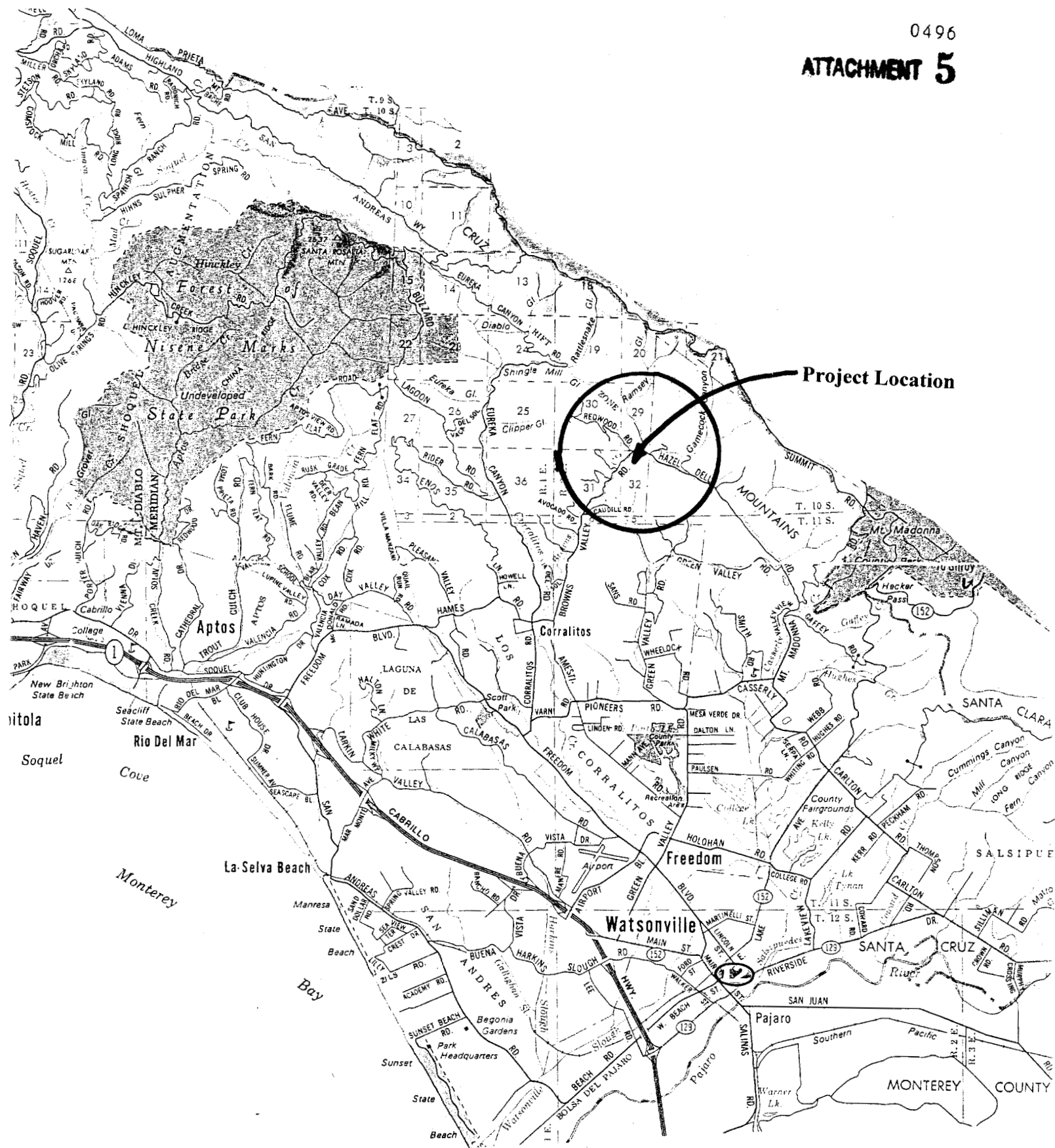
The proposed TP zone district is appropriate to the level of utilities and community services available to the parcel. The subject parcel is accessed via an adjacent Timber Production parcel. The access to the adjacent TP property is off of a publicly maintained road. The parcels are located outside of the Urban Services Line and are, 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 RA zone districts in the past in certain circumstances under the jurisdiction of the County and later under the sole authority of the California Department of Forestry. Presently, timber harvesting is only allowed within the Timber Production and Parks and Recreation, Mineral Extraction zone districts. The subject parcels contain timber stands meeting the timber stocking standards and lies entirely within a designated Timber Resource area. The rezoning will allow the continuation of harvesting and management of the timberlands on the subject parcels.

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EXHIBIT A



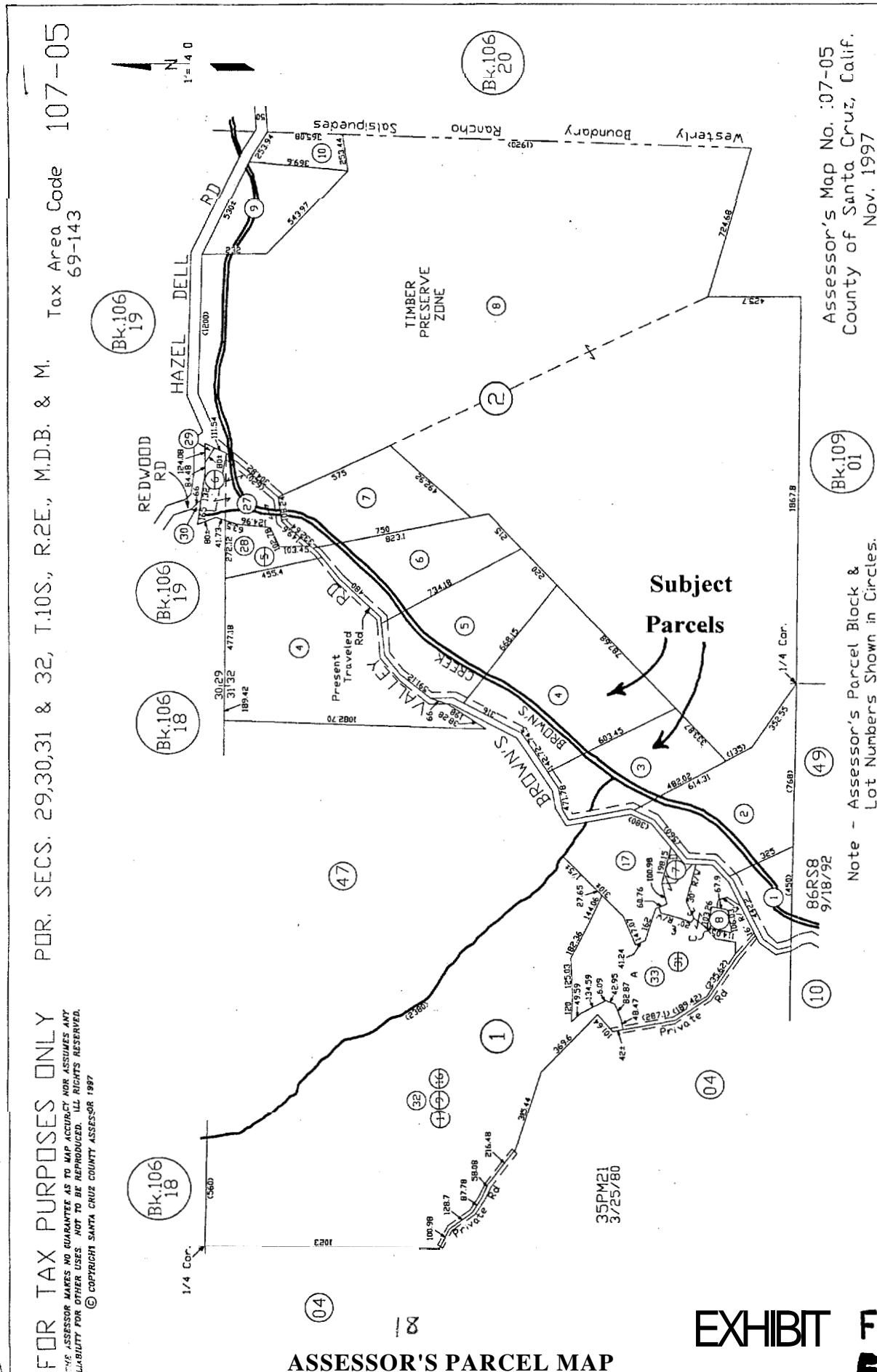
Project Location

LOCATION MAP

FOR TAX PURPOSES ONLY
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. SECS. 29,30,31 & 32, T.10S., R.2E., M.D.B. & M.

Tax Area Code 107-05
69-143



Assessor's Map No. :07-05
County of Santa Cruz, Calif.
Nov. 1997

Bk.109
01

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

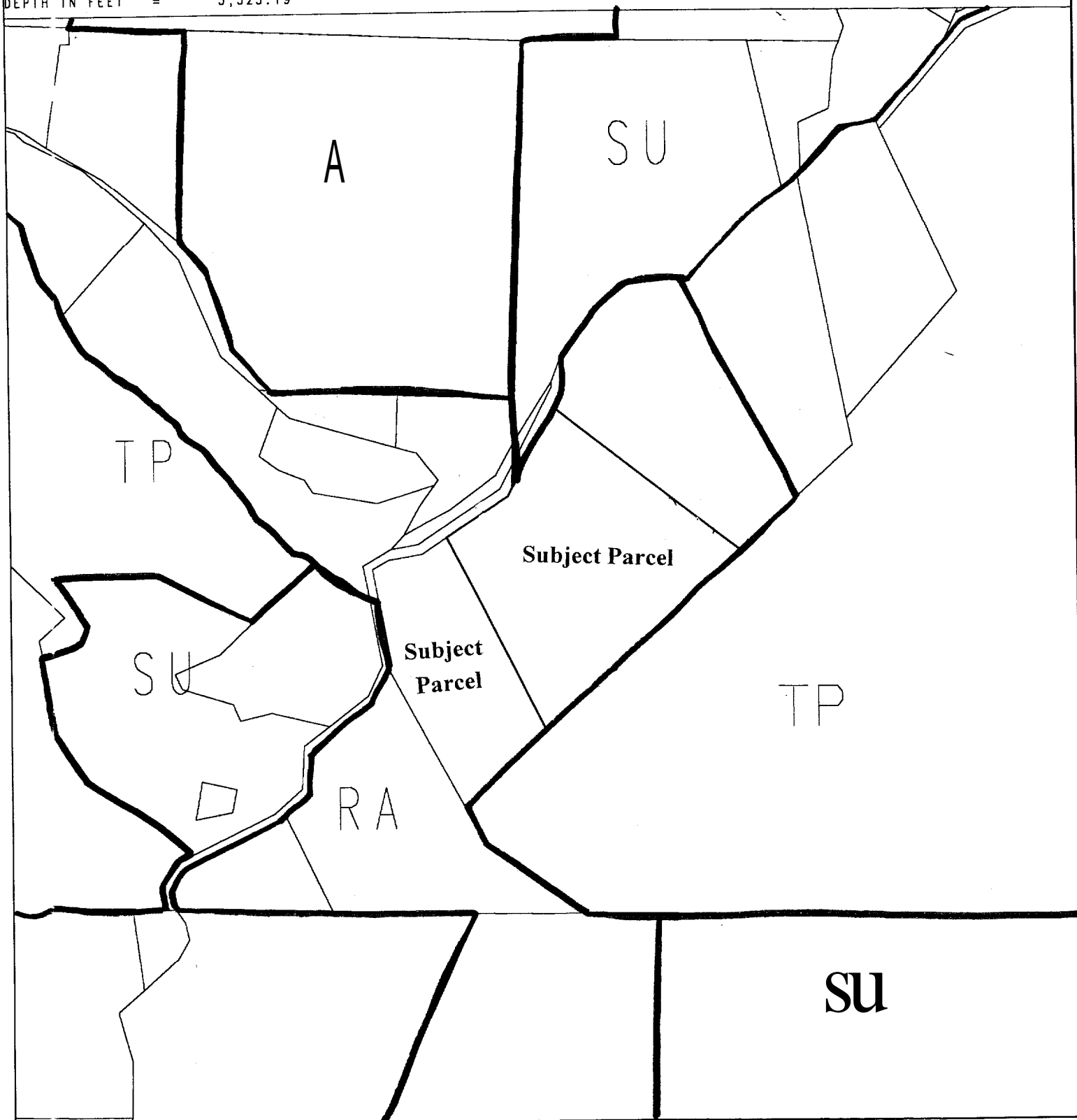
86RS8
9/18/92

ASSESSOR'S PARCEL MAP

EXHIBIT F

SCALE (FT/INCH) = 397
WIDTH IN FEET = 3,149.94
DEPTH IN FEET = 3,323.19

REQUEST ID: ATTACHMENT 5

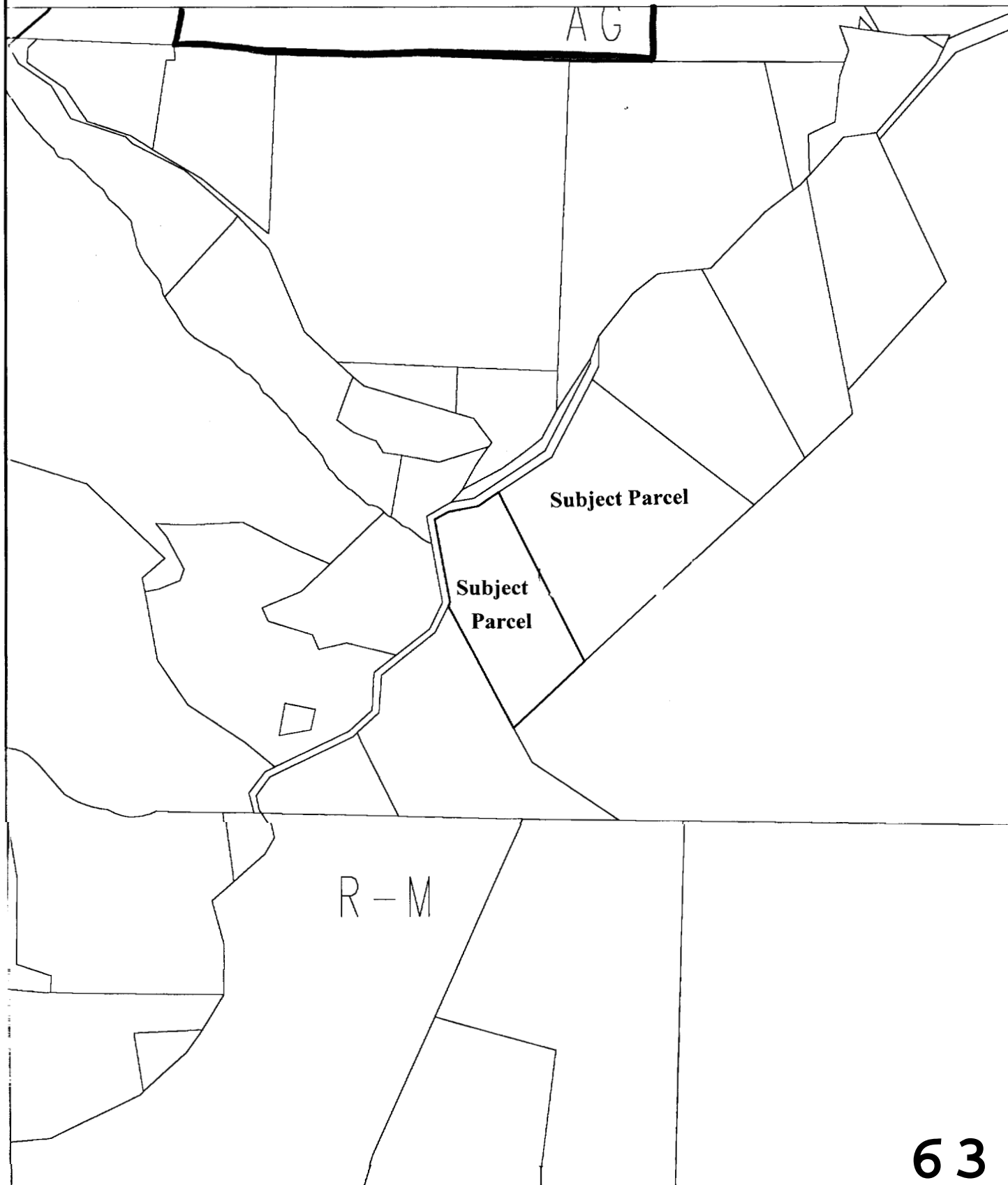


N83 ASSESSOR PARCELS
N83 PLANNING ZONES

N ↑

SCALE (FT/INCH) = 1/460
WIDTH IN FEET = 3,396.73
DEPTH IN FEET = 4,072.07

REQUEST ID: 99-0677



63

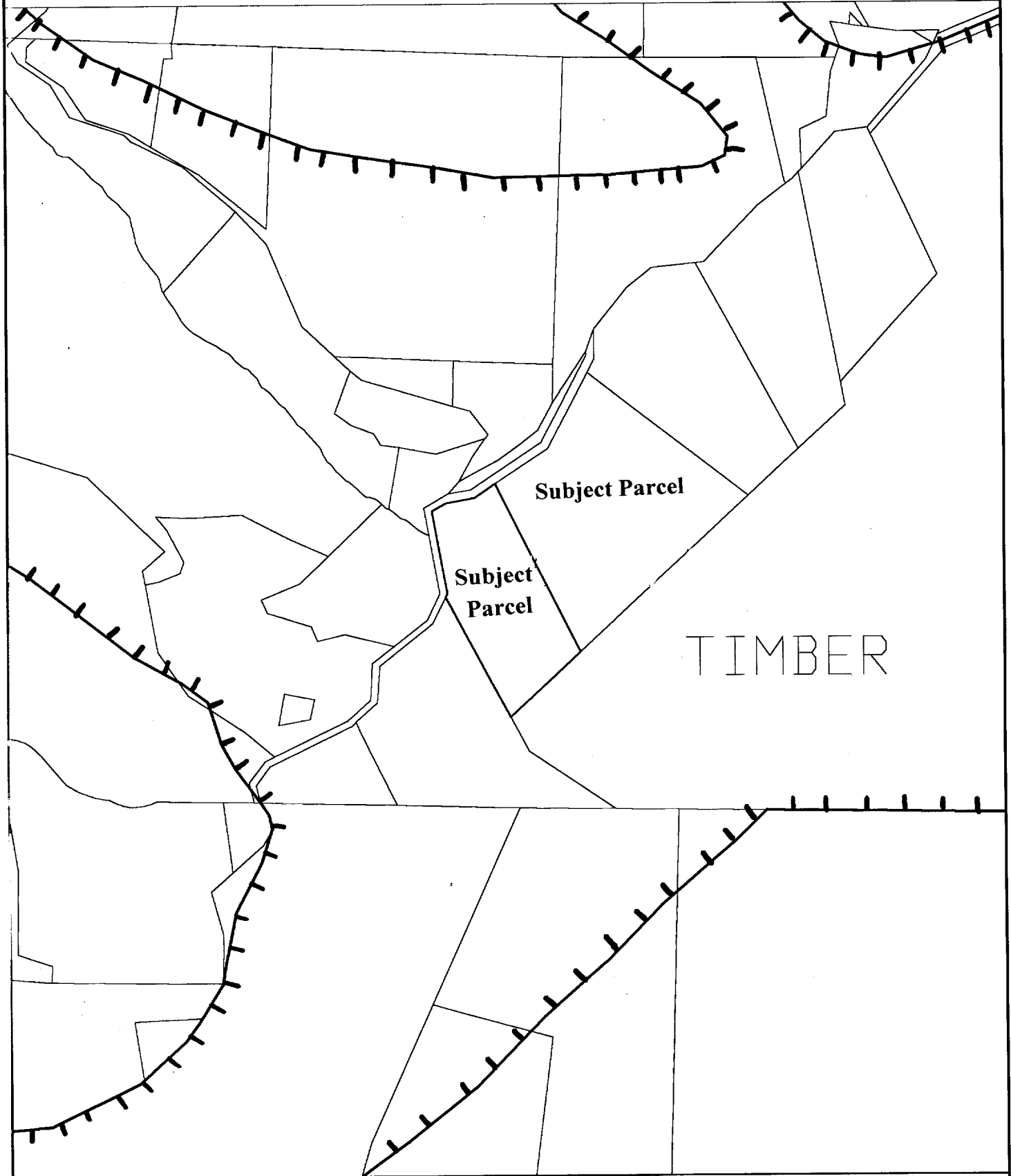
N83 ASSESSOR PARCELS
U83 G P BASE LAYER

GENERAL PLAN MAP

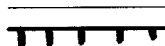
N ↑
EXHIBIT H

SCALE (FT/INCH) = 460
WIDTH IN FEET = 3,396.73
DEPTH IN FEET = 4,072.07

REQUEST ID: 99-0677



N83 ASSESSOR PARCELS
N83 R&C TIMBER RESOU



TIMBER RESOURCES MAP

N ↑ EXHIBIT 1

GARY PAUL
CONSULTING FORESTER
Registered Professional Forester #1829

303 Potrero St. #42-202
Santa Cruz, CA 95060
(831) 426-6415
FAX (831) 426-6485

ATTACHMENT 5

*Received
3/23/01
DTB*

March 20, 2001

Don Bussey
Planning Dept.
County of Santa Cruz
701 Ocean St.
Santa Cruz, CA 95062

RE: Application No. 99-0677, Decker rezone to TPZ

Dear Mr. Bussey:

Enclosed please find three copies each of replacement pages 5, 12, and 13 of the Decker Timber Management Plan. These reflect changes to satisfy the County Forester's concerns.

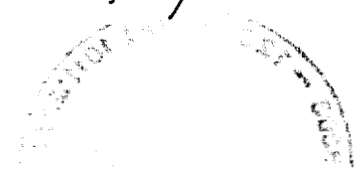
On page 5, a 50 foot no harvest zone for Browns Creek was incorporated into the Plan. However, the 30 foot no harvest zone for the Class III watercourses was deleted, as the County is no longer enforcing this requirement.

On pages 12 and 13, a lowered initial cutting intensity was incorporated into the Plan, as well as reflecting that all diameter classes would be roughly equally harvested, so as to leave more standing volume for future harvest, and increased PAI.

Please note my new address above. Please direct future correspondence to this address.

Yours truly,

Gary Paul
Gary Paul



53
EXHIBIT J

**DECKER PROPERTY
TIMBER MANAGEMENT PLAN
JULY 19,1999**

PORTIONS OF
TOWNSHIP 10 SOUTH, RANGE 2 EAST, SECTIONS 31 & 32
SANTA CRUZ COUNTY, CALIFORNIA

PREPARED BY
GARY PAUL
Registered Professional Forester #1829

5521 Scotts Valley Drive, Suite 235, Scotts Valley, CA 95066 (831) 438-8968

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INTRODUCTION

This management plan is for the Decker property located near Corralitos. This plan is required by Santa Cruz County in connection with the landowners application to have the property placed in Timberland Production Zoning (TPZ). Gary Paul, Forestry Consultant, was contacted by the landowners to complete this plan. Jim Hildreth (Forester) assisted Mr. Paul in the development of this plan.

This timber management plan is designed to assist the landowners in the management of the natural resources on their property. The plan describes the property and management goals, identifies problems and opportunities, and outlines management activities needed to meet the landowner's objectives.

The property contains two parcels. They are:

Herbert & Valerie Decker	APN # 107-052-03	9.3 acres
	APN # 107-052-04	4.9 acres

The parcels are currently zoned as Residential.

FOREST MANAGEMENT OBJECTIVES

The owners desire to manage this forestland for the long term production of merchantable timber. This goal is to be achieved without degrading the quality of other forest resources such as soils, watershed, wildlife, and recreation. In addition, all future activities will recognize the need to protect the visual quality of the forest near the homesite, and reduce the potential of wildfire.

The immediate objective is to obtain Timber Production Zoning, which will allow management of the property consistent with these objectives. Timber management objectives are to convert the even-aged timber stands into an uneven-aged condition using a level of harvest that may be sustained over time. These management objectives are consistent with the Forest Practice Rules.

GENERAL DESCRIPTION

This property is located approximately two miles north of Corralitos in portions of Township 10 South, Range 2 East, Sections 31 & 32, M.M. of Santa Cruz County, California. The property contains a total of approximately 14 acres, of which 10 acres contain merchantable timber.

The property is accessible from the south on Browns Valley Road. A dirt logging road crosses a neighboring property from the north and east and provides further access to the timber on the property.

The merchantable timber consists of well stocked stands of redwood trees mixed with areas of hardwoods. There are also some large, very scattered Douglas-fir trees. The timber is located on the slopes behind the homesites and above Browns Creek. Slopes range from moderately steep to very steep over much of the property. Elevation ranges from approximately 400 to 800 feet.

Browns Creek, a Class I watercourse, flows from north to south through the western edge of the property. Two Class III watercourses (ephemeral streams which run in response to heavy rainfall) are found in the stand of timber. Another Class III watercourse is found between Browns Creek Road and Browns Creek near the southwest end of the property.

HISTORY

The property is presumed to have been clearcut harvested during the late 1800's or early 1900's. The large old growth redwood stumps found in the middle of the clumps of merchantable

redwood trees evidence this. No commercial harvesting has been conducted since this time.

No historical or archaeological sites are known to exist on the property.

RESOURCES

Soils

According to the Soil Survey of Santa Cruz County (**USDA**, Soil Conservation Service) the entire property contains Ben Lomond-Felton complex soil. This is comprised of approximately **35%** Ben Lomond sandy loam and **35%** Felton sandy loam. Also included are areas of Nisene loam, Aptos sandy loam, Lompico loam, Catelli sandy loam and Heckler gravelly sandy loam.

The Ben Lomond soil is deep and well drained. Typically, a 2-inch mat of partially decomposed needles and twigs covers the soil. 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 is moderately rapid, runoff is very rapid, and the hazard of erosion is very high. Effective rooting depth is 40 to 60 inches. The soil is used mainly for timber production, recreation, wildlife, and watershed.

The Felton soil is deep and well drained. The surface layer is dark grayish brown and brown, slightly acid sandy loam about 11 inches thick. The subsoil is brown and yellowish red, slightly acid sandy clay loam and clay loam about **32** inches thick. The substratum is light brownish grey and light olive brown, strongly acid loam and sandy loam about **20** inches thick. Weathered sandstone is at a depth of **63** inches.

Permeability is moderately slow, runoff is very rapid, and the hazard of erosion is very high. Effective rooting depth is 40 to 70 inches. The soil is used mainly for timber production, recreation, wildlife, and watershed.

Geology

A large, approximately two acre rotational slide is located on the slope above Browns Creek. The extent of this slide is easily visible from below on Browns Creek Road, and is on slopes in excess

of 50%. This slide appears to be a debris flow where loose soil and colluvium became saturated and “blew out” over bedrock during high intensity rainfall events. This may be, in part, a result of the January **1982** storms. The Cooper-Clark Landslide map does not show this slide, but does indicate the possibility of a slide near the south draw (no evidence was observed in the field).

The slide has two parts that are separated by a thin finger of merchantable timber that extends from the head of the slide to Browns Creek. The slide appears stabilized, and is vegetated with small trees, brush, and grasses. Several larger redwood and Douglas-fir trees were felled and left on the upper end of the slide. This was apparently done to reduce the weight on the slide area, and to remove any leaning trees.

Several areas with large tension cracks are located at the top of the slide area adjacent to stands of merchantable timber. Although landslides may occur in this area during rare large event storms, timber harvesting may be conducted in a manner that does not increase the likelihood of a slide. No harvesting, road construction or any other management activity is proposed in the slide area.

Watershed

The Browns Creek watershed contains a total of approximately 4,865 acres. Over the last 10 years, approximately **1,520** acres (**31%**) of the watershed has been selectively harvested. Most of this harvesting has been conducted with ground based equipment. The watershed area is primarily used for timber production, home sites, and recreation.

Browns Creek, a Class I watercourse, flows through the west end of the property. This stream contains a run of steelhead trout. In general, the portion of Browns Creek within this property has a rocky bottom with shallow pools and riffles. The watercourse shows signs of being moderately aggraded and gravel embedded. Large woody and other organic debris is present in small amounts. Bank cutting or downcutting was not observed in this reach of stream. The stream is of moderate gradient and has several pools. Streamside vegetation includes redwoods and hardwood trees.

This property has not been logged since the turn of the century. Long term, adverse impacts to Browns Creek appear to be primarily related to large mass wasting events, failures of the cutbanks and road fill on Browns Creek Road, and the number of residences.

Future logging would take place within the watercourse and lake protection zone (WLPZ) on the east side of Browns Creek. This would be located at the south end of the property, and away from the slide area. Current shade canopy in this area is approximately 95% by ocular estimate. Within the WLPZ, Forest Practice Rules require the retention of trees to provide canopy cover which protects stream temperature. Additional requirements include retaining trees on the streambank, excluding ground based equipment within the WLPZ, and falling trees away from the stream. In addition, a Santa Cruz County ordinance requires that a 50 foot no harvest zone be established adjacent to each side of Browns Creek. This ordinance will be adhered to for the purposes of timber management on this property..

Two Class III watercourses flow within stands of merchantable timber. These watercourses drain directly into Browns Creek. These are watercourses that flow water only during periods of rainfall.

Wildlife

Wildlife found on this property is typical of the Santa Cruz Mountains. Deer and many species of bird (including raptor) were observed. The wildlife habitat relationship (WHR) classification for the tree dominated habitat is 4D, meaning the average tree size is between 11-24" DBH, and the canopy closure is dense, between 60-100%. Characteristics of late succession stands are not present. There are few snags throughout the stand, and occasional down logs from the turn of the century logging.

Timber harvesting at the turn of the century used clearcut harvesting where all sound merchantable redwood trees were harvested. The current stand of trees naturally regenerated primarily from stump sprouting. This has resulted in a dense stand of even-aged redwoods, where sunlight does not reach the understory in amount necessary for conifer reproduction.

The goal of future harvesting is to create an uneven-aged forest, with several age classes and canopy levels. Future timber harvesting using the selection system (thinning) will open the forest canopy and allow sunlight to penetrate to the forest floor. This will generally improve forage a variety of small and large mammals. Resulting prey base will increase raptor use.

Rare, Threatened and Endangered Species**Animal**

There have been no red-legged frog sightings within the Browns Creek watershed. The property is within the potential range of the red-legged frog, and Browns Creek may provide suitable habitat. This creek will be protected as required by State Forest Practice Rules.

No other rare, threatened and endangered animal species are known to exist within the immediate vicinity of the property. Habitat for Species of Special Concern in the County, as listed in the County General Plan, should not be affected by selective harvesting as allowed in the local area.

Fish:

The property is located adjacent to Browns Creek that drains into Corralitos Creek. Browns Creek supports a small run of steelhead trout. No coho salmon are known to currently inhabit this stream. According to the California Department of Fish & Game, these watercourses suffer from various habitat deficiencies for Coho salmon. This includes silt loading from the road adjacent to the creek, which has inundated spawning gravel, pool habitat, and substrate for insects. Breaks in the riparian vegetation from the road and housing development have resulted in less forage and canopy for fish.

Mitigation measures for fish on the property would be related to timber harvesting within the WLPZ of Browns Creek, and the generation of sediment in the Class III watercourses.

Plant:

This property is not within the range of any RTE species and none were noted on the site.

Ancient Trees

No ancient trees were left on the site from the turn of the century logging.

Recreation

Recreation on the property includes observing wildlife and hiking. The homesites are located next to Browns Creek. Future harvesting will be selective, and should be designed to enhance or maintain the aesthetics surrounding each of the two residences.

Cultural

The presence of archeological or historical sites was not observed. **An** intensive survey was not conducted. If any sites are found in the future, they will be preserved.

Timber Description

The merchantable timber on this property is an approximately 10 acre stand of coast redwood. The redwood occurs in well-stocked clumps, intermixed with scattered Douglas-fir, tan oak, madrone and bay laurel. There are also a few openings with shrubs and forbs. The average site index is site III.

The age of the stand is 95-100 years old, a result of clearcutting which took place at the turn of the century. Growth has slowed as the trees grew larger and closer together, and began competing for available water, nutrients, and sunlight.

Future harvests, as discussed later in plan, will create an uneven-aged stand. This will be accomplished by selectively thinning clumps of redwoods. The goal of future selective harvests will be to produce adequate light for vigorous stump sprouting, to promote growth on residual trees, to promote continued production of high quality redwood timber by maintaining good spacing and good distribution of diameter classes, and to maintain an aesthetically pleasing forest.

TIMBER INVENTORY

Sampling Method

An inventory of the 10 acres of merchantable timber was conducted in July of 1999. This cruise consisted of the tallying of 10 one-fifth acre fixed radius plots.

Plot locations were made to insure representative sampling. These fixed radius plots were installed every 200 feet on cruise lines 300 feet apart. Each plot represents approximately one acre. The data was entered onto plot cards and the results calculated with a timber inventory computer program.

Diameters (dbh) were measured or estimated at breast height. The form factor was measured with a Releskop or estimated on all sample trees. This form factor is the diameter at 16 feet above the stump (form point) divided by the dbh. All measurements are taken outside the bark.

Bole height was measured with a Releskop or estimated on all sample trees to height which is equivalent to 40 percent of the diameter at form point. Logs were cruised in variable log lengths to optimize recovery. Defect was estimated with cull segments or as a scaling deduction from a log. Minimum log size used is 6 inches by 12 feet. Minimum dbh cruised was 12 inches. All volumes are presented as Scribner short log (16') scale. Although log grades are not typically used in the local market area (most timber is sold on a "camp run" basis), logs were graded to provide information of quality. Any log with a scaling diameter ≥ 12 " is 2 Sawmill, 8-11" is 3 Sawmill, and 6-7" is 4 Sawmill.

Growth rate information was collected by boring the outer 25% of selected trees and measuring radial growth and age.

Results

The redwood averages 25.6" dbh, with a net merchantable volume of 35.6 thousand board feet (MBF) per acre. The Douglas-fir averages 35.8" dbh and 2.3 MBF per acre. The total net merchantable volume of both species is 37.9 MBF per acre for a total of 379 MBF.

TIMBER STAND SUMMARY**REDWOOD**

	Diameter Class (inches)				
	<u>12-16</u>	<u>18-24</u>	<u>26-34</u>	<u>36+</u>	<u>Total</u>
Trees per Acre	8	17	17	5	47
Net Volume/Acre(BdFt)	1050	7880	16555	10110	35595

Limitation: All cruise data presented in this report is intended to be used as a guide for management purposes **only**, and should not be extended or taken out of context for any other purposes.

MANAGEMENT PRACTICES

Roads

The western edge of the property is adjacent to Browns Creek Road, which is a paved county road. There is a short driveway to the residence, but this is the only road on the parcel. The access for forest management activities is across a neighboring property (zoned TPZ) from the east. This is a seasonal dirt road that provides access to the top of the property. It runs parallel to and is near the property line. The owner has granted permission to Mr. Decker to use this road. No new road construction is anticipated for the future management of the property.

This access road enters Brown Creek Road north of the Decker property. The primary potential urban interface consideration is log truck traffic on this county road, which is also used for residential access for a number of homes. Since the future harvest operations are small and can be done within two weeks, traffic impacts are not long lasting. The 15 years between harvesting will help to reduce neighborhood impacts.

Fire Protection

The property is located adjacent to Browns Creek, and extends to the east uphill on a steep slope. The area near the homesites is heavily wooded. Future harvesting needs to provide for protection of the residences and forest from fire.

Future harvesting should establish a Special Treatment Area near the residence. All slash should be removed within 100 feet of the residence, and lopped to 12 inches of the ground within 200 feet. Outside of the STA, all slash should be lopped to within **30** inches of the ground.

The driveway is in good condition, but the crossing is suitable for light to medium trucks only. In an emergency, the location of the residences next to Browns Creek Road will provide excellent access for emergency equipment and evacuation. The upper seasonal road will provide access to the forest for heavy equipment.

The owners have cleared areas around the houses. However, there are several redwood trees growing next to the south house that should be removed. These trees are a fire hazard, but are also a danger to the residence during high winds.

This homesite will continue to be kept clear of flammable vegetation in the future. A typical fire-defense plan ~~will~~ use a non-flammable landscape (lawns, flowers, vegetable garden) within 50 feet of the home. From 50-100 feet, low-growing, widely spaced fire resistant greenbelt plants (ice plant, periwinkle) should be used. From 100-200 feet, cut back native woody chaparral, and keep clear or plant fire resistant trees (coast live *oak*).

Information regarding fire safe practices and fire resistant plants/trees can be found at your local California Department of Forestry and Fire Protection (CDF) office. CDF recommends several fire safe practices. This includes:

- maintaining a “defensible” space around your home by clearing all flammable vegetation a minimum of **30** feet around the structure.
- clean all leaves and needles from roof and gutters.
- trim tree limbs within 10’ of chimney and trim dead limbs over home.
- make sure your address is clearly visible for easy identification in an emergency.
- a water storage supply of at least 2,500 gallons if no fire hydrant.
- stack woodpiles at least 30 feet from buildings, fences and combustible materials.
- use a spark arrestor on your chimney.

The dirt logging road adjacent to the east side of the property provides a good firebreak. This road should be cleared of all slash and debris after logging. All landing slash should be either lopped to within **30** inches of the ground, or removed.

Recreation

No recreational enhancements of the property are planned. The visual aesthetics of the property will be preserved through careful planning and supervision of timber harvesting operations. The view of the forest from the residence is the major concern.

Wildlife

Management activities are directed at protecting and enhancing wildlife diversity. The selective cutting practices have the goal of creating several age classes and canopy layers. This will create habitat for a wider range of species.

Redwood and Douglas-fir snags will be retained during harvest operations where they do not present a safety or fire hazard. Downed logs (16" by 20' minimum) will also be retained. Several large Douglas-fir trees were observed to have poor health and vigor. These trees could be recruited for future snags and downed logs. They should be retained where they will not compete for sunlight with other trees.

Timber Management**Harvest**

The stand of timber has regenerated from clearcut logging at the turn of the century. It now contains a well-stocked stand of approximately 100-year-old redwood trees. The average site index for the stand is site III. The average growth rate of the stand is approximately **2%** percent per year. The trees are competing with each other for sunlight, water, and nutrients, and the growth rate is very slow.

Based upon this information, a selective harvest is recommended for next year (2000). The goal is to begin to create a healthy uneven-aged stand where harvests are sustainable (harvest does not exceed growth). The current stand of redwood has approximately **36** thousand board feet (MBF) per acre. The harvest should remove about **12 MBF** per acre (**120 MBF** total), leaving a residual stand of **24 MBF** per acre. Approximately **33%** of the trees 18" in diameter or more should be harvested. In order to move towards an optimal uneven-aged size class distribution, trees from all size classes should be retained, and the harvest should remove trees proportionally to their total numbers in each diameter class e.g. 44% of the cut will come from the 26-34" diameter class. This is the first step towards developing an uneven-aged stand. The increased light and growing space that is provided by the removal of harvested trees increases the growth of residual trees and initiates the sprouting of a new generation of redwood trees. The residual stand, growing at an average growth rate of approximately **3%**, will reach approximately

ATTACHMENT 5

36 MBF per acre in 10-12 years.

Future selective harvests are recommended on roughly a 10-15 year cutting cycle. These should harvest in the range of 30% (10 year cycle) to 40% (15 year cycle) of the trees 18"+ dbh. Over the long term, overall growth on the property will improve as sprouts and interplanted trees reach maturity and contribute to the harvest. Growth should be re-evaluated in the future to see if the allowable cut may be increased or should be decreased.

Logging Practices

Most of the 10 acres harvest area is on steep terrain (**60%**). These stands will require line pulling or a small yarder to retrieve logs. There are several small ridges where new skid trails will be installed on slopes under 40%.

Two Class **3** watercourses are located within the proposed harvest area. These watercourses should not be crossed. Skid trails will provide access to both sides, or a yarder can be used.

Soil Stabilization

The harvest area is located on the slopes above Browns Creek. There is a significant landslide below one portion of the harvest area. These issues require that special consideration be given to soil stabilization measures.

The road and landings on the neighboring property were used recently, and the neighbor has granted permission to use them for harvesting the Decker property. Further entries into the stand will utilize this system of roads, landing, and skid trails to avoid further impact. The road and landings appear well placed and stable, and have proper drainage devices.

All skid trails should have proper waterbreaks installed, and slash packed (or grass seeded/straw mulched) as much as feasible. Line pulling from skid trails (or the use of a small yarder) on the ridgetop will minimize the need for new skid trails.

Timber: Stand Improvement

In order to achieve a fully stocked stand for the future, tree planting and sprout thinning is recommended. The objective is to achieve a fully stocked stand of redwoods with an average spacing of 10-14 feet. This stand improvement will be conducted in areas that have supported redwood in the past.

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Multiple stump sprouts resulting from harvesting should be thinned to an average of 2-3 healthy sprouts **per** stump. This practice should be completed between **3** to **5** years after harvest. This will produce healthier and more vigorous young trees in the understory. Dead and unhealthy small trees and sprouts should be removed to reduce competition and reduce fire hazard. All thinnings **will** be lopped to within 30 inches of the ground.

Tree planting should be limited to those areas that are open enough for a good chance of establishment and growth. Areas for planting trees should be cleared of brush and logging slash during the clean up after logging. It is recommended that 2-0 (2 year old) redwood seedlings from the appropriate seed zone be planted on a **8'** by **8'** spacing. The removal of competing vegetation around each seedling for the first **3** years will likely be necessary for seedling survival. Protection such as tubing seedlings may be necessary due to deer browsing.

APPENDIX

Maps

Vicinity Map
Plat Map
Topographic Map
Cooper Clark Landslide Map

Timber Cruise Data

Catalog
Volume by Species, Sort, and Grade
Stand Table by Dbh Class

0519
ATTACHMENT 5
DECKER PROPERTY
Browns Creek
Santa Cruz County, CA



T 10 S, R 2 E, Sections 31 & 32
Scale 1" = 500'

VICINITY MAP

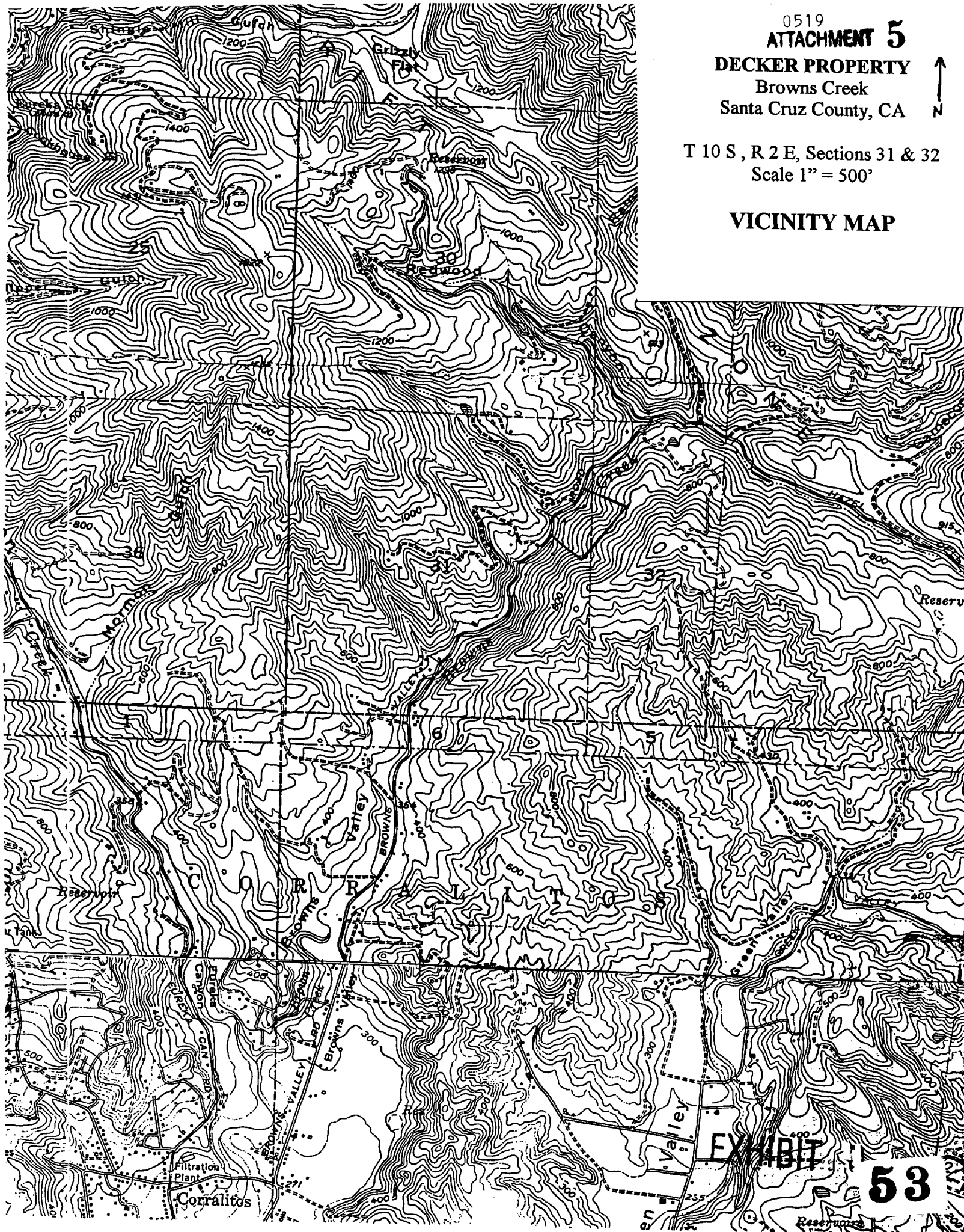
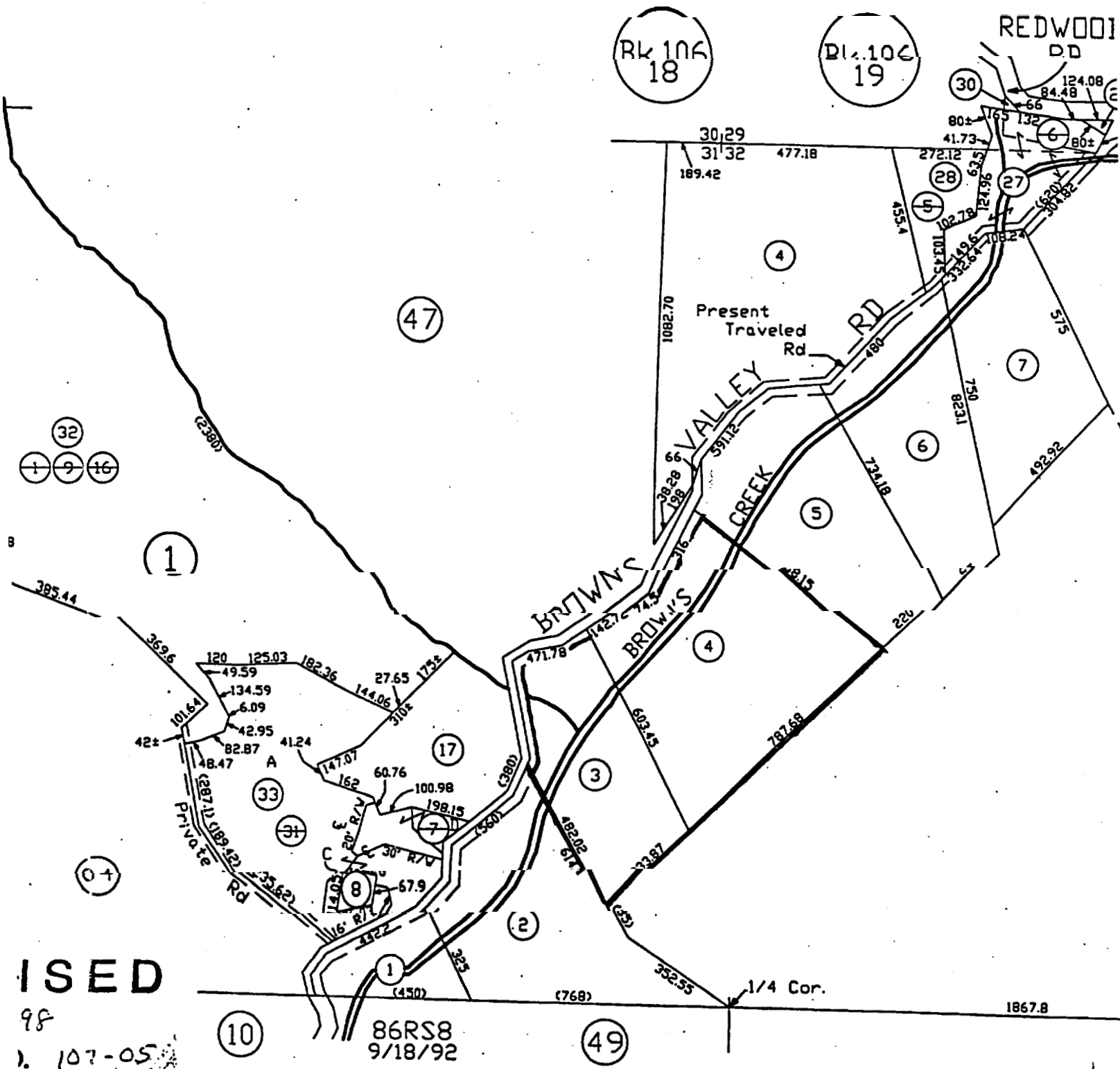


EXHIBIT 53

ATTACHMENT 5

SECS ONLY POR. SECS. 29,30,31 & 32, T.10S., R.2E., M.D.

ACCURACY NOT ASSUMES ANY
WARRANTY. ALL RIGHTS RESERVED.
ASSESSOR 1997



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ATTACHMENT 5

0521

Browns Creek

800

800

32

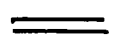

DECKER PROPERTY
Browns Creek
Santa Cruz County, CA

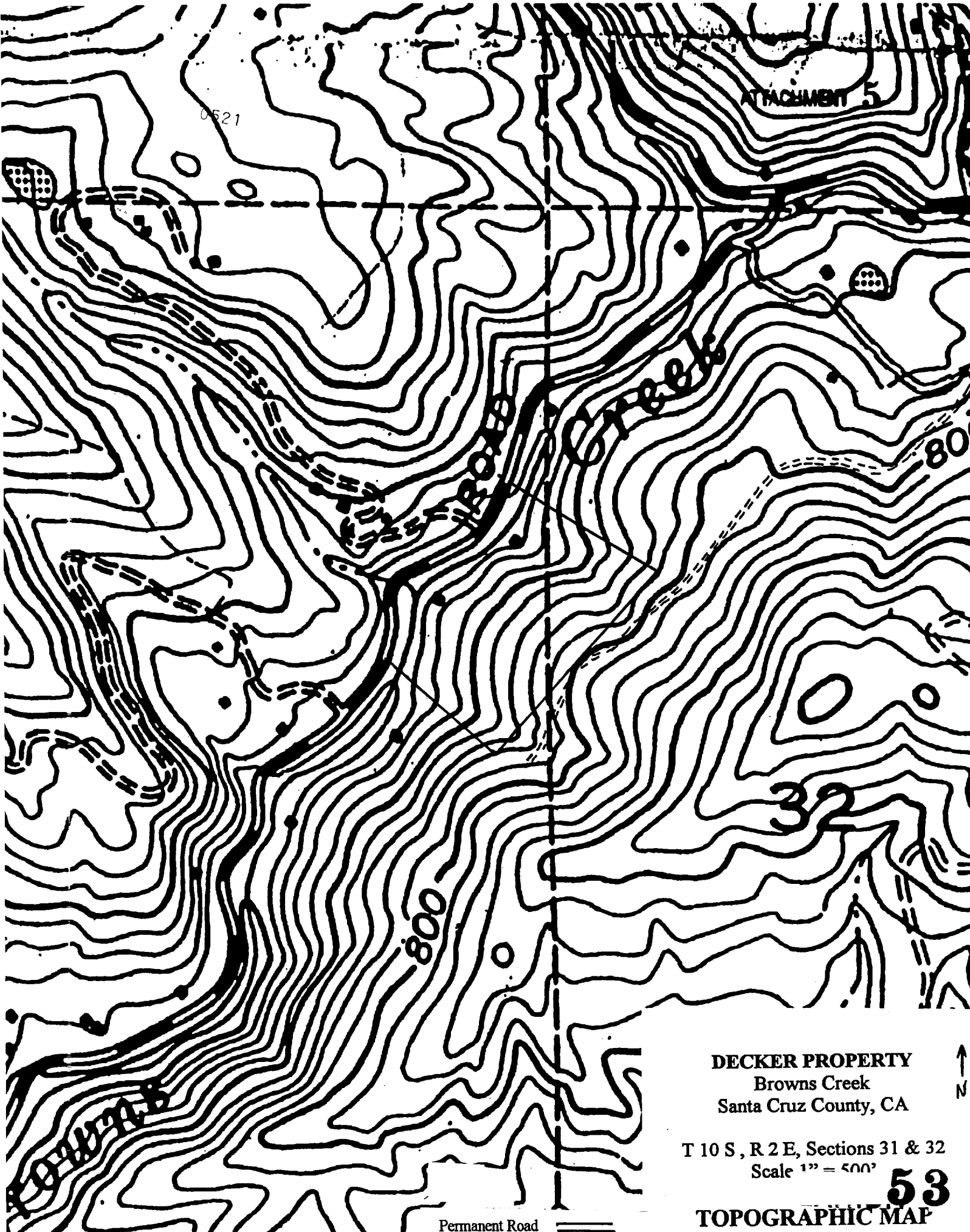


T 10 S, R 2 E, Sections 31 & 32
Scale 1" = 500'

53

TOPOGRAPHIC MAP

Permanent Road 
Easement Road 



DECKER PROPERTY
Browns Creek
Santa Cruz County, CA

T 10 S, R 2 E, Sections 31 & 32
Scale 1:24000

COOPER-CLARK LANDSLIDE MAP

0522

ATTACHMENT 5



53

EXHIBIT

121°4
111000 E

PROJECT REPORT(LA)
CATALOG

PROJECT DECKER
TWP 10S RGE 02E SEC 31

Tract: SANTA CRUZ

PAGE 1
DATE: 08/10/99
TIME: 01:39pm

TYPE	NO	ACRES	SP	YRS	D4H	FF	BOL HGT	BA/A SQFT	TREE /AC	LOGS /AC	AVE CF	LOG BF	-PER ACRE- CF	BF	---TOTAL--- CUNITS	MBF	
0001	10.00																
	DF	100		35.8	82	108	9.1	1.3	4	104	603	397	2290		40	23	
	RW	100		25.6	81	91	167.4	47.0	121	55	294	6658	35595		666	356	
	<u>TYPE</u>			<u>25.9</u>	<u>81</u>	<u>92</u>	<u>176.5</u>	<u>48.3</u>	<u>125</u>	<u>57</u>	<u>304</u>	<u>7054</u>	<u>37885</u>		<u>705</u>	<u>379</u>	
PR	10.00																
	DF			35.8	82	108	9.1	1.3	4	104	603	397	2290		40	23	
	RW			25.6	81	91	167.4	47.0	121	55	294	6658	35595		666	356	
	<u>PROJ</u>							<u>48.3</u>	<u>125</u>	<u>57</u>	<u>304</u>	<u>7054</u>	<u>37885</u>		<u>705</u>	<u>379</u>	

ATTACHMENT 5

TYPE REPORT (FJ)
SPP, SORT, GRADE, LEN % - BDFT

PROJECT DECKER TRACT: SANTA CRUZ Plots 10 BFT:C PAGE 1
TWP LOS RGE 02E SEC 31 TY 0001 AC 10.00 Trees 99 CUB:1 DATE: 08/10/99
JH TIME: 01:36pm

SP	SORT	GRADE	PCT BDFT / ACRE		TOT	%BDFT/AC BY GROSS LEN.				AV	BDFT/	LOGS		
			BDFT	GROSS		NET	MBF	12-19	20-25				26-34	35-40
DF	DOMESTIC	2SAWMILL	27	642	619	6					100	40	884	1
DF	DOMESTIC	3SAWMILL	37	892	850	9					100	37	708	1
DF	DOMESTIC	4SAWMILL	18	515	421	4		12	19		69	30	248	2
DF	DOMESTIC	2SAWMILL	10	249	235	2					100	40	2350	
DF	DOMESTIC	3SAWMILL	7	165	165	2					100	40	1650	
DF	CULL	0		70										
DF	TOTAL		6	2533	2290	23		2	4		94	34	603	4
RW	DOMESTIC	2SAWMILL	53	19660	18945	189		1			99	38	601	32
RW	DOMESTIC	3SAWMILL	40	14525	14295	143			3	4	93	36	260	55
RW	DOMESTIC	4SAWMILL	7	2540	2355	24		13	36	34	16	22	68	35
RW	CULL	0		650										
RW	TOTAL		94	37375	35595	356		1	3	4	91	33	294	121
TYPE	TOTAL		100	39908	37885	379		1	3	4	91	33	304	125

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TYPE REPORT (IA)
STAND TABLE BY D4H CLASS - TOP

PROJECT DECKER TRACT: SANTA CRUZ Plots 10 BFT:C PAGE 1
TWP 10S RGE 02E SEC 31 TY 0001 AC 10.00 Trees 99 CUB:1 DATE: 08/10/99
JH TIME: 01:40pm

-----D 4 H -----
TOTALS REF 00-09 10-13 14-17 18-21 22-25 26-29 30-33 34-37 38+

DOUG FIR

TOT HGT	135						128	136	171
TREES/AC	1.3						0.6	0.6	0.1
BA/AC	9.1						3.4	4.2	1.5
CUFT/AC	397						143	195	58
BDFT/AC	2290						815	1075	400
BDFT%	6						2	3	1
LOGS/AC	4						2	2	0
TONS/AC	11						4	6	2
POLES/AC									
CR RATIO									

REDWOOD

TOT HGT	112	72	79	105	108	122	129	131	143
TREES/AC	47.0	0.5	7.5	7.5	9.5	11.0	6.0	2.5	2.5
BA/AC	167.4	0.4	9.8	14.9	28.7	43.1	31.5	16.1	22.9
CUFT/AC	6658	11	255	541	1061	1690	1353	697	1053
BDFT/AC	35595	50	1000	2580	5300	9035	7520	3890	6220
BDFT%	94	0	3	7	14	24	20	10	16
LOGS/AC	121	1	12	18	25	32	18	8	8
TONS/AC	166	0	6	14	27	42	34	17	26
POLES/AC									
CR RATIO									

TYPE

TOT HGT	112	72	79	105	108	122	129	132	144
TREES/AC	48.3	0.5	7.5	7.5	9.5	11.0	6.6	3.1	2.6
BA/AC	176.5	0.4	9.8	14.9	28.7	43.1	34.8	20.4	24.4
CUFT/AC	7054	11	255	541	1061	1690	1496	892	1111
BDFT/AC	37885	50	1000	2580	5300	9035	8335	4965	6620
BDFT%	100	0	3	7	14	24	22	13	17
LOGS/AC	125	1	12	18	25	32	20	9	8
TONS/AC	178	0	6	14	27	42	38	23	28
POLES/AC									
CR RATIO									

QUAD D4H ON TREES >= 8.00 IS 25.9
BA/AC FOR TREES WITH D4H >= 20.00 IS 80

GARY PAUL
Forestry Consultant

5521 Scotts Valley Drive, Suite 235
Scotts Valley, CA 95066
831-438-8968 FAX 831-438-8329

June 7, 2000


Cathleen Carr
Planning Dept.
County of Santa Cruz
701 Ocean St.
Santa Cruz, CA 95062

RE: Application No. 99-0677, Decker rezone to TPZ

Dear Ms. Carr:

Enclosed is the license agreement between Beeson and Decker, which gives the Deckers permanent access for timber harvest purposes. As I understand it, this completes the information necessary for processing the application. Please advise if anything else is needed.

Yours truly,


Gary Paul

WHEN RECORDED MAIL TO:

Herb Decker
846 Browns Valley Rd,
Watsonville, CA 95076

LICENSE AGREEMENT RELATING TO TIMBER HARVEST

This Agreement is entered into effective ~~as~~ of May 5, 2000 by and between Ron Beeson, hereafter referred to ~~as~~ "Licensor", and Herb Decker and Valerie Decker hereafter referred to as "Licensee".

Licensor is the owner of certain real property situated in ~~an~~ incorporated area of **Santa Cruz** County, California, APN 107-052-08, and more particularly described in Exhibit **A**, which is attached to *this* Agreement and hereby incorporated by reference.

Licensee is the owner of certain real property situated in an unincorporated area of **Santa Cruz** County, California, APN 107-052-03 and 107-052-04, and more particularly described in Exhibit B, which is attached to *this* Agreement and hereby incorporated by reference.

Licensor grants to Licensee a license, subject to the terms of this Agreement. The license granted in this Agreement is non-revocable so long as the Licensee's property has marketable timber and is zoned TPZ.

The license granted in this Agreement is a license for ingress and egress to be used exclusively for purposes of commercial timber harvesting on Licensee's property. Such harvesting will be done only pursuant to this agreement and in conjunction with and subject to the control of commercial timber harvesting done by Licensor at the same time on his property. The licensee is permitted to use the same road used by Licensor to remove the timber from his property. In addition, the license includes the use of skid trails to be built on Licensor's property to bring timber to the road. Such skid trails will be designated by Licensor's forester, and will be kept to the minimum required to harvest Licensee's timber. The license further includes the right to use a log landing for the loading of timber onto trucks.

Licensee must use reasonable care in exercising any and all rights in the use of the license

In consideration therefore, Licensee agrees to pay Licensor a fee of 20% of the net proceeds from

ATTACHMENT 5

each of Licensee's timber harvests. Net proceeds is defined as the log delivered price less logging and trucking costs. State yield taxes, income taxes, and forestry costs are not to be considered in computing net proceeds. Licensee agrees that the fee to be paid Licensor is to be paid directly to Licensor from the sawmill purchasing Licensee's timber, as an assignment of proceeds.

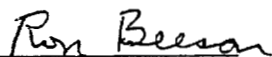
The Licensee assumes all risk of injury to or death of persons and for all loss of or damage to property while using the license granted hereby, and agrees to indemnify and hold harmless Licensor from all liability, loss, cost and expense including attorney's fees resulting from such injury, death, loss and/or damage. Prior to entering on Licensor's property Licensee will provide Licensor with a certificate of insurance, from a company acceptable to Licensor, naming Licensor as an additional insured with coverage for personal injury and property damage of not less than \$1,000,000.00

If any legal action or proceeding arising out of or relating to this Agreement is brought by any party to this Agreement, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs, and expenses incurred in the action or proceeding by the prevailing party.

This Agreement constitutes the entire agreement between Licensor and Licensee relating to the above license. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by Licensor and Licensee.

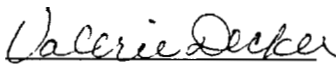
This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, and successors of Licensor and Licensee and shall run with the respective properties.

Licensor


Ron Beeson

Licensee


Herb Decker


Valerie Decker

STATE OF CALIFORNIA)
)ss.
COUNTY OF SANTA CRUZ)

On May 23 2000, before me, the undersigned a notary public in and for said state, personally appeared Valerie Decker personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

Witness my hand and seal on the above date.

Stephanie Weisman
Notary Public

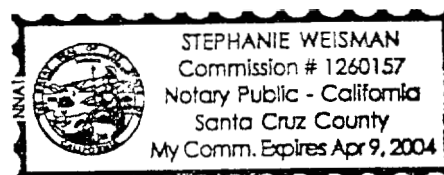


STATE OF CALIFORNIA)
)ss.
COUNTY OF SANTA CRUZ)

On May 23 2000, before me, the undersigned, a notary public in and for said state, personally appeared Herbert Decker personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

Witness my hand and seal on the above date.

Stephanie Weisman
Notary Public



STATE OF CALIFORNIA)
)ss
COUNTY OF SAN MATEO)

On May 5 2000, before me, the undersigned, a notary public in and for said state, personally appeared RON BEESON personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

Witness my hand and seal on the above date.

Donald A. Wilson
Notary Public

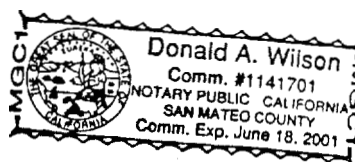


EXHIBIT "A"

The land referred to herein is described as follows:

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

PARCEL ONE :

BEING A PART OF SECTION 32, T. 10 S., R. 2 E., M. D. B. AND M. AND BEGINNING ON THE WEST BOUNDARY OF THE SALSIPUEDES RANCHO, AT THE SOUTHWEST CORNER OF LANDS OF ONE CHARLES ROSSI; AND RUNNING THENCE ALONG THE SAID CHARLES ROSSI'S WESTERN BOUNDARY AND THE WEST BOUNDARY OF RANCHO SALSIPUEDES NORTH 4 DEGREES EAST 29 CHAINS TO THE STAKE R.R.K.M.; FROM WHICH A REDWOOD TREE MARKED W BEARS NORTH 55 3/4 DEGREES WEST 16 LINKS DISTANT; THENCE LEAVING SAID BOUNDARY SOUTH 80 DEGREES WEST 3.84 CHAINS TO A STATION FROM WHICH A W OR A REDWOOD STUMP 5 FEET IN DIAMETER BEARS NORTH 48 1/4 DEGREES EAST 14 LINKS DISTANT; THENCE NORTH 4 DEGREES EAST 5.60 CHAINS TO AN OAK TREE ON THE SOUTH SIDE OF THE COUNTY ROAD LEADING TO CORRALITOS; THENCE ALONG THE SAID SOUTH SIDE OF THE SAID COUNTY ROAD NORTH 64 DEGREES WEST 6 CHAINS; SOUTH 85 1/2 DEGREES WEST 12 CHAINS; SOUTH 65 3/4 DEGREES WEST 2.94 CHAINS AND SOUTH 40 1/2 DEGREES WEST 5.17 CHAINS TO A REDWOOD TREE 2 FEET IN DIAMETER; THENCE LEAVING SAID ROAD SOUTH 24 DEGREES 35' EAST 23.12 CHAINS TO A REDWOOD STUMP AND SOUTH 24 DEGREES 35' EAST 7.50 CHAINS TO A STATION; AND THENCE SOUTH 73 DEGREES 50' EAST 10.98 CHAINS TO THE PLACE OF BEGINNING.

EXHIBIT "B"

The land referred to herein is described as follows:

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

BEING A PART OF SECTIONS 31 AND 32, IN TOWNSHIP 10 SOUTH, RANGE 2 EAST, M.D.B. & M., AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING IN THE CENTERLINE OF THE COUNTY ROAD KNOWN AS THE BROWN'S VALLEY ROAD AND ON THE WESTERLY BOUNDARY OF LANDS CONVEYED BY J.P. NELSON ET AL. TO DANIEL T. BAHNSEN BY DEED DATED NOVEMBER 12TH, 1913, AND RECORDED IN VOLUME 253 AT PAGE 493 OF DEEDS, ON RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CRUZ COUNTY, AND FROM WHICH THE END OF COURSE READING "NORTH 51 1/2" EAST 3.50 CHAINS" IN SAID ABOVE MENTIONED DEED BEARS SOUTH 26' 22' WEST 101.66 FEET DISTANT, AND A BRAD IN A "W" MARKED ON A 12" REDWOOD TREE BEARS SOUTH 73' 53' EAST 19.11 FEET DISTANT, AND ANOTHER BRAD IN A "W" ON A 12" REDWOOD TREE MEASURES 31.93 FEET DISTANT; THENCE RUNNING ALONG THE CENTERLINE OF SAID ABOVE MENTIONED COUNTY ROAD AND THE WESTERLY BOUNDARY OF SAID ABOVE MENTIONED LANDS, NORTH 26' 22' EAST 10.54 FEET TO A STATION; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 5' 23' WEST 231.00 FEET TO A STATION; THENCE LEAVING SAID ABOVE MENTIONED BOUNDARY AND RUNNING ALONG THE CENTERLINE OF THE PRESENT TRAVELED COUNTY ROAD NORTH 52' 52' EAST 50.00 FEET TO A STATION; NORTH 75' 22' EAST 112.00 FEET TO A STATION; AND NORTH 53' 02' EAST 78.78 FEET TO A BOLT DRIVEN IN THE BROWN'S VALLEY ROAD AT THE NORTHWESTERLY CORNER OF THE 1.954 ACRE TRACT OF LAND FIRST DESCRIBED IN THE DEED FROM JACK B. HAMILTON AND RUTH ELLEN HAMILTON TO F. STANLEY SAVOY AND LUCIENNE M. SAVOY, RECORDED JUNE 28, 1950 IN VOLUME 779 OF OFFICIAL RECORDS PAGE 200; THENCE LEAVING SAID ROAD, ALONG THE WESTERLY BOUNDARY OF SAID 1.954 ACRE TRACT, SOUTH 27' 00' EAST 603.45 FEET TO A SPIKE DRIVEN IN THE STUMP OF A 12" TAN OAK FROM WHICH A SPIKE IN A 40" REDWOOD TREE BEARS SOUTH 72' 58' WEST 11.75 FEET; THENCE SOUTH 46' 02' WEST 333.87 FEET TO AN IRON PIPE FROM WHICH THE PLACE OF BEGINNING BEARS NORTH 28' 06' WEST 482.02 FEET DISTANT; THENCE NORTH 28' 06' WEST 482.02 FEET TO THE PLACE OF BEGINNING.

APN: 107-052-03

STATE OF CALIFORNIA)
COUNTY OF Santa Clara)ss.

on October 27, 1988, before me, the undersigned, a Notary Public in and for said County and State personally appeared Wynn Kinsell

proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument as Asst. President, and Secretary of the Corporation therein named; and acknowledged to me that such Corporation executed the within instrument pursuant to its By-laws or a Resolution of its Board of Directors.

Lacy Mercer
Notary Public, State of California

My Commission expires 1991



0532

ATTACHMENT 5

"Exhibit B"

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEING A PART OF SECTIONS 31 AND 32 IN TOWNSHIP 10, SOUTH RANGE 2 EAST, MOUNT DIABLO BASE AND MERIDIAN AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEING A PORTION OF THE LANDS CONVEYED BY MABEL B. SANBORN TO JACK B. HAMILTON AND RUTH ELLEN HAMILTON BY DEED DATED JUNE 25, 1946 AND RECORDED JULY 11, 1946 IN VOLUME 665 OF OFFICIAL RECORDS AT PAGE 352, SANTA CRUZ COUNTY RECORDS.

BEGINNING AT THE BOLT SET IN THE MIDDLE OF THE BROWNS VALLEY ROAD AT THE MOST NORTHERLY CORNER OF PARCEL 1 OF THE ABOVE CONVEYANCE TO HAMILTON FROM WHICH POINT A BRAD IN A "W" IN A 14 INCH REDWOOD TREE BEARS SOUTH 31 DEGREES 52' EAST 24.44 FEET; THENCE FROM SAID POINT OF BEGINNING AND RUNNING ALONG THE NORTHEAST BOUNDARY OF SAID PARCEL 1, BEING THE SOUTHWEST BOUNDARY OF PARCEL 2 OF LANDS OF HAMILTON, SOUTH 27 DEGREES 31' EAST 582.32 FEET TO A 3/4 INCH PIPE AT THE MOST EASTERLY CORNER OF THE ABOVE MENTIONED PARCEL 1; THENCE ALONG THE SOUTHEAST BOUNDARY OF LAND OF HAMILTON SOUTH 46 DEGREES 02' WEST 152.68 FEET TO A SPIKE DRIVEN IN THE STUMP OF A 12 INCH TAN OAK FROM WHICH A SPIKE IN A 40 INCH REDWOOD TREE BEARS SOUTH 72 DEGREES 58' WEST 11.75 FEET; THENCE LEAVING SAID BOUNDARY OF HAMILTON, NORTH 27 DEGREES 00' WEST 603.45 FEET TO A BOLT DRIVEN IN THE BROWNS VALLEY ROAD ON THE NORTHWEST BOUNDRY OF SAID LANDS OF HAMILTON; THENCE ALONG SAID BOUNDARY NORTH 53 DEGREES 33' EAST 142.72 FEET (THIS LINE BEING SHOWN OF RECORD AS NORTH 53 DEGREES 02' EAST) TO THE PLACE OF BEGINNING.

PARCEL TWO:

BEING A PART OF SECTIONS 31 AND 32 IN TOWNSHIP 10 SOUTH, RANGE 2 EAST, MOUNT DIABLO BASE AND MERIDIAN AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING IN THE CENTERLINE OF THE PRESENT TRAVELED COUNTY ROAD KNOWN AS BROWNS VALLEY ROAD AT A STATION FROM WHICH THE END OF COURSE READING "NORTH 5 DEGREES WEST 3.50 CHAINS; IN DESCRIPTION OF LANDS CONVEYED BY J. F. NELSEN, ET AL. TO DANIEL T. BAHNSON BY DEED DATED NOVEMBER 12, 1913 AND RECORDED IN VOLUME 253 OF DEEDS AT PAGE 493, SANTA CRUZ COUNTY RECORDS, BEARS THE FOLLOWING COURSES AND DISTANCES: SOUTH 53 DEGREES 02' (EAST) WEST 221.50 FEET; SOUTH 75 DEGREES 22' WEST 112.00 FEET AND SOUTH 52 DEGREES WEST 50.00 FEET DISTANT AND AN 8 INCH REDWOOD MARKED WITH A BRAD IN A "W" BEARS SOUTH 32 DEGREES 23' EAST 24.44 FEET

0533

13

"Exhibit B"

ATTACHMENT 5

DISTANT AND AN IRON PIPE BEARS SOUTH 27 DEGREES 31' EAST 20.27 FEET DISTANT; THENCE FROM SAID PLACE OF BEGINNING AND RUNNING ALONG THE CENTERLINE OF THE PRESENT TRAVELED ROAD, NORTH 53 DEGREES 02' EAST 74.50 FEET TO A STATION; NORTH 25 DEGREES 42' EAST 316.00 FEET TO A STATION FROM WHICH A MARKED "W" WITH A BRAD ON A 6 INCH TAN OAK BEARS NORTH 3 DEGREES 55' WEST 25.51 FEET DISTANT AN IRON PIPE BEARS SOUTH 52 DEGREES 31' EAST 20.43 FEET DISTANT; THENCE LEAVING SAID ROAD SOUTH 52 DEGREES 31' EAST 668.15 FEET TO AN IRON PIPE; THENCE SOUTH 46 DEGREES 02' WEST 635.00 FEET TO AN IRON PIPE FROM WHICH THE PLACE OF BEGINNING BEARS NORTH 27 DEGREES 31' WEST 583.86 FEET DISTANT; THENCE NORTH 27 DEGREES 31' WEST 583.86 FEET TO THE PLACE OF BEGINNING.

ASSESSOR'S PARCEL NO. 107-052-04

STR: SEPTEMBER 23, 1988
CG

JOHN COYLE &
ASSOCIATES, INC
Engineering Geologists

ATTACHMENT 5

March 20,2000
Project No. P009-00

TO: Mr. Gary Paul
Registered Professional Forester
5521 Scotts Valley Drive, Suite 235
Scotts Valley, California 95066

SUBJECT: FOCUSED GEOLOGIC REVIEW
Ground Cracks Above Dormant Rock Slide Area
Decker Property Timber Management Plan
APN 107-052-03& 04 (Sec. 31 & 32, T10S, R3E)
Browns Valley Road
Santa Cruz County, California

Dear Mr. Paul:

At your request we have completed a geologic field reconnaissance of some ground cracks that have developed above an area of past slope instability. The purpose of our reconnaissance was to assess the ground cracks with respect to a proposed timber management plan for the Decker Property. The cracks were observed by the forester during preparation of the plan. We conducted our reconnaissance on February 17,2000. As agreed to our reconnaissance was confined to assessment of the ground cracks.

SITE CONDITIONS

The area of the timber management plan is located above Browns Creek on a northwest-facing slope characterized by steep hillside topography. Geologic mapping published by Brabb (1989) and McLaughlin and others (1988) show the area of the plan is underlain by interbedded siltstone and sandstone of the Purisima Formation. In the area of the property these bedrock materials exhibit a general east-west strike and a moderately steep dip to the south. Landslide mapping prepared by Cooper-Clark Associates (1975) does not show the property to be underlain by a large deep-seated landslide. However, our review of several pairs of sequential years of stereoscopic aerial photographs suggest that most of the property in question is underlain by a large deep-seated landslide deposit.

PMB 427
101 First street
Los Altos, California 94022
650-948-4279

ATTACHMENT 5

The general site conditions are shown, schematically in Figure 1. The area where the ground cracks have developed is located on a relatively flat bench bounded on the upslope side by an arcuate break-in-slope. We interpret this bench and arcuate break-in-slope as a relatively smaller landslide nested in the larger deep-seated landslide discussed above. It appears that a portion of this smaller slide was involved in a relatively thin slope failure sometime between 1989 and 1994. This failure left a very steep to near vertical slope of broken rock and earth materials. The ground cracks have developed behind the crown of the scarp (the slide scarp associated with the slide that occurred between 1989 and 1994). The ground cracks vary from about 12 to 25 feet behind the crown of the most recent slide scarp. The cracks vary up to 1-1/2 to 2 feet wide and are up to 1-1/2 to 2 feet deep. The cracks are locally filling with leaf litter and organic debris. It should be noted that other slide scarps were noted elsewhere in the plan area.

DISCUSSION

The ground cracks noted above are tension cracks opening up and developing most likely in response to the over steepened slope that developed after the relatively thin slope failure that occurred between 1989 and 1994. The presence of the ground cracks suggests the slope failure is probably an active process. The cracks suggest that the slope is failing through a toppling process. The rate of failure at this time appears to be slow. Though the rate of movement is currently slow it is likely that when failure occurs it will be quick and catastrophic.

The impact of harvest activities on the continued development of the ground cracks is difficult to assess. The slope is unstable and will fail sooner-or-later of its own accord. Any trees between the ground cracks and the edge (crown) of the steep to near-vertical slope will be lost. However it would probably be prudent at this time to leave the area between the ground cracks and the top of the slope undisturbed.

Overall the area of the management plan has apparently experienced little on the way of slope instability. Over the time span represented by the aerial photographs reviewed (1935 to 1994) the slopes appear to have experienced only possibly two small failures.

ATTACHMENT 5

This includes photo coverage closely following major storm events of 1955 and 1982, and a major earthquake.

CONCLUSIONS

It is our opinion that some harvesting could occur above the ground cracks, however it should be selective. The number of trees harvested should not be so great as to seriously affect evapotranspiration processes. It is our judgment that selective harvesting could occur and not greatly speed up the failure process associated with the ground cracks. It should be clearly understood that regardless what is done, what harvest activities occur - including no harvest, the slope will eventually fail. The only issue is whether it is soon or at some later time and to a lesser extent how much impact harvest activities will have on accelerating the process. The following recommendations are intended to allow for some removal of existing timber before it is lost to slope failure processes while, at the same time, not significantly accelerating the slope failure processes.

RECOMMENDATIONS

The following recommendations shall be incorporated into the management plan. Please refer to Figure 1

- No harvest activity shall be allowed between the ground cracks and the edge of the steep near vertical slope of the slide scar that formed between 1989 and 1994.
- The area between the ground cracks and the steep arcuate scarp is characterized by relatively gentle ground. In this area 30% of the redwood trees (18-inch diameter dbh or greater) present can be cut, but no equipment will be allowed to operate in this area.
- On the scarp above the bench there should be no harvesting,

ATTACHMENT 5

- In the areas above the arcuate scarp associated with the older small slide (in which the most recent failure has occurred), a **25** foot set back no-harvest zone from the crown of the scarp shall be delineated in the field.
- The CEG shall assist the forester in the field in marking the setback above the crown of the slide.

INVESTIGATION LIMITATIONS

Our services consist of professional opinions and recommendations made in accordance with generally accepted engineering geology and forest management principles and practices. No warranty, express or implied, or merchantability or fitness is made or intended in connection with our work, or by the furnishing of oral or written reports or findings.

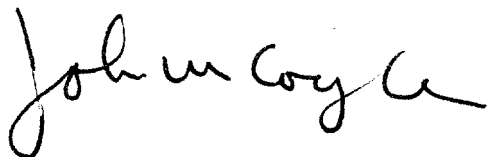
This letter report is issued with the understand that it is the responsibility of the owner or his representative to bring the information contained herein to the attention of foresters and all contractors and subcontractors, and any other parties that might benefit from the knowledge of this letter.

In the event that treatment plans are changed or new plans are formulated, our conclusions and recommendations shall not be considered valid unless the changes are reviewed and this letter report is modified or verified in writing by a representative of JOHN COYLE & ASSOCIATES, INC.

If you have any questions please call.

Respectfully submitted,

JOHN COYLE & ASSOCIATES, INC.



John M. Coyle
Chief Engineering Geologist
CEG 1263

REFERENCES

Brabb, E.E., 1989, Geologic map of Santa Cruz County, California: U.S. Geological survey Miscellaneous Investigations Series Map 1-1905, scale 1:62,5000.

McLaughlin, R.J., Clark, J.C., Brabb, E.E., 1988, Geologic map and structure sections of the Loma Prieta 7-1/2' quadrangle, Santa Clara and Santa Cruz Counties, California: U.S. Geological Survey Open-File Map 88-752, scale 1:24,000.

Cooper-Clark Associates, 1975, Preliminary map of landslide deposits in Santa Cruz county [Loma Prieta Quadrangle]: unpublished map prepared for County of Santa Cruz, scale 1:24,000.

Hope, Dave, undated, Memo - Timber Management Plan (TMP) for Herbert and Valerie Decker by Gary Paul, to Cathleen Carr Application #99-0677, (assumed to be a Santa Cruz county document).

AERIAL PHOTOGRAPHY REVIEWED
(On file with U. C. Santa Cruz McHenry Library)

January 1935	1:19,512	3300-50, 51	B/W
5/14/48	1:10,000	CDF 5-3-84, 85	B/W
8/1/56	1:10,000	CJA8R-44, 45	B/W
6/13/68	1:15,000	GS-VBZK 2-103,104	B/W
10/14/75	1:12,000	5CZCO 1-198,199	B/W
1/7/82	1:20,000	USGS USC 14-10, 11	B/W
10/26/89	1:24,000	22498 14-14, 15	B/W
6/22/94	1:15,840	6-12/13	B/W

ATTACHMENT 5

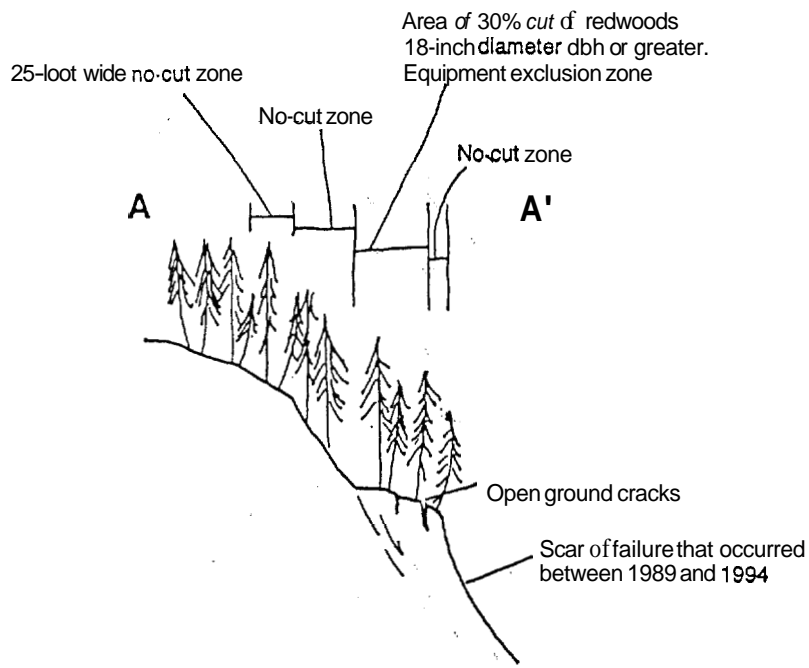
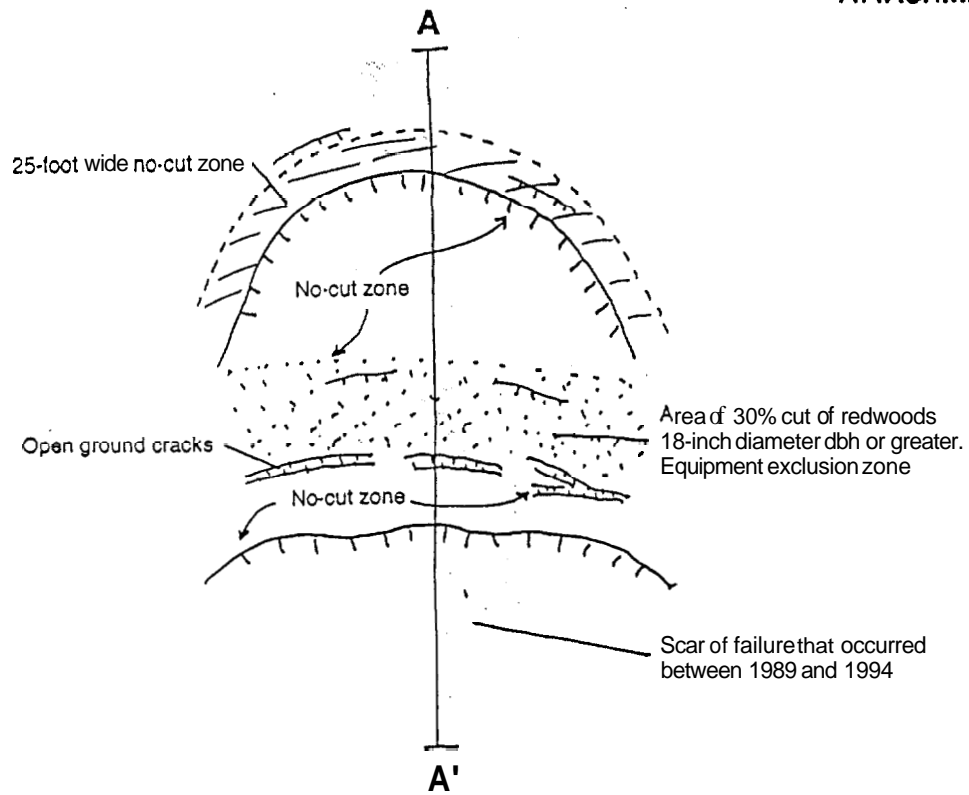


FIGURE 1 SCHEMATIC MAP AND CROSS SECTION OF AREA OF GROUND CRACKS

Not to scale

COUNTY OF SANTA CRUZ
INTER-OFFICE CORRESPONDENCE



DATE: 5/24/2001
TO: Cathleen Carr
FROM: Nicholas Clinton *Nc*

SUBJECT: 99-0677, Application to re-zone 107-052-03,04 to TPZ.

This memo serves to indicate that Gary Paul, agent of the landowner, has adequately addressed my comments and concerns regarding the Timber Management Plan for the above referenced parcels, lands of Decker. I am under the impression that the revised TMP has been submitted to you and is now part of the application.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

ATTACHMENT 5

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN JAMES, DIRECTOR

Comments on Decker Timber Management Plan, 107-052-03,04:

1. The TMP has already been reviewed by Dave Hope. His comments have apparently been addressed in that the applicant has secured a legal right-of-way through the adjacent parcel and has obtained a geologic report that develops a site specific prescription for the unstable area in question. I would add some additional comments to Dave Hope's review.
2. The TMP makes reference to the County of Santa Cruz riparian ordinance, stating that the application of this ordinance to timber harvesting is "subject to litigation." The TMP should be amended to update and/or remove this language. It is notable that Major Amendment #3 to 1-97-063 SCR (also prepared by Gary Paul) was recently approved for the parcel slightly upstream of the subject parcels and specified 50 foot no-cut buffers along Browns Creek. The TMP should recommend 50 foot no-cut buffers for the subject parcels or clarify why a prescription appropriate for an unstable area 500 feet upstream is inappropriate for a very similar unstable area on the subject parcels.
3. The TMP reports annual forest growth as a percentage of stand volume. A periodic annual increment (PAI) in board foot units is required to describe forest yield, thus productivity. In order to describe forest yield, an annual percentage must be reported with a corresponding total stand volume. This percentage growth metric is also problematic in that it obfuscates the parameter of stand *yield*. A harvest that effects a drastic reduction in standing volume results in a mathematical increase in percentage growth, even if annual yield from the stand *decreases*. In this way, an increase in percent growth could still result in a *decline in forest productivity*, an outcome in stark opposition to the intent of the Forest Practice Rules (14 CCR 897, 14 CCR 913) and the Z'Berg-Nejedly Forest Practice Act (PRC 45 13). The TMP should be modified to incorporate a prescription that maximizes productivity of high quality timber. For retention levels that maximize PAI, see County of Santa Cruz (1986), Lindquist and Palley (1963), or Oliver et al. (1994).

References Cited

1. County of Santa Cruz. 1986. Timber Management Element of the Santa Cruz County General Plan.
2. Lindquist, J.L., Marshall N. Palley. 1963. Empirical Yield Tables for Young-Growth Redwood. California Agricultural Experiment Station Bulletin 796.
3. Oliver, William W., James L. Lindquist, Rudolph O. Strothman. 1994. Young-growth Redwood Stands Respond Well to Various Thinning Intensities. Western Journal of Applied Forestry. V.9 N.4

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EXHIBIT K

PLANNING COMMISSION MINUTES- 5/8/02

Proceedings of the
 Santa Cruz County
 Planning Commission

Volume 2002, Number 9
May 8, 2002

LOCATION: Board of Supervisors, County Government Center,
 701 Ocean Street, Room 525, Santa Cruz, CA 95060

ACTION SUMMARY MINUTES

VOTING KEY

Commissioners: Holbert, Shepherd, Chair: Osmer, Bremner, Durkee

Alternate Commissioners: Hancock, Hummel, Messer, DeAlba

Commissioners present: Hummel infor Holbert, Chair: Osmer, Bremner, and Durkee.

F. CONSENT AGENDA

F-1. APPROVAL OF MINUTES

To approve the minutes of the April 24, 2002 Planning Commission meeting as submitted by the Planning Department.

Approved. Voice Vote, carried 4-0, with ayes from Bremner, Durkee, Hummel, and Osmer.

G. CONTINUED ITEMS

G-1. **99-0658** 530 17th AVE. SANTA CRUZ APN(S): 028-062-04**

Proposal to create four single-family residential parcels and a remainder lot, and to relocate the existing dwelling to within the building envelope. Requires a Minor Land Division, a Coastal Development Permit, a Roadway/Roadside Exception to allow for a landscape center median on the access street in lieu of a separated planting strip and a Significant Tree Removal Permit to remove one 28-inch cedar tree. Property is located on the southeast corner of Matthew Lane at its intersection with the 17th Avenue, about 200 feet north from Portola Drive, at 530- 17th Avenue, Live Oak.

OWNER: DODDS ROBERT M/M SS

APPLICANT: TOM CONERLY DESIGN ASSOCIATES

SUPERVISORIAL DIST: 1

PROJECT PLANNER: CATHY GRAVES, 454-3141

H. SCHEDULED ITEMS

- H-1. Proposal to create four single-family residential parcels and a remainder lot, and to relocate the existing dwelling to within the building envelope. Requires a Minor Land Division, a Coastal Development Permit, a Roadway/Roadside Exception to allow for a landscape center median on the access street in lieu of a separated planting strip and a Significant Tree Removal Permit to

Santa Cmz County Planning Commission Agenda
 April 24,2002
 Page 2

remove one 28-inch cedar tree. Property is located on the southeast corner of Matthew Lane at its intersection with the 17th Avenue, about 200 feet north from Portola Drive, at 530- 17th Avenue, Live Oak.

OWNER: DODDS ROBERT M/M SS

APPLICANT: TOM CONERLY DESIGN ASSOCIATES

SUPERVISORIAL DIST: 1

PROJECT PLANNER: CATHY GRAVES, 454-3 141

H. SCHEDULED ITEMS

H-1. 02-0065 324 AMESTI RD. WATSONVILLE APN(S): 050-421-01

Proposal to convert a recreational vehicle part to a permanent occupancy, affordable residential park to include 52 residential units (including a manager's unit), a community center, two playgrounds, site parking and circulation, and three lake viewing docks. Requires a Residential Development Permit, an Agricultural Buffer Reduction, a Riparian Exception, an Environmental Assessment, Geologic Report Review, Soils Report Review, a Biotic Assessment, and Preliminary Grading Review. Property located on the northeast side of Amesti Road (324 Amesti Road) at Pinto Lake, about .5 miles northwest from Green Valley Road.

OWNER: MP NEW COMMUNITIES ASSOCIATES

APPLICANT: MP NEW COMMUNITIES ASSOC.-ATTN: DESIREE ESPINOZA

SUPERVISORIAL DIST: 2

PROJECT PLANNER: JOAN VAN DER HOEVEN, 454-5 174

H-2. 99-0677 846 BROWNS VALLEY RD. WATSONVILLE

APN(S): 107-052-03 & 107-052-04

Proposal to rezone two parcels from the "RA" Residential Agriculture zone district to the "TP" Timber Production zone. Requires a Rezoning. Property is located on the southeast side of Browns Valley Road (at 846 and 858 Browns Valley Road), approximately 1/4 mile south of the intersection of Redwood Road and Browns Valley Road.

OWNER: DECK HERBERT A & VALERIE J H/W JT

APPLICANT: GARY PAUL

SUPERVISORIAL DIST: 2

PROJECT PLANNER: CATHLEEN CARR, 454-3225

REVISED

H-3. Proposal to implement: **1)** the Pajaro River Management and Restoration Plan on **12 miles of** the Pajaro River. **2)** the Stream Bank Erosion Assessment Recommendations on **12 miles of** the Pajaro River and all **of** Salsipuedes Creek, and **3)** a management plan for the Salsipuedes Creek and **8 miles of** Corralitos Creek. Project located on the Pajaro River from the mouth upstream to Murphy's Crossing: on Salsipuedes Creek from its confluence with the Pajaro River upstream to College Lake, and on Corralitos Creek from its confluence with Salsipuedes Creek upstream to Browns Valley bridge. Requires a Riparian Exception, Coastal Zone Permit and Grading Permit.

PROJECT PLANNER(S): KIM TSCHANTZ, 454-3170

CLAUDIA SLATER, 454-5 175

**AGREEMENT CONCERNING APPLICATION FOR REZONE
TO TIMBER PRODUCTION ZONE DISTRICT**

The County of Santa Cruz (“County”) and Herbert and Valerie Decker (“Owners”) agree as follows:

1. The County and Owners enter into this Agreement Concerning Application for Rezone to Timber Production Zone District (“Agreement”) on the basis of the following facts, understandings, and intentions:

A. Owners are the owners of certain real property, totaling approximately 14.2 acres (APNs 107-052-03 and 107-05-04)(“Property”) located at 846 and 858 Browns Valley Road, Corralitos.

B. The Property is currently zoned RA (Residential Agriculture).

C. On October 7, 1999, Owners submitted an application, including a timber management plan (“TMP”), to the County to rezone the Property to a Timber Production (“TP”) zone district.

D. In December 1998, litigation was filed against the County which included, among other claims, a challenge to the criteria that the County may consider in reviewing applications to rezone property to a TP zone district. The litigation is currently pending in the California Court of Appeal (Big Creek, et al. v. County of Santa Cruz, Civil No. H023778).

E. It is the County’s position that it is required by state law to ensure that all zoning decisions, including rezoning property to a TP zone district, are consistent with the policies set forth in the County’s General Plan and Local Coastal Program Land Use Plan (“General Plan/LCP”) and that it has the authority to deny TP rezone applications where necessary to ensure such consistency. Given that the County’s authority in this area is currently at issue in pending litigation before the Court of Appeal, the

County, in order to avoid the potential for duplicative additional litigation, has refrained from acting on rezone applications that present clear conflicts with its General Plan/LCP pending a final judicial decision.

F. The County Planning Department has determined that rezoning the Property to the TP zone district would, at a minimum, create the following potential conflicts between timber harvesting on the property and the designated County General Plan/LCP policies:

5.1 Biological Diversity

5.1.6 Development within Sensitive Habitats

5.1.7 Site Design and Use Regulations

5.2 Riparian Corridors and Wetlands

5.2.2 Riparian Corridor and Wetland Protection Ordinance

5.2.3 Activities Within Riparian Corridors and Wetlands

5.2.4 Riparian Corridor Buffer Setback

5.2.7 Compatible Uses with Riparian Corridors

5.10a and b Protection of Visual Resources

5.10b New Development in Visual Resource Areas

5.10.2 Development Within Visual Resource Areas

5.10.3 Protection of Public Vistas

6.2 Slope Stability

The subject parcels are adjacent to Browns Valley Road - a 1994 General Plan designated Scenic Road. County policy states that public vistas from designated Scenic Roads shall be afforded the highest level of protection. The removal of trees immediately adjacent to Brown's Valley Road could damage the aesthetic character of this rural, forested view shed. Browns Creek is a perennial stream crossing the subject parcels roughly parallel to Browns Valley Road. This riparian corridor provides prime spawning and

rearing habitat to Steelhead trout, a Federally listed as Threatened species. The removal of trees within the 50foot riparian corridor could damage salmonid habitat through increased water temperatures through loss of shade. Moreover, the site disturbance resulting from timber harvesting activities can increase erosion, resulting in increased turbidity and sedimentation within the stream, thereby degrading in stream water quality and aquatic habitats. Potential slope instability was noted above the existing homes following the 1989 Loma Prieta earthquake. Slope problems could be exacerbated by certain timber harvesting techniques.

G. Owners seek to have the County rezone the Property to a TP zone district prior to the issuance of the Court of Appeal decision in the Big Creek litigation so that they may proceed at their discretion to obtain all required approvals to timber harvest the Property and obtain any tax benefit resulting from the rezone. Owners further desire to ensure that future timber harvesting on the Property is consistent, to the extent feasible, with the County General Plan/LCP.

H. The County seeks to ensure that it complies with state law by approving an application to rezone the Property to TP only where the rezone would be consistent with the policies set forth in its General Plan/LCP.

I. Both Owners and the County seek to avoid the expense and risks inherent in litigation and to permit the rezone to go forward in a manner that is mutually satisfactory and beneficial to both parties.

J. In April of 2002, Owners initiated a series of discussions with the County Planning Department to discuss whether the identified potential General Plan/LCP inconsistencies could be resolved by an agreement regarding any future timber harvesting on the Property.

K. After extensive discussions, Owners and the County have agreed to enter into this Agreement and to comply with the terms and conditions set forth herein, including the timber harvesting

conditions set forth in paragraph 8, below, which they believe are just, fair and adequate.

2. Owners shall promptly submit a revised TMP to the County that complies with the timber harvesting conditions set forth in paragraph 8, below.

3. Owners shall execute the Declaration of Restrictions attached hereto and incorporated herein as Exhibit A, which includes the timber harvesting conditions that shall govern all future timber harvesting operations on the Property.

4. The County, after receipt of the revised TMP, shall promptly review the TMP to determine its consistency with the provisions of this Agreement. Once the County determines that the revised TMP fully complies with the terms of this Agreement, the County shall notice a public hearing before the Planning Commission to consider Owners' application to rezone the Property to TP.

5. The Planning Department staff shall diligently seek to procure approval of Owners' rezone application. Nothing herein contained, however, shall be deemed to restrict the discretion of the Planning Commission or, if an appeal is filed, the Board of Supervisors to consider such matters as may be appropriate, to propose modifications to this Agreement, or to deny the rezone application.

6. The parties to this Agreement shall make every effort and shall cooperate diligently to have all proceedings before the Planning Commission and any proceedings before the Board of Supervisors with regard to the rezone application concluded expeditiously.

7. If the County does not approve Owners' application to rezone the Property to TP in accordance with the terms set forth in this Agreement, then, 1) this Agreement shall have no further force or effect and shall be deemed terminated; and 2) the Declaration of Restrictions executed by Owners shall have no further force or effect, shall be deemed terminated, and shall not be filed with the Office of the County Recorder of the County of Santa Cruz.

8. If the County approves the application to rezone the Property to TP, then the County shall

file the Declaration of Restrictions with the Office of the County Recorder of the County of Santa Cruz. In addition, Owners agree that any Timber Harvest Plan (“THP”) application that they submit to the California Department of Forestry (“CDF”) to conduct timber harvesting on the Property at any time during which the Property is zoned TP or is in a zone district in which commercial timber harvesting is permitted under County law shall, at a minimum, include and be consistent with the timber harvesting conditions set forth below:

- a. *Timber harvesting and/or tree removal is prohibited within 50 feet of the southeast side of Brown’s Creek and between Brown’s Creek and Browns Valley Road with the following exceptions:*

Tree(s) posing an imminent hazard to public health and safety may be removed. However, any such tree located within 50 feet of Brown’s Creek shall require a Riparian Exception Permit prior to removal.

- b. *All timber harvesting activities shall be undertaken in strict compliance with the recommendations contained in the Geologic Review by John Coyle & Associates dated March 20, 2000.*

- c. *Nothing contained in this Agreement 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 on timber harvesting than the terms set forth in this Agreement,*

9. This Agreement shall run with the Property and be binding upon the parties hereto, and their respective employees, counsel, agents, successors and assigns.

10. Each signatory hereto represents that he or she is authorized to execute this Agreement so as to bind the parties on whose behalf he or she is a signatory. The parties have read and understand the terms of this Agreement. Each party is fully aware of the contents of this Agreement and its legal effect, although Owners have chosen not to be represented by counsel in their negotiations for and in the preparation of this Agreement.

11. This Agreement constitutes the entire agreement between the parties and all other prior

agreements or understandings, written or oral, are merged into and superseded by the terms of this Agreement, which may not be altered, modified, or otherwise changed excepted by a writing signed by the duly authorized representatives of the parties to this Agreement.

12. Owners and the County shall reasonably cooperate with one another in order to effectuate the purposes of this Agreement. The parties to this Agreement shall attempt in good faith to resolve through negotiation any dispute, claim or controversy regarding the interpretation or application of this Agreement. Either party may initiate negotiations by providing written notice in letter form to the party from whom relief is requested, setting forth the subject of the dispute and the relief requested. The recipient of such notice shall respond within five days with a written statement of its position on, and recommended solution to, the dispute. If the dispute is not resolved by this exchange of correspondence, then representatives of the parties shall meet at a mutually agreeable time and place (either in person or by telephone) within ten days of the date of the initial notice in order to exchange relevant information and perspectives, and to attempt to resolve the dispute.

13. Any written communications concerning this Agreement shall be delivered to the parties at the addresses set forth below:

County of Santa Cruz:

Planning Director
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Owners:

Herbert and Valerie Decker
846 Browns Valley Road
Watsonville, CA 95076


These addresses may be modified by written notification to the other party.


14. This Agreement shall be interpreted and construed in the manner best calculated to carry out its purposes of achieving the objectives set forth in paragraph 1, subparagraphs G, H, and I, above.

15. This Agreement shall become effective on the date that it is signed by the signatories set forth below.

16. This Agreement shall be signed by the parties below and may be executed in separate counterparts.

DATED: 4-25-02

By 
Herbert Decker

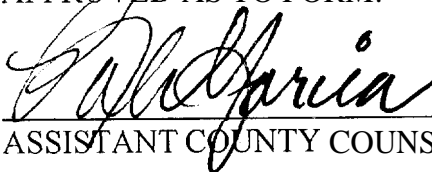
By 
Valerie Decker

DATED: 4-25/02

COUNTY OF SANTA CRUZ, et al.

By _____
Chair, Board of Supervisors

APPROVED AS TO FORM:


ASSISTANT COUNTY COUNSEL

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, CA 95060
Attn: Cathleen Carr

RE: APN 107-052-03 and 04

DECLARATION OF RESTRICTIONS

RECITALS

A. THIS DECLARATION is made in the County of Santa Cruz, State of California, effective date shown below, by Herbert and Valerie Decker (“Declarants”), owners of real property described in Exhibit “A” attached hereto and incorporated herein by reference (“Subject Property”). Declarants enter into this Declaration for the purpose of complying with the Agreement Concerning Application for Rezone to Timber Production Zone District entered into between the Declarants and the County of Santa Cruz (“County”) on April 25, 2002 (“Agreement”).

B. Declarants applied to rezone the Subject Property to a Timber Production (“TP”) zone district so that they could conduct timber harvesting on the Subject Property. The County Planning Department determined that timber harvesting on the Subject Property created potential conflicts with the County’s General Plan and Local Coastal Program Land Use Plan (“General Plan/LCP”). The Agreement provides, in part, that if the County approved the rezone to TP, Declarants agreed to a number of conditions regarding the manner of harvesting the timber on the Subject Property that would reduce or eliminate the potential General Plan/LCP conflicts. The Agreement states that the Timber Harvest Plan (“THP”), which Declarants must submit to the State in order to conduct timber harvesting on the Subject Property, must include these conditions.

C. The County entered into the Agreement because, among other reasons, it concluded that the Agreement’s conditions on timber harvesting reduce or eliminate the potential conflicts that the rezoning would create with the General Plan/LCP and therefore benefit the public at large and, more specifically, the property owners and residents in proximity to the Subject Property, while permitting Declarants to achieve the benefits of rezoning to the TP zone district and to comply with the General Plan/LCP.

D. For purposes of this Declaration, the pertinent provisions of the Agreement are as follows:

1. Paragraph 8 provides that if the County approves the application of Declarants to rezone the Subject Property to TP, Declarants agree that any THP application that they submit to the California Department of Forestry to conduct timber harvesting on the Subject Property shall, at a minimum, include and be consistent with the terms set forth in the remainder of Paragraph 8.

RESTRICTIONS

Declarants, in consideration of the County's approval of the rezone of the Subject Property to TP, a zone designation in which timber harvest operations are permitted and which benefits the Subject Property, and to comply with the terms of the Agreement, hereby declare that all of the Subject Property shall be held, transferred, sold, and conveyed subject to the following restrictions and conditions for the protection and benefit of the County and of the public at large:

1. Covenant Running with the Land. Declarants covenant and agree to restrict, and by this instrument do restrict, the future use of the Subject Property as set forth below by the establishment of this covenant which shall run with the title to the Subject Property and be binding on all parties having or acquiring any right, title or interest in the Subject Property or any part thereof, their heirs, assigns and any other transferees and successors and shall apply to each owner thereof, while each such owner owns an interest in the subject property.

2. Use of the Subject Property. Neither Declarants nor any other person shall conduct any commercial timber harvesting operations on the Subject Property inconsistent with the terms of the Agreement. In particular, the following timber harvesting conditions, set forth in paragraph 8 of the Agreement, shall govern future timber harvesting on the Subject Property:

a. *Timber harvesting and/or tree removal is prohibited within 50 feet of the southeast side of Brown's Creek and between Brown's Creek and Browns Valley Road with the following exceptions:*

Tree(s) posing an imminent hazard to public health and safety may be removed. However, any such tree located within 50 feet of Brown's Creek shall require a Riparian Exception Permit prior to removal.

b. *All timber harvesting activities shall be undertaken in strict compliance with the recommendations contained in the Geologic Review by John Coyle & Associates dated March 20, 2000.*

c. *Nothing contained in this Agreement 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 on timber harvesting than the terms set forth in this Agreement.*

3. Term. This Declaration shall commence on the effective date shown below and remain in full force and effect in perpetuity at all times during which the Subject Property is zoned TP or is in a zone district in which commercial timber harvesting is permitted under County law.

4. No Dedication; No Rights of Public Use. The provisions of this Declaration do not constitute a dedication for public use, or a conveyance of an interest in the Subject Property.

5. Enforcement. Any conveyance, contract, or authorization (whether written or oral) by Declarants or their successors in interest which would permit use of the Subject Property contrary to the terms of this Declaration shall be a breach of this Declaration. County or its successor may bring an action by administrative or judicial proceeding when County deems necessary or convenient to enforce

this Declaration. Declarants understand and agree that the enforcement proceedings provided in this paragraph are not exclusive and that the County may pursue any appropriate legal and equitable remedies available to it, and County shall recover, provided that County is the prevailing party, reasonable attorneys' fees and costs in bringing any action, whether administrative or judicial, to enforce this Declaration as against the party causing such breach.

6. Recordation of Documents. This Declaration shall be duly recorded in the Office of the County Recorder of the County of Santa Cruz following the rezoning of the Subject Property to the TP zone district. In the event that under the terms and conditions of this document, or any subsequent mutual written agreement, these restrictions are terminated with respect to all or any part of the Subject Property, the County shall, upon written request, execute and record with the County Recorder of the County of Santa Cruz any documents necessary to evidence such termination.

7. Construction of Validity/Severability. If any provision of these restrictions shall be held to be invalid, or for any reason become unenforceable, no other provision shall be thereby affected or impaired, but rather shall be deemed severable.

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

Declarant

Declarant

ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL BE ATTACHED.

STATE OF CALIFORNIA)
)
COUNTY OF SANTA CRUZ)

On this _____ day of _____, 20____, before me _____, a notary public in and for said state, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public, State of California