

**STAFF REPORT TO THE PLANNING COMMISSION**

APPLICATION NO.: 01-0041

APNs: 040-281-01 and 02

APPLICANT: Bill Vaughn

OWNER: Tim and Kristin Taylor

PROJECT DESCRIPTION: Proposal to rezone two vacant parcels (portions of Assessor's Parcel Numbers 040-281-01, 02 and 03) from the Special Use (SU) zone district to the Timber Production (TP) zone district. Requires a Rezoning.

LOCATION: The property is located on the north side of Sequoia Way about 1,000 feet north from Cathedral Drive and just north of 221 Sequoia Drive. No situs, Aptos.

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: Parcel A - 22.65 acres, Parcel B - 15.01 acres

EXISTING LAND USE: PARCEL: Vacant rural and timber production

SURROUNDING: Vacant rural and rural residential, timber production and organized camp

PROJECT ACCESS: Sequoia Way (private right-of-way)

PLANNING AREA: Aptos Planning Area

LAND USE DESIGNATION: "R-M" Mountain Residential

ZONING DISTRICT: "SU". Special Use

SUPERVISORIAL DISTRICT: Second

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. Geologic Hazards Assessment, no significant hazards noted
b. Soils	b. Nisene-Aptos complex, Lompico-Felton complex, Tierra-Watsonville Complex
c. Fire Hazard	c. None mapped
d. Slopes	d. 10 to 75%
e. Env. Sen. Habitat	e. Riparian Habitat - unnamed tributary to Mangles Gulch
f. Grading	f. Some new skid trails, new timber landings and improvements to access road may be required
g. Tree Removal	g. Future Timber Harvest Proposed
h. Scenic	h. Not visible from any designated scenic road.
i. Drainage	i. N/A
j. Traffic	j. N/A
k. Roads	k. Access via Sequoia Way, a private right-of-way
l. Parks	l. N/A
m. Sewer Availability	m. N/A
n. Water Availability	n. N/A
o. Archeology	o. No mapped resources

SERVICES INFORMATION

Water Supply:	Private Well (none existing)
Sewage Disposal:	Septic (none existing)
Fire District:	Aptos-La Selva Fire District
Drainage District:	None

## ANALYSIS & DISCUSSION

### Background

On January 24, 2001; the County Planning Department accepted this application for rezoning about 37 acres of land from the Special Use (SU) 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 Aptos planning area. The subject parcels are 22.65 acres and 15.01 respectively. Both properties are undeveloped. The original application involved three parcels (APN 040-281-01, 02 and 03). These parcels were reconfigured as part of a lot line adjustment approved under application 01-0309. Originally, parcel 040-281-01 contained a single family dwelling and parcel 040-281-03 was a vacant property about one acre in size centered within APN 040-281-01 and 02. The boundary adjustment placed the dwelling on a 1-acre residential site and consolidated the timberlands on two parcels with the boundary line running along a topographic divide (stream channel). The corresponding deeds have been recorded finalizing the lot line adjustment, however, new assessor's parcel numbers have not yet been assigned.

The subject properties are heavily timbered with numerous trees of significant size. As mentioned above, the parcels are divided by an ephemeral to intermittent stream channel, which flows to Mangles Gulch and eventually to Aptos Creek.

The subject property is bordered by TP zoned properties to the north and east. Residentially zoned parcels (R-1-3AC and R-1-15) are located to the west and south. The Zoning Map for APN 040-281-01, 02 and 03 and the surrounding parcels is included as Exhibit G.

### General Plan & Zoning Consistency

The subject parcel has a 1994 General Plan land use designation of Mountain Residential, and portions of the property are located within a mapped Timber Resource designated area (Exhibit I). Parcels 040-281-01, 02 and 03 are currently zoned Special Use. The Special Use and Timber Production zoning districts implement the Mountain Residential General Plan designation, as specified in Section 13.10.170 of the County Code.

The unnamed tributary to Mangles Gulch meets the definition of Sensitive Habitat under General Plan policy 5.1.2(c), (i) and (j). 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

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.

In addition, there are a number of trees that appear to be over 200 years old on this property. This determination was based on size or in some cases the physical structure. Ancient trees have a particularly high habitat value for wildlife and are valuable as seed trees for future generations. Approximately forty trees that are either over 100 inches in diameter or have a growth structure particularly valuable for wildlife habitat are present on this property.

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 general "no cut zone" within 30 feet of the unnamed tributary to Mangles Gulch. This no cut zone is consistent with the County's riparian corridor protection policies and corridor widths for an intermittent stream. The property east of the stream channel becomes very steep and there are no existing roads on that side of the creek. Thus, the Timber Management Plan proposes cable logging to avoid road construction and minimize disturbance on this side of the creek. Cable yarding, however, will require tree trimming and removal within the riparian corridor to provide a pathway to convey the fallen logs. The property owner has agreed to obtain a Riparian Exception Permit from the County of Santa Cruz for the removal and trimming of trees within the riparian setback necessary to create the cable corridors. This permit would be a staff level review and would ensure corridor widths are minimized. These measures would provide adequate protection for this sensitive habitat consistent with the County's Sensitive Habitat protection policies and is the superior solution to new road construction. The property owners have further agreed to permanently preserve forty trees on the property which on the basis of size or structure appear to be over 200 years old. With this agreement, the proposed rezoning will conform with the General Plan's policies for the protection of sensitive habitat and riparian corridors. 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:

- I. A map has been submitted with the legal description of the properties to be rezoned (Exhibit F).
2. A Timber Management Plan, dated December 2003, 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.
3. The parcel currently meets the timber stocking standards as set forth in Section **4561** of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located.
4. The parcel is timberland, as the parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually.

5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned is in the ownership of one person, as defined in Section 38 106 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.

### 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. 01-0041 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 and Declaration of Restriction
- D. Planning Commission Resolution
- E. Location Map
- F. Parcel Maps and Deeds
- G. Zoning Map
- H. General Plan Map
- I. Timber Resource Map
- J. Timber Management Plan by Cassady Bill Vaughn dated December 2003 (final revision)

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 Dept.  
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

## 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 a parcel which lies entirely within a Timber Resource designation, which contains timber resources meeting the timber stocking.

There is an unnamed ephemeral to intermittent tributary to Mangles Gulch dividing the two subject parcels. This stream eventually flows into Aptos Creek which provides spawning and rearing habitat for the Southern steelhead trout - a Federally listed threatened species downstream of the project site. The ephemeral/intermittent stream at the subject property and its riparian corridor meets the definition of a Sensitive Habitat under General Plan policy 5.1.2(b), (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 ephemeral and intermittent streams as 30 feet from the high water mark. The removal of trees throughout the riparian corridor could adversely affect the water quality of downstream salmonid habitat through increased water temperatures through loss of shade and erosion. Moreover, the site disturbance resulting from timber harvesting activities, including grading and access road preparation, can increase erosion, resulting in increased turbidity and sedimentation within the stream, thereby degrading in stream water quality and aquatic habitats.

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 general "no cut zone" within 30 feet of unnamed stream channel. This no cut zone is consistent with the County's riparian corridor protection policies and corridor widths for ephemeral and intermittent streams. The Timber Management Plan proposes cable yarding of timber from the east side of the stream channel. This method will require some tree cutting and trimming to create corridors for transporting the fallen logs. This method will minimize disturbance by eliminating the need to construct a stream crossing and logging roads east of the stream. The property owner has agreed to obtain a Riparian Exception in accordance with the General Plan policies for riparian protection to ensure cable corridors are located to minimize disturbance and corridor widths are minimized. Potential adverse effects on the riparian corridor Gulch will be minimized through the County permit process, permit conditions and inspections.

Approximately forty trees on this property appear to be over 200 years old meeting the definition of an Ancient Tree. This determination is based on size (100 inches in diameter or greater) or on tree structure and habitat value. The property owner and Registered Professional Forester have identified these trees, and the owner has agreed to preserve these trees in perpetuity.

With this agreement, the proposed rezoning will conform with the General Plan's policies for the protection of sensitive habitat and riparian corridors.

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 Sequoia Way, a privately maintained road. The parcel is located outside of the Urban Services Line and is, therefore, rural in nature.

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

The proposed rezoning is necessary to provide for a community related use - timber harvesting and timberland management. Timber harvesting was permitted in the SU zone 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 and the CA zone district outside of the Coastal Zone. The subject parcel contains timber stands exceeding the timber stocking standards. The rezoning will allow the continuation of harvesting and management of the timberlands on the subject parcel.

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

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

Application No. 01-0041

Assessor Parcel No. 040-281-01, 02 and 03

Project Location: Located on the north side of Sequoia Way about 1,000 feet north from Cathedral Drive and just north of 221 Sequoia Drive, Aptos.

Project Description: Proposal to rezone two vacant parcels (portions of Assessor's Parcel Numbers 040-281-01, 02 and 03) from the Special Use (SU) zone district to the Timber Production (TP) zone district. Requires a Rezoning.

Person or Agency Proposing Project: Bill Vaughn, RPF

Phone Number: (831) 335-1452

- 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. XXX Statutory Exemption other than a Ministerial Project.  
Specify type: **Article 17, Section 1703. Timberland Preserves**

D. Categorical Exemption

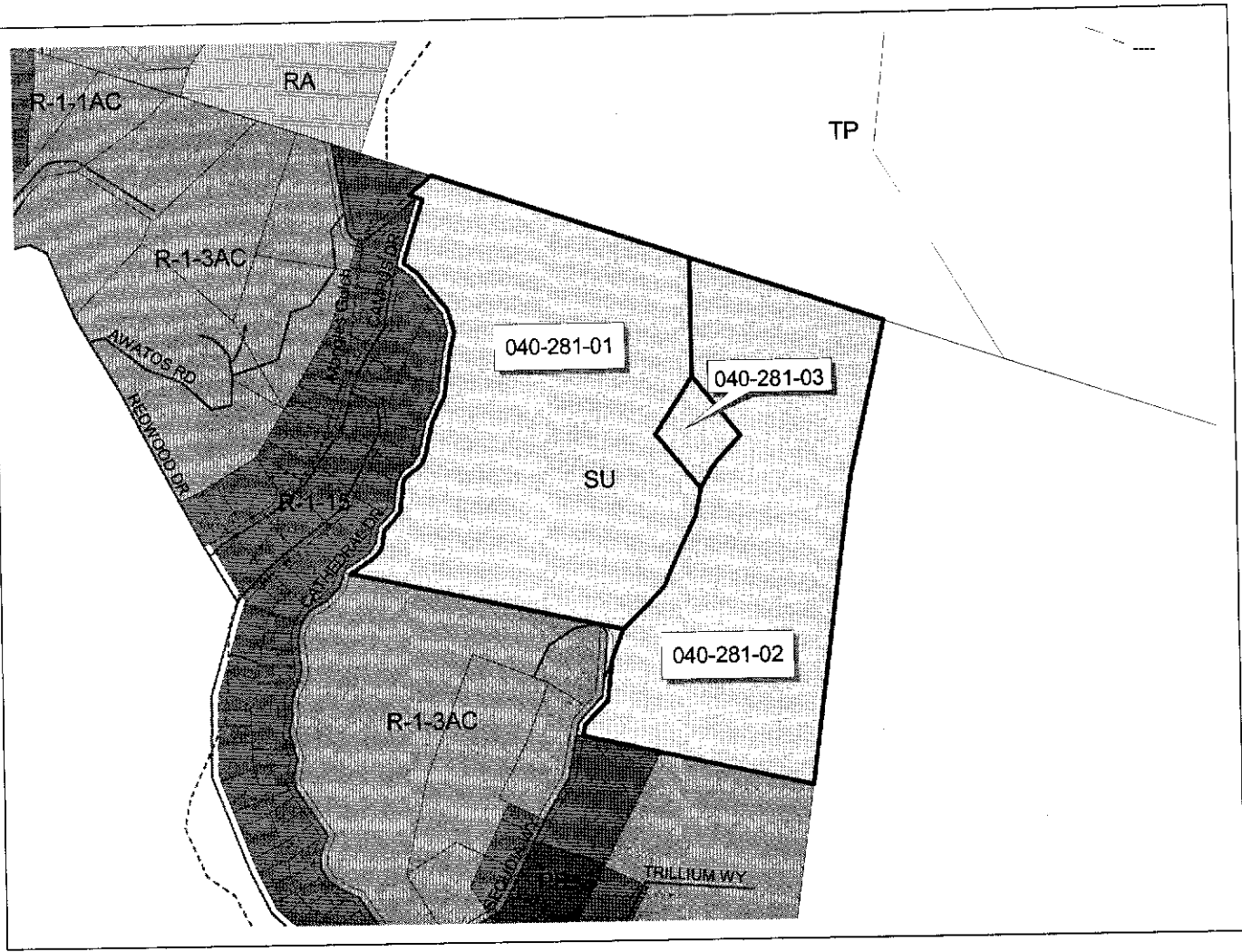
- |  |   |
|--|---|
| <input type="checkbox"/> 1. Existing Facility  | <input type="checkbox"/> 17. Open Space Contracts or Easements                                  |
| <input type="checkbox"/> 2. Replacement or Reconstruction                                    | <input type="checkbox"/> 18. Designation 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:

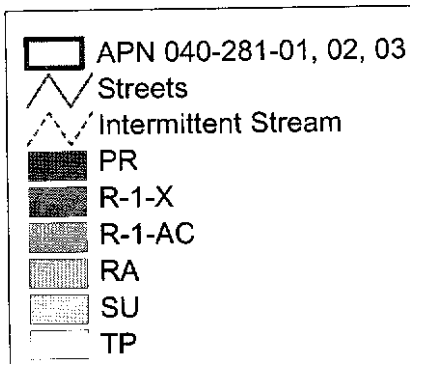
  
Cathleen Carr, Project Planner

Date: 1/6/04

# Zoning Map



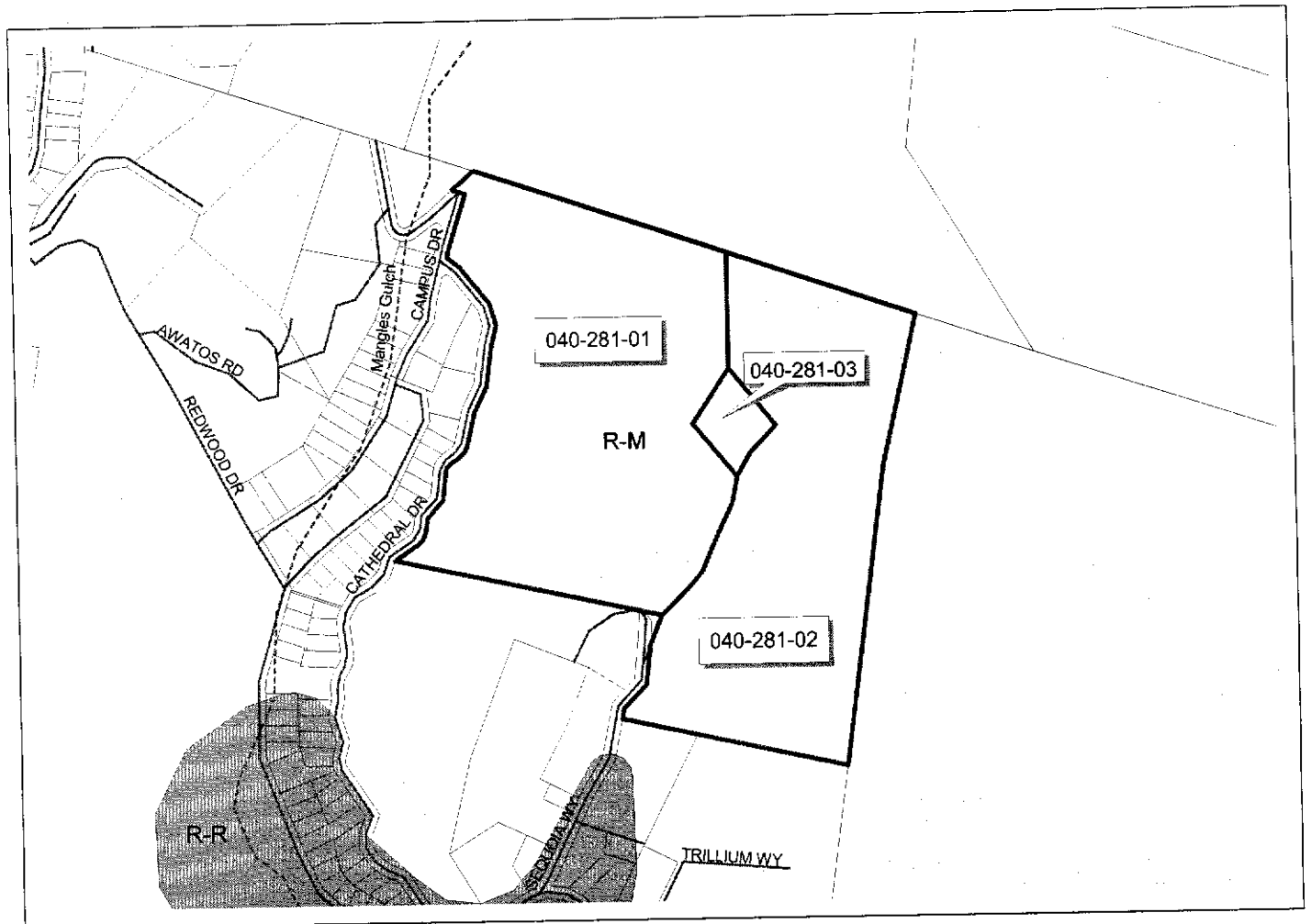
## Legend



Map created by Santa Cruz County  
Planning Department:  
January 2004

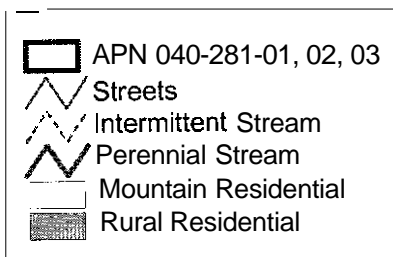


# General Plan Map



0.25 0 0.25 Miles

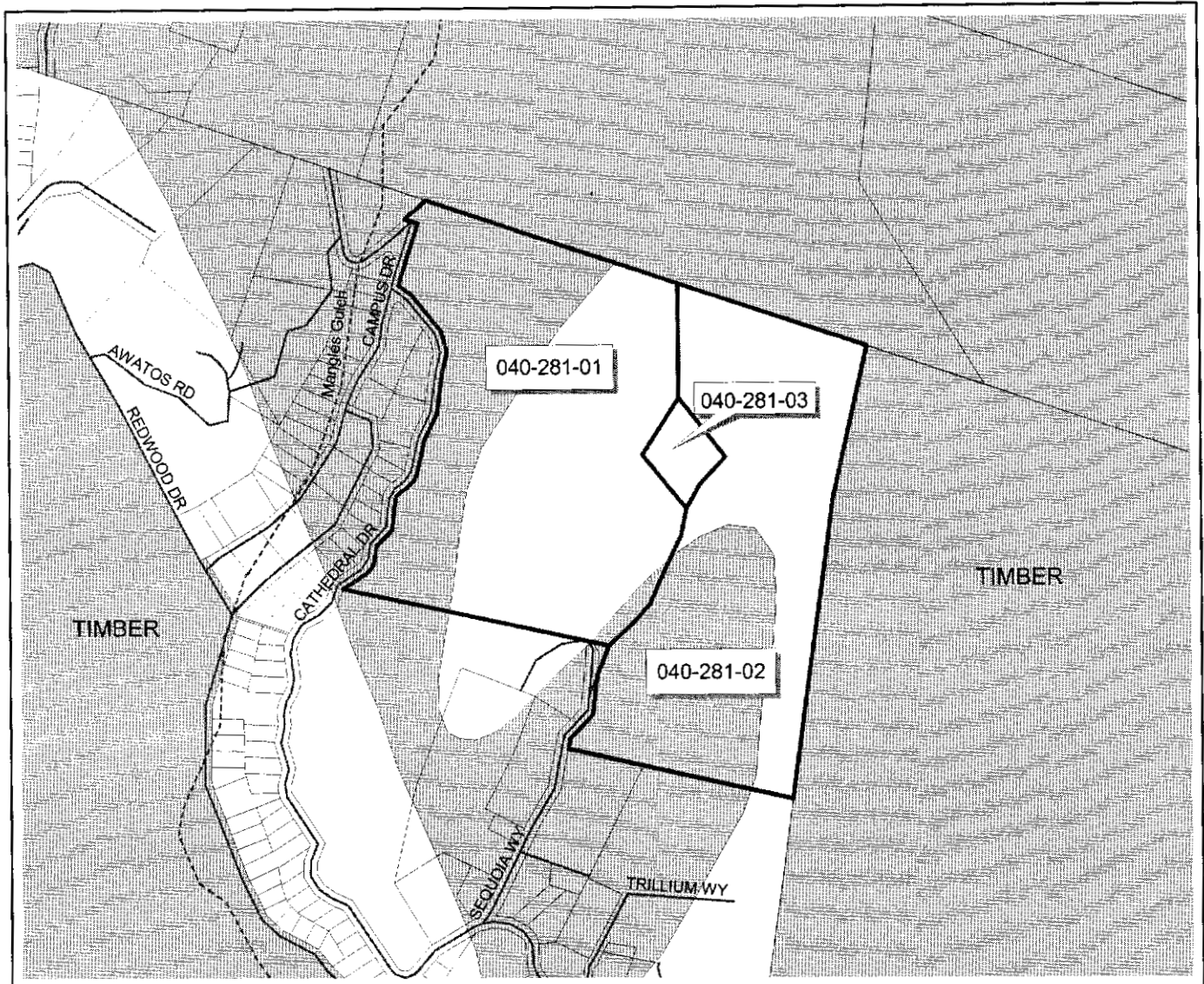
## Legend



Map created by Santa Cruz County  
Planning Department:  
January 2004

EXHIBIT B

# Timber Resources Map



0.25 0 0.25 Miles

Map created by Santa Cruz County  
Planning Department:  
January 2004



EXHIBIT B

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

The County of Santa Cruz ("County") and Timothy and Kristin Taylor ("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 37.7 acres APNs 040-281-01, 02 and 03 – with the exception of a one-acre residential parcel created by lot line adjustment permit 01-0309 ("Property") located on the north side of Sequoia Way, about 1,000 feet north of Cathedral Drive adjacent to 221 Sequoia Way.

B. The Property is currently zoned SU (Special Use).

C. On January 24, 2001, 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*

*An unnamed tributary to Mangel's Gulch bisects the subject property. The upper area of this tributary is ephemeral and transitions to an intermittent watercourse. Mangle's Gulch, also an intermittent stream, flows into Aptos Creek, a perennial stream supporting Steelhead trout - a Federally listed Threatened species. Timber harvesting activities could conflict with the County's riparian and sensitive habitat protection General Plan policies. The removal of trees within the 30-foot riparian corridor on each side of the unnamed ephemeral/ intermittent stream channel could damage downstream 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 downstream stream water quality and aquatic habitats. The preferred method of timber harvesting due to the topography of the property and the location of the stream channel is cable yarding. This method minimizes road construction and ground disturbance and eliminates the need to construct a bridge across the channel. Nevertheless, this method would require some tree trimming and removal within the riparian corridor to create cable corridors.*

*There are a number of trees that appear to be over 200 years old on this property. Ancient trees have a particularly high habitat value for wildlife and are valuable as seed trees for future generations. Approximately forty trees are either over 100 inches in diameter or have a growth structure particularly*

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 July 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 and provide the County with the notarized original of 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. *Prior to commencement of timber harvest operations under an approved Timber Harvest Permit, the owner shall obtain a Riparian Exception Permit from the County of Santa Cruz for all tree removal and trimming for the cable corridors across the creek channel and within 30 feet of the edge of the mean high water mark for the stream. All work shall be completed in conformance with the conditions of the Riparian Permit.*
- b. *Timber harvesting and/or tree removal is prohibited within 30 feet of the unnamed tributary to Mangel's Gulch with the following exceptions:*  
  
*Tree(s) posing an imminent hazard to public health and safety may be removed. However, any such tree located within the riparian setback shall require a Riparian Exception Permit prior to removal.*  
  
*Trees removed for cable corridors under an approved Riparian Exception in accordance with condition a. above.*
- c. *All trees over 100 inches in diameter and twenty-nine (29) additional trees with old growth structure or high habitat value, specified in Exhibit I, shall be preserved on site in perpetuity. Harvesting of these trees is prohibited.*
- d. *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, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Owners:

Timothy and Kristin Taylor  
4700 Trout Gulch Road  
Aptos, CA 95003

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 I, subparagraphs G, H, and I, above.

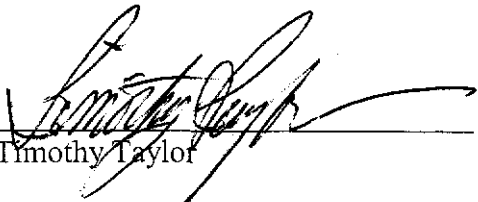


15. This Agreement shall become effective on the date that it is signed by the signatories set forth below.

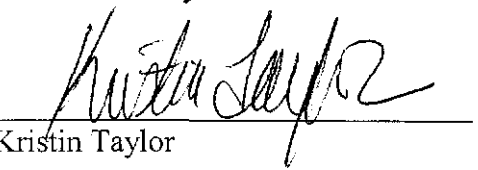
16. This Agreement shall be signed by the parties below and may be executed in separate counterparts.

DATED: 12-15-03

By

  
Timothy Taylor

By

  
Kristin Taylor

DATED: \_\_\_\_\_

COUNTY OF SANTA CRUZ, et al.

By \_\_\_\_\_

Chair, Board of Supervisors

APPROVED AS TO FORM:

  
ASSISTANT COUNTY COUNSEL

[01-0041TP rezone agreement.wpd]

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 XXX-XXX-XX & XX

## DECLARATION OF RESTRICTIONS

### RECITALS

A. THIS DECLARATION is made in the County of Santa Cruz, State of California, effective date shown below, by Timothy and Kristin Taylor ("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 \_\_\_\_\_ ("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 zone 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. *Prior to commencement of timber harvest operations under an approved Timber Harvest Permit, the owner shall obtain a Riparian Exception Permit from the County of Santa Cruz for all tree removal and trimming for the cable corridor across the creek channel and within 30 feet of the edge of the mean high water mark for the stream. All work shall be completed in conformance with the conditions of the Riparian Permit.*
- b. *Timber harvesting and/or tree removal is prohibited within 30 feet of the unnamed tributary to Mangel's Gulch with the following exceptions:*  
  
*Tree(s) posing an imminent hazard to public health and safety may be removed. However, any such tree located within the riparian setback shall require a Riparian Exception Permit prior to removal.*  
  
*Trees removed for cable corridors under an approved Riparian Exception in accordance with condition a. above.*
- c. *All trees over 100 inches in diameter and twenty-nine (29) additional trees with old growth structure or high habitat value, specified in Exhibit 1, shall be preserved on site in perpetuity. Harvesting of these trees is prohibited.*
- d. *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.

\_\_\_\_\_  
\_\_\_\_\_

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

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

**RESOLUTION NO. \_\_\_\_\_**

On the motion of Commissioner  
duly seconded by Commissioner  
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. 01-0041, involving property located on the north side of Sequoia Way about 1,000 feet north from Cathedral Drive and just north of 221 Sequoia Drive, Aptos, 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 "SU" 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 Exhibit A of the Report to the Planning Commission dated January 28, 2004.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 28th day of January, 2004, by the following vote:

AYES:	COMMISSIONERS
NOES:	COMMISSIONERS
ABSENT:	COMMISSIONERS
ABSTAIN	COMMISSIONERS

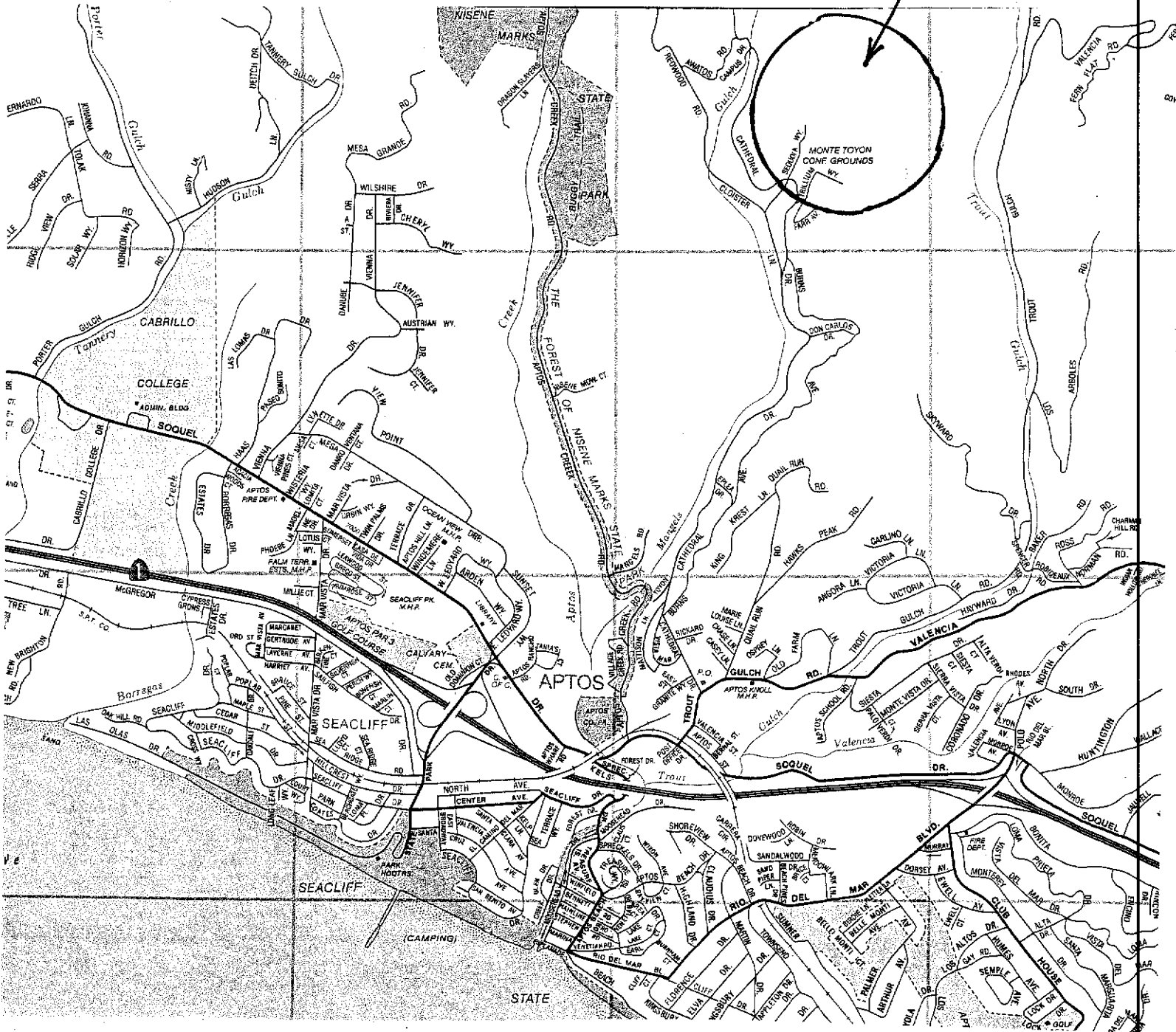
\_\_\_\_\_  
Chairperson

ATTEST  \_\_\_\_\_  
CATHY GRAVES, Secretary

APPROVED AS TO FORM

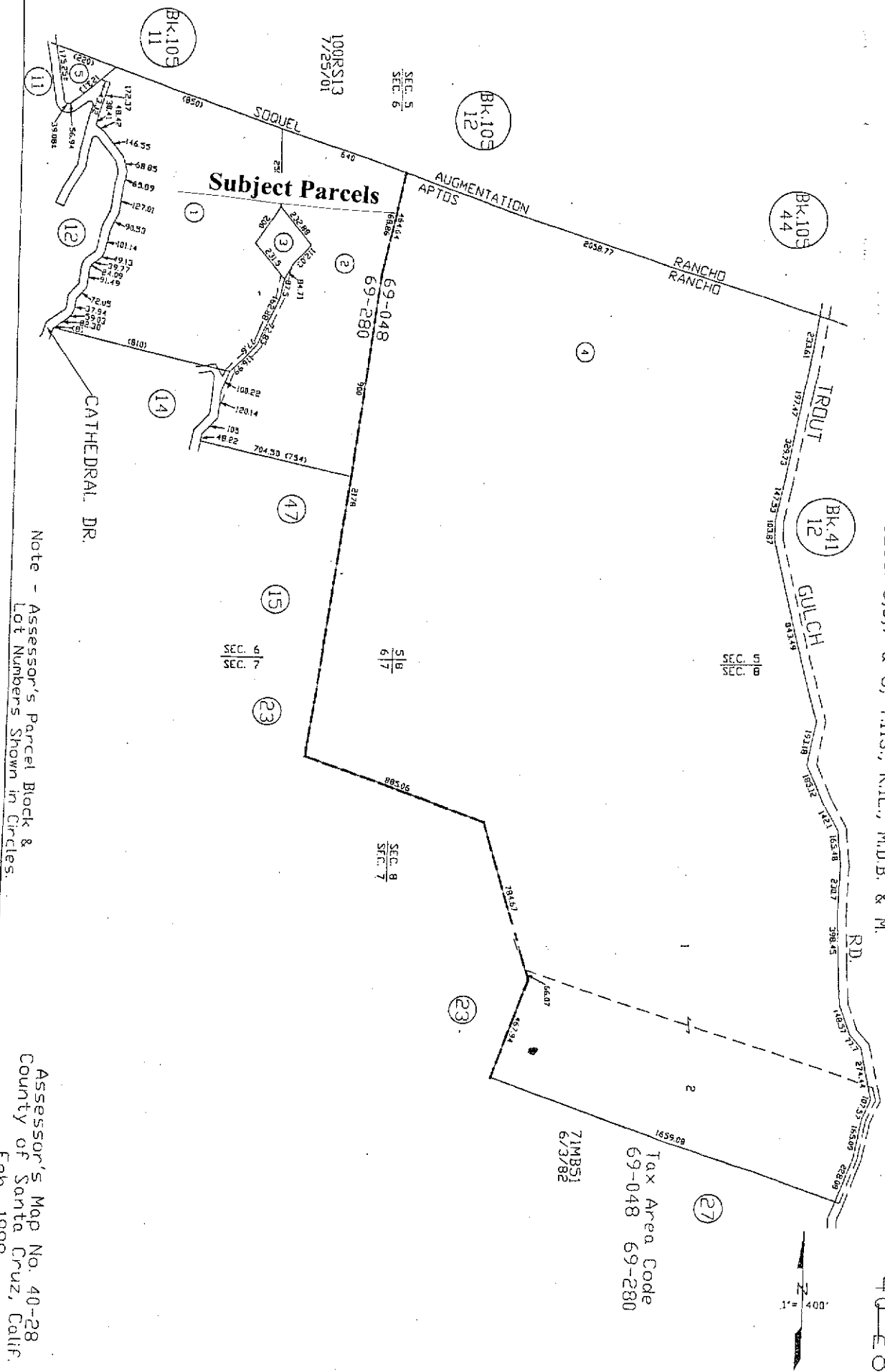
  
\_\_\_\_\_  
COUNTY COUNSEL

# Project Location



VICINITY MAP

EXHIBIT F



# ASSESSOR'S PARCEL MAP

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

Assessor's Map No. 40-28  
County of Santa Cruz, Calif  
Feb, 1998





RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Steven Graves & Associates  
2735 Porter Street  
Sequel, CA 95073

MAIL TAX STATEMENT TO:

Timothy J. and Kristin E. Taylor  
4700 Trout Gulch Road  
Aptos, CA 95003



2003-006268

Recorded  
Official Records  
County of  
Santa Cruz  
Richard W. Bedal  
Recorder

REC FEE 1  
CC CONF  
CC CONF  
SURVEY 1

12:23PM 27-Jun-2003

jbd  
Page 1 of 4

## GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is :None (No taxable consideration)

( ) computed on **full value** of property conveyed, or

( ) computed on **full** value less liens and encumbrances remaining at time of sale.

( ) Unincorporated area; ( ) City of \_\_\_\_\_

Timothy J. Taylor and Kristin E. Taylor, Husband and Wife

GRANT(S) to

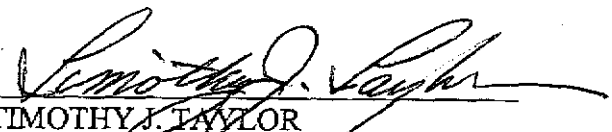
Timothy J. Taylor and Kristin E. Taylor, Husband and Wife as Community Property

ALL OF THAT CERTAIN REAL PROPERTY located in the County of Santa Cruz, State of California, described in Exhibit "A" attached hereto and incorporated herein.

The purpose of this Deed is to combine portions of **Assessors** Parcel No. 040-281-02 and 040-281-03, with **Assessors** Parcel No. 040-281-01 as approved by **the** County of Santa Cruz on May 19, 2003 under Application No. 01-0309. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated.

Assessor's Parcel Number: 040-281-01

DATED: 6-19-03

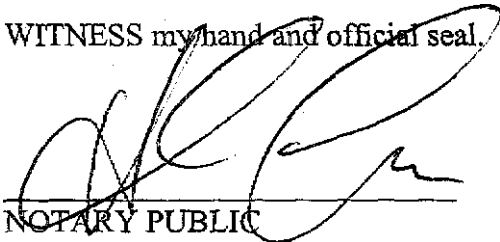
  
TIMOTHY J. TAYLOR

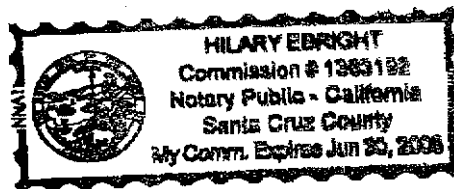
  
KRISTIN E. TAYLOR

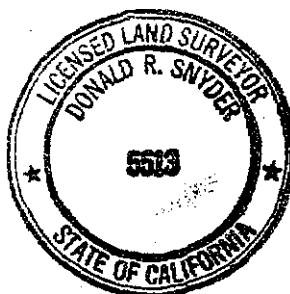
STATE OF CALIFORNIA     )  
  ) ss:  
COUNTY OF SANTA CRUZ   )

On 6/19, 2003, before me, Hilary Ebright,  
a Notary Public in and for said County and State, personally appeared  
Timothy J. Taylor & Kristin E. Taylor personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the persons whose name is subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that  
by his/her/their signature on the instrument the person, or the entity on behalf of which the person  
acted, executed the instrument.

WITNESS my hand and official seal.

  
NOTARY PUBLIC





File No. 22206.2

Drawn By *MS*

Checked By

June 4, 2003

APN 040-281-01, 02 & 03

*Donald R. Snyder*  
DONALD R. SNYDER LS 5513 RENEWAL DATE 9/30/04

DESCRIPTION OF WESTERN PARCEL, A 22.6464+/- ACRE PARCEL OF LAND

SITUATE IN LOT 25 OF THE RANCHO APTOS, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND

**BEING** a part of Parcel I and Parcel II of the lands conveyed to Timothy J. Taylor and Kristin E. Taylor, husband and wife as Community Property by Grant Deed dated October 3, 2000 and recorded December 19, 2000 Recorder's Serial Number 2000-0063290 Official Records of Santa Cruz County and a **part** of Parcel I of the lands conveyed to Timothy J. Taylor and Kristin E. Taylor, husband and wife as Community Property by Corporation Grant Deed dated December 14, 2000 and recorded December 19, 2000 Recorder's Serial Number 2000-0063065 Official Records of Santa Cruz County, and

**BEING** a part of the lands shown and delineated on sheet 2 of that certain map entitled "**Record of Survey of the lands of Timothy J. Taylor, et ux**" filed for record on the 25<sup>th</sup> day of July, 2001 in Book 100 of Maps at Page 13, Santa Cruz County Records and;

**BEGINNING** at a set 1/2" iron pipe tagged LS 5513 in the southern boundary of said first mentioned Parcel I from which the southeastern corner of Parcel I of said dead on the western boundary of a 40 foot wide right of way called Sequoia Way bears South 78°46'10" East 142.99 feet distant and from which a found 1" steel bar at the southwestern corner of said Parcel I, at an angle point in the centerline of Cathedral Drive, bears along the southwestern boundary of said Parcel I North 78°46'10" West 690.59 feet distant;

**THENCE FROM SAID POINT OF BEGINNING** along said southwestern boundary North 78°46'10" West (at 754.56 feet to a set 1/2" iron pipe tagged LS 5513) (at 356.54 a set 1/2 inch iron pipe tagged LS 5513) ( at 567.15 feet a set 1/2" inch iron pipe tagged LS 5513) (at 662.77 feet a set 1/2 inch iron pipe tagged LS 5513 on the southeastern line of Cathedral Drive) 690.59 feet to a found 1 inch steel bar at the southwestern corner of said first mentioned Parcel I in the centerline of Cathedral Drive; thence along said centerline North 55°18' East 89.10 feet to the beginning of a curve; thence northerly on a curve to the left with a radius of 50.00 feet through a central angle of 47°58'30" a distance of 41.87 feet; thence North 7°19'30" East 44.13 feet to a found 1 inch steel bar, thence North 41°33' East 71.86 feet to a set 1/2 inch iron pipe tagged LS 5513; thence North 6°00' East 85.10 feet to

a set ½ inch iron pipe tagged LS 5513; thence northerly on a curve to the right with a radius of 50.00 feet through a central angle of 46°01' a distance of 40.16 feet to a set ½ inch iron pipe tagged LS 5513; thence North 52°01' East 39.78 feet to a set ½ inch iron pipe tagged LS 5513; thence northerly on a curve to the left with a radius of 50.00 feet through a central angle of 40°13' a distance of 35.10 feet to a found 1 inch steel bar; thence North 11°48' East 103.46 feet to a set ½ inch iron pipe tagged LS 5513; thence North 24°59' East 89.65 feet to a found 1 inch steel bar; thence North 6°50' East 124.98 feet to a found 1" steel bar; thence North 13°28' East 61.71 feet to a found 1 inch steel bar; thence North 16°35' West 59.48 feet to a set ½ inch iron pipe tagged LS 5513; thence North 39°29' West 139.95 feet to a found 1 inch steel bar; thence North 54°21' West 59.37 feet to a found 1 inch steel bar at an intersection with the centerline of Campus Drive; thence along said last mentioned centerline North 13°56'25" East 44.47 feet to a found 1 inch steel bar; thence North 17°15' East 172.78 feet to a found ½ inch iron pipe untagged at the northern terminus of Campus Drive; thence along the northerly production of said last named centerline North 17°15' East 12.24 feet to a set ½ inch iron pipe tagged LS 5513 at the northwestern corner of said first mentioned Parcel I in the northern boundary of the aforesaid Lot 25 of the Rancho Aptos; thence along said last mentioned boundary and the northern boundary of the first mentioned Parcel I and Parcel II South 72°54' East (at 147.42 feet a set ½ inch iron pipe tagged LS 5513) (at 313.08 feet a set ½ inch iron pipe tagged LS 5513) (at 591.61 feet a set ½ inch iron pipe tagged LS 5513) (at 867.46 feet a set ½ inch iron pipe tagged LS 5513 at the northeastern corner of said first mentioned Parcel I) (continuing South 72°54' East along the northern boundary of Parcel II at 1074.33 a set ½ inch iron pipe tagged LS 5513) 1195.41 feet; thence leaving said last mentioned line South 25°40' West 105.38 feet; thence South 37°41' West 100.00 feet; thence South 27°00' West 298.00 feet to a set ½ inch iron pipe at an angle point in the eastern boundary of said second mentioned Parcel I; thence along said eastern boundary South 26°05'35" West 84.58 to a set ½ inch iron pipe tagged LS 5513 at the southern corner of the aforesaid Parcel I; thence along the southwestern boundary of Parcel I North 38°35'20" West 26.23 feet to an intersection with the western line of a 40 foot wide right of way called Sequoia Drive; thence along the western boundary of said 40 foot wide right of way South 11°05'40" West 101.78 feet; thence South 26°25'40" West 142.77 feet; thence leaving said right of way line South 83°04' West 175.24 feet; thence South 61°51' West 164.08 feet; thence South 3°36' East 105.27 feet to the place of beginning, and

CONTAINING 22.6464 acres of land a little more or less.

COMPILED IN JUNE 2003 BY BOWMAN & WILLIAMS, CONSULTING CIVIL ENGINEERS, FILE NO. 22206.2

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Steven Graves & Associates  
2735 Porter Sheet  
Soquel, CA 95073

MAIL TAX STATEMENT TO:

Timothy J. and Kristin E. Taylor  
4700 Trout Gulch Road  
Aptos, CA 95003



2003-0062681

Recorded	REC RE	f3.00
Official Records	CC CONF	.00
County Of	CC CONF	.00
SANTA CRUZ	SURVEY	10.00
RICHARD W. BEDAL		
Recorder		

12:23PM 27-Jun-2003 | jbd Page 1 of 3

GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is : **None** (No taxable consideration)

( ) computed on full value of property conveyed, or

( ) computed on full value less liens and encumbrances remaining at time of sale.

( ) Unincorporated area; ( ) City of \_\_\_\_\_

Timothy J. Taylor and **Kristin** E. Taylor, Husband and Wife

GRANT(S) to

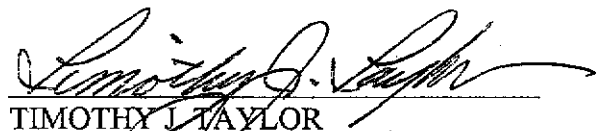
Timothy J. Taylor and Kristin E. Taylor, Husband and Wife as Community Property

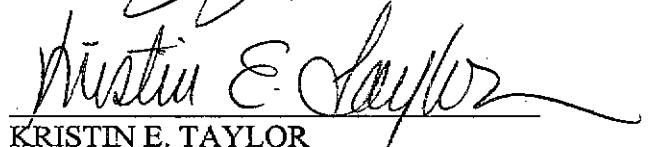
ALL OF THAT CERTAIN REAL PROPERTY located in the County of Santa Cruz, State of California, described in Exhibit "A" attached hereto and incorporated herein.

The purpose of this Deed is to combine portions of Assessors Parcel No. 040-281-01 with Assessors Parcel No. 040-281-03 as approved by the County of Santa Cruz on May 19, 2003 under Application No. 01-0309. This conveyance shall not create a separate parcel, and is null and void unless the parcel is combined as stated.

Assessor's Parcel Number: 040-281-03

DATED: 6-19-03

  
TIMOTHY J. TAYLOR

  
KRISTIN E. TAYLOR

STATE OF CALIFORNIA )

) SS:

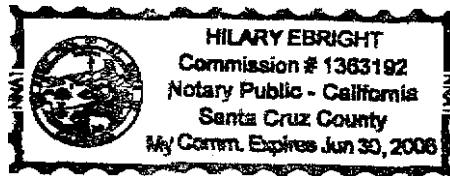
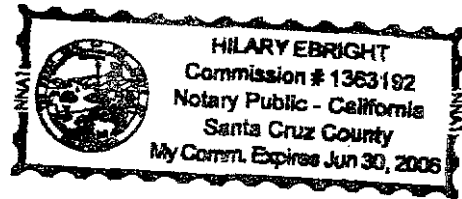
COUNTY OF SANTA CRUZ )

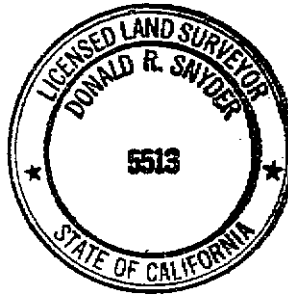
On 6/19, 2003, before me, Hilary Ebright

a Notary Public in and for said County and State, personally appeared Taylor & Kristin E. Taylor, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

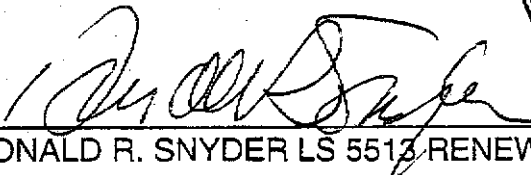
WITNESS my hand and official seal.

NOTARY PUBLIC





File No. 2220.6.1  
Drawn By DB  
Checked By —  
June 4, 2003  
APN 040-281-01

  
DONALD R. SNYDER LS 5513 RENEWAL DATE 9/30/04

DESCRIPTION OF 1.0031+/- ACRE PARCEL OF LAND

SITUATE IN LOT 25 ~~OF~~ THE RANCHO APTOS, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND

**BEING** a part of Parcel I of the lands conveyed to Timothy J. Taylor and Kristin E. Taylor, husband and wife **as** community property by Grant Deed dated October 3, 2000 and recorded December 19, 2000 Recorder's Serial Number 2000-0063290 Official Records of Santa Cruz County, and

**BEING** a part of the lands shown and delineated on sheet 2 of that certain map entitled "Record ~~of~~ Survey ~~of the~~ lands ~~of~~ Timothy J. Taylor, et ~~ux~~" filed for record on the 25<sup>th</sup> day of May, 2001 in Book 100 of **Maps** at Page 13, Santa Cruz County Records and;

**BEGINNING** at a set ½" iron pipe tagged LS 5513 at southeastern corner of Parcel I of said deed on the western boundary of a 40 foot wide right of way called Sequoia Way from which a found 1" steel bar at the southwestern corner of said Parcel I, at an angle point in the centerline of Cathedral Drive, bears along the southwestern boundary ~~of~~ said Parcel I North 78°46'1 0" West 833.58 feet distant;

**THENCE FROM SAID POINT OF BEGINNING** along said Southwestern boundary North 78°46'10" West 142.99 feet to a set ½" iron pipe tagged LS 5513; thence leaving said boundary North 3°36' West 105.27 feet to an angle point; thence North 61°51' East 164.08 feet to an angle point; thence North 83°04' East 175.24 feet to the western boundary of the aforementioned 40 foot wide right of way: thence along the western boundary of said right of way South 26°25'40" West 20.11 feet to an angle point; thence South 22°35'40" West 70.13 feet to a set ½" iron pipe tagged LS 5513: thence South 41°50'40" West 73.82 feet to an angle point; thence South 44°04'40" West 120.74 feet to an angle point: thence South 20°39'40" West 7.47 feet to the place of beginning, and

**CONTAINING** 1.0031 acres of land a little more or less.

COMPILED IN JUNE 2003 BY BOWMAN & WILLIAMS, CONSULTING CIVIL ENGINEERS, FILE NO. 22206.1

K:\MSOFFICE\WORD\DON\descriptions\22206.1.doc

EXHIBIT **f**  
EXHIBIT A PAGE 1 OF 1

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Steven Graves & Associates  
2735 Porter Street  
Soquel, CA 95073

MAIL TAX STATEMENT TO:

Timothy J. and Kristin E. Taylor  
4700 Trout Gulch Road  
Aptos, CA 95003



2003-0062680

Recorded	REC FEE	16.00
Official Records	CC CONF	.00
County Of	CC CONF	.00
SANTA CRUZ	SURVEY	10.00
RICHARD W. BEDAL		
Recorder		

12:23PM 27-Jun-2003

jbd  
Page 1 of 4

## GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is :None (No taxable consideration)

( ) computed on full value of property conveyed, or

( ) computed on full value less liens and encumbrances remaining at time of sale.

( ) Unincorporated area; ( ) City of \_\_\_\_\_

Timothy J. Taylor and Kristin E. Taylor, Husband and Wife

GRANT(S) to

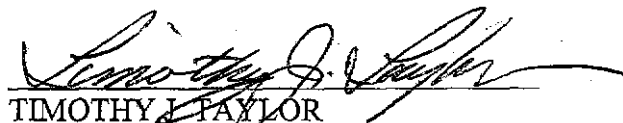
Timothy J. Taylor and Kristin E. Taylor, Husband and Wife as Community Property

ALL OF THAT CERTAIN *REAL* PROPERTY located in ~~the~~ County of Santa Cruz, State of California, described in Exhibit "A" attached hereto and incorporated herein.

The purpose of this Deed is to combine **portions** of Assessors Parcel No. 040-281-01 with Assessors Parcel No. 040-281-02 as approved by the County of Santa Cruz on May 19, 2003 under Application No. 01-0309. This conveyance shall not create a separate parcel, and is null and void unless the parcel **is** combined as stated.

Assessor's Parcel Number: 040-281-02

DATED: 6-19-03

  
TIMOTHY J. TAYLOR

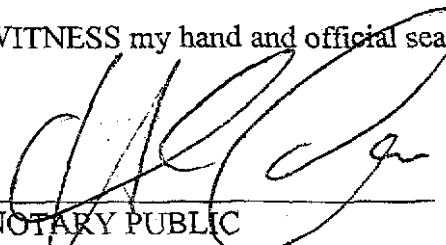
  
KRISTIN E. TAYLOR

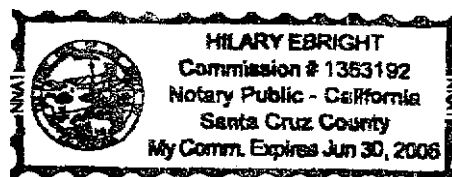


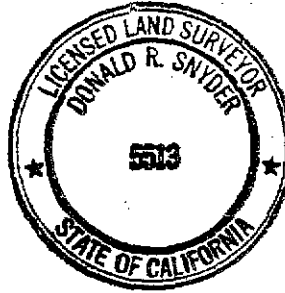
STATE OF CALIFORNIA     )  
  ) ss:  
COUNTY OF SANTA CRUZ    )

On 6/19/03, 2003, before me, HILARY EBRIGHT  
a Notary Public in and for said County and State, personally appeared  
Timothy J. Taylor & Kristin E. Taylor, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that  
by his/her/their signature on the instrument the person, or the entity on behalf of which the person  
acted, executed the instrument.


WITNESS my hand and official seal.

  
\_\_\_\_\_  
NOTARY PUBLIC





File No. 22206.3  
Drawn By AM  
Checked By  
June 4, 2003  
APN 040-281-02 & 03

  
DONALD R. SNYDER LS 5513 RENEWAL DATE 9/30/04

DESCRIPTION OF EASTERN PARCEL, A 15.0079+/- ACRE **PARCEL OF LAND**

SITUATE IN LOT 25 ~~OF~~ THE RANCHO APTOS, COUNTY ~~OF~~ SANTA CRUZ, STATE ~~OF~~ CALIFORNIA AND

**BEING** a part of Parcel II of the lands conveyed to Timothy J. Taylor and Kristin E. Taylor, husband and wife **as** Community Property by Grant Deed dated October 3, 2000 and recorded December 19, 2000 Recorder's Serial Number 2000-0063290 Official Records of Santa Cruz County and a part of Parcel I of the lands conveyed to Timothy J. Taylor and Kristin E. Taylor, husband and wife **as** Community Property **by** Corporation Grant Deed dated December 14, 2000 and recorded December 19, 2000 Recorder's Serial Number 2000-0063065 Official Records of Santa Cruz County, and

**BEING** a part of the lands shown and delineated on sheet 2 of that certain map entitled "**Record of Survey of the lands of Timothy J. Taylor, et ux**" filed for record on the 25<sup>th</sup> day of July, 2001 in Book 100 of Maps at Page 13, Santa Cruz County Records and;

**BEGINNING** at a set 1/2" iron pipe tagged LS 5513 at the southwestern corner of said Parcel II on the eastern boundary of a 40 foot wide right of way called Sequoia Way from which a set 1/2 inch iron pipe at the southeastern corner of said Parcel II bears South 79°22'20" East 705.76 feet distant;

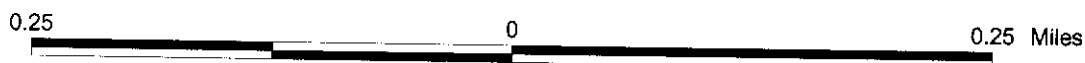
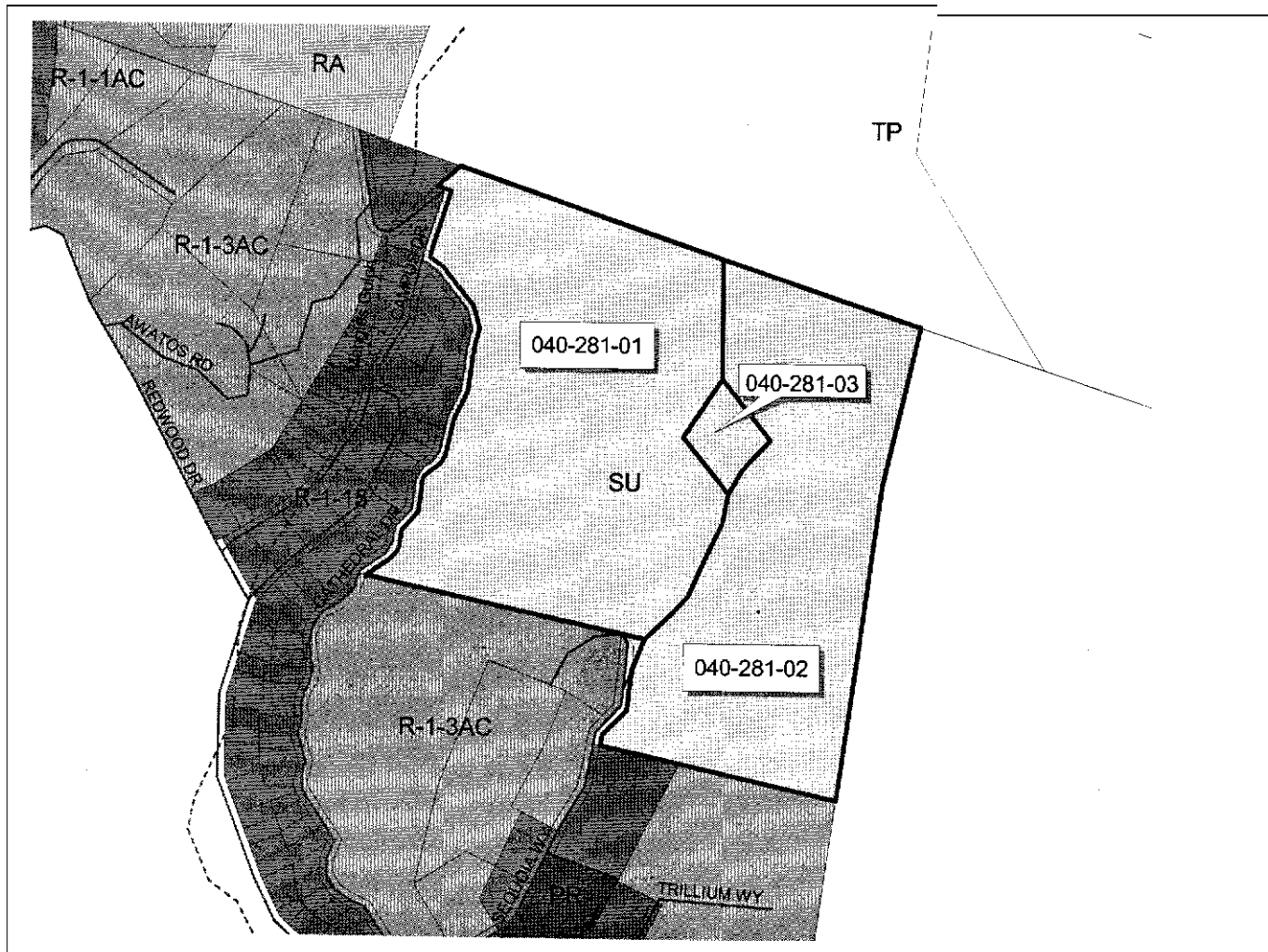
**THENCE FROM SAID POINT OF BEGINNING** along the eastern boundary of the aforesaid 40 foot wide right of way North 9°55'40" East 36.80 feet to a set 1/2 inch iron pipe tagged LS 5513; thence North 43°04'40" East 104.78 feet; thence North 6°33'40" East 124.31 feet; thence North 20°39'40" East 93.60 feet; thence North 44°04'40" East 113.24 feet; thence North 41°50'40" East 81.38 feet; thence North 22°35'40" East 75.57 feet; thence North 26°25'40" East 164.90 feet; thence North 11°05'40" East 164.84 feet to the eastern boundary of the aforementioned Parcel I; thence along said last mentioned boundary North 26°05'35" East 7.30 feet to a set 1/2 inch iron pipe tagged LS 5513; thence leaving said last mentioned boundary North 27°00' East 298.00 feet; thence North 37°41' East 100.00 feet; thence North 25°40' East 105.38 feet to a station on the northern line of the aforementioned Parcel II from which a set 1/2 inch iron pipe tagged LS 5513 bears North 72°54' West 121.08 feet distant; thence along said last mentioned boundary and the

northern boundary of Lot 25 of the Rancho Autos South ~~72°54'~~ East (at ~~54.99~~ feet a set ½ inch iron pipe tagged LS 5513) 264.48 feet to a found 4x4 inch wooden post at the northeastern corner of Parcel II and said Lot 25; thence leaving said last mentioned boundaries and along the eastern boundary of said Parcel II and Lot 25 South 11°36' West (at 149.17 feet a set ½ inch iron pipe tagged LS 5513) (at 360.53 feet a set ½ inch iron pipe tagged LS 5513) 466.25 feet to an 18" oak tree scribed "JK"; thence South 6°37'30" West (at 112.55 feet a set ½ inch iron pipe tagged LS 5513) (at 289.18 feet a set ½ inch iron pipe tagged LS 5513) (at 481.91 feet a set ½ inch iron pipe tagged LS 5513) (at 701.36 feet a set ½ inch iron pipe tagged LS 5513) (at 873.31 feet a set ½ inch iron pipe tagged LS 5513) 892.87 feet to a set ½ inch iron pipe at the southeastern corner of said Parcel II; thence along the southern boundary of said Parcel II North 79°22'20" West (at 19.54 feet a set ½ inch iron pipe tagged LS 5513) (at 244.03 feet a set ½ inch iron pipe tagged LS 5513) (at 445.89 feet a set ½ inch iron pipe tagged LS 5513) (at 596.36 feet a set ½ inch iron pipe tagged LS 5513) 705.76 feet to the place of beginning, and

CONTAINING 15.0079 acres of land a little more or less.

COMPILED IN JUNE 2003 BY BOWMAN & WILLIAMS, CONSULTING CIVIL ENGINEERS, FILE NO. 22206.3

# Zoning Map



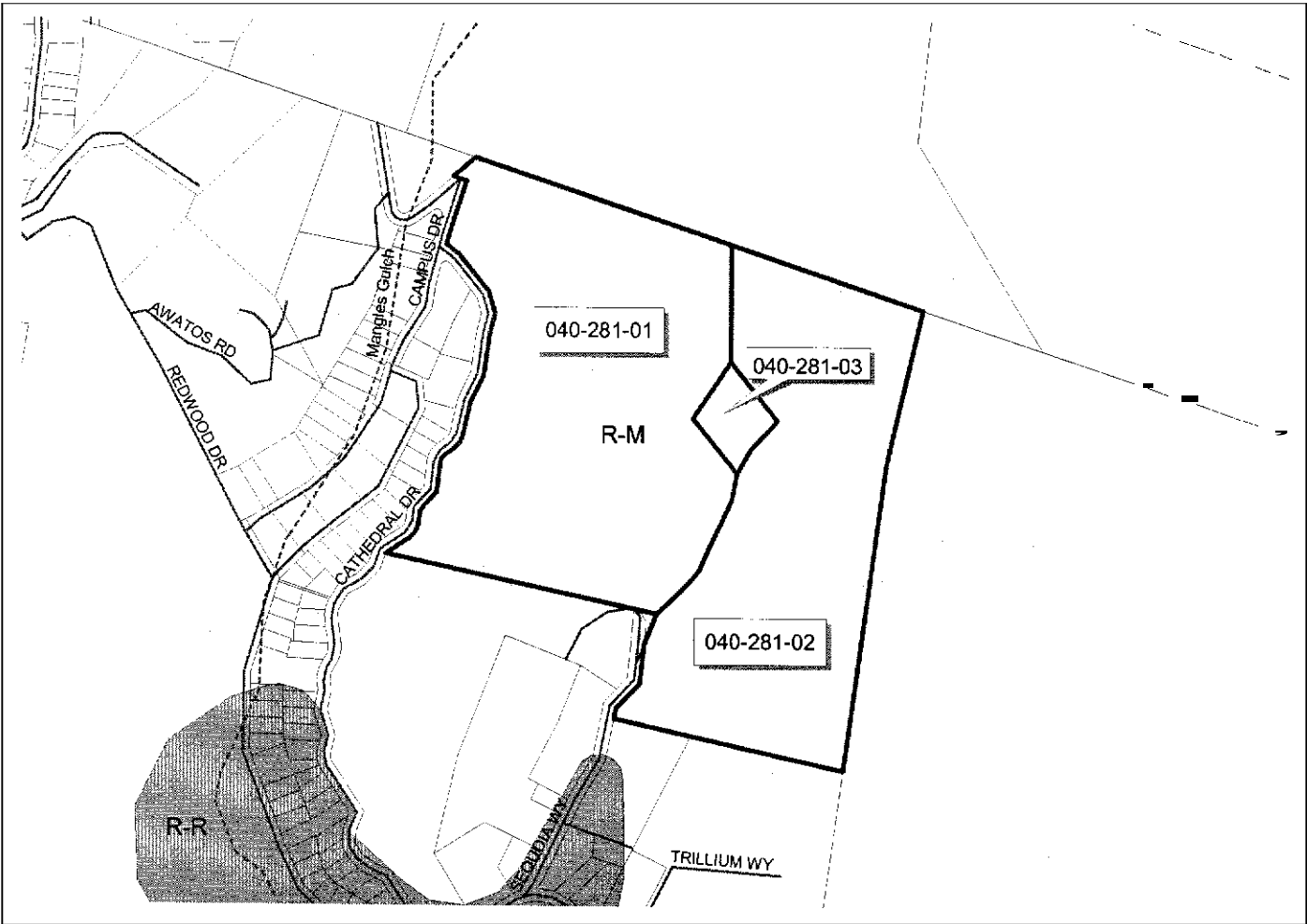
## Legend

	APN 040-281-01, 02, 03
	Streets
	Intermittent Stream
	PR
	R-1-X
	R-1-AC
	RA
	SU
	TP

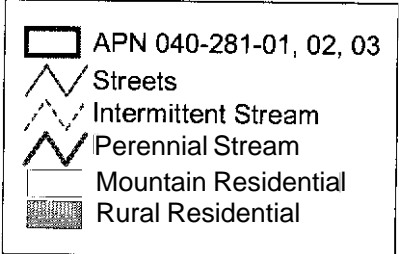


Map created by Santa Cruz County  
Planning Department:  
January 2004

# General Plan Map

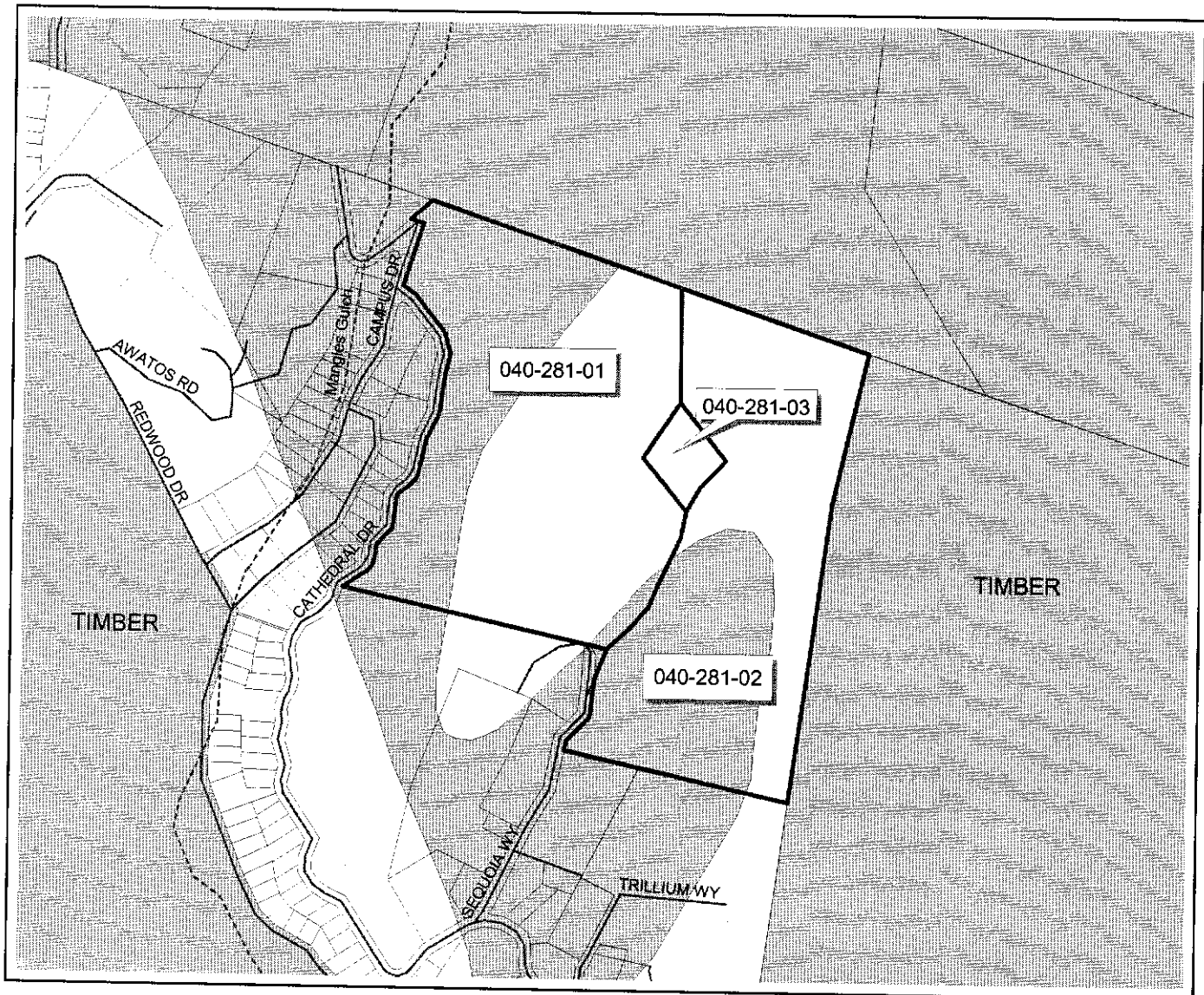


## Legend



Map created by Santa Cruz County  
Planning Department:  
January 2004

# Timber Resources Map



0.25 0 0.25 Miles

Map created by Santa Cruz County  
Planning Department:  
January 2004



EXHIBIT 1

**TIMBER MANAGEMENT PLAN  
FOR TPZ REZONING**

**SANTA CRUZ COUNTY, CA  
APN #'S 040-281-01, 02, & 03**

**Prepared for:  
TIM & KRISTIN TAYLOR  
4700 TROUT GULCH ROAD  
APTOS, CA 95003**

**Prepared by:  
CASSADY BILL VAUGHAN, RPF #2685  
6010 HWY 9, SUITE 6, FELTON, CA 95018  
DECEMBER 2003**

*Note: This Timber Management Plan was originally submitted December of 2000. In a letter dated February 20, 2001, County Planning Staff requested several changes be made to the plan before it would be consider "complete". This second round of changes was incorporated into a revised plan that was submitted in May of 2001. A third round of revisions, including a stipulated Agreement to restrict harvesting and retain several dozen old-growth trees, were completed in December of 2003, and the current plan is expected to meet all County requirements.*

## TABLE OF CONTENTS

LANDOWNER .....	Page 1
PROPERTY LOCATION .....	Page 1
APN, ZONING, AND ACREAGE .....	Page 1
GENERAL DESCRIPTION .....	Page 1-2
TPZ REZONING .....	Page 2
TIMBER MANAGEMENT .....	Page 3
Site Class .....	Page 3
Present & Future Stand Conditions.....	Pages 3-4
Present & Future Growth Models .....	Pages 4-7
Harvest Cycles .....	Page 7
Management Units .....	Page 7
Recommended Logging Systems.....	Pages 7-8
Forest Improvement .....	Page 8
Fire Protection Plan .....	Pages 8-9
Snags and Downed Woody Debris .....	Page 9
Ancient Trees .....	Page 9
GEOLOGY AND SOILS .....	Pages 9-10
EROSION HAZARD .....	Page 10
FISH AND WILDLIFE .....	Page 11
Watershed Resources .....	Page 11
Wildlife .....	Pages 11-12
RECREATION AND CULTURAL .....	Page 12
URBAN INTERFACE .....	Pages 12-13
ACCESS .....	Page 13
CONCLUSION .....	Page 14
LOCATION MAP .....	Page 15
FEATURES MAP .....	Page 16
VEGETATION TYPE MAP .....	Page 17
MANAGEMENT UNIT MAP .....	Page 18
HAULING OPTIONS MAP .....	Page 19
GEOLOGY AND SOILS MAP .....	Page 20
ASSESSOR'S PARCEL MAP .....	Page 21
TENTATIVE LOT LINE MAP .....	Page 22
EXHIBIT 1 (TREE RETENTION) .....	Pages 23-24
EXHIBIT 2 (COUNTY AGREEMENT) .....	Pages 25-31
EXHIBIT 3 (BOUNDARY ADJUSTMENT)...	Page 32



## **LANDOWNER**

Tim & Kristin Taylor  
4700 Trout Gulch Road  
Aptos, CA 95003

## **PROPERTY LOCATION**

Portions of Section 7, 11 S, R 1E, MDB&M.  
Santa Cruz County, APN #'s 040-281-01, 02, & 03.

## **APN, ZONING, & ACREAGE**

<u>Assessors Parcel Number</u>	<u>Acreage</u>	<u>Current Zoning</u>	<u>Prooosed Zoning</u>
040-281-01 (Parcel 01)	22.007 acres	Special Use (SU)	Timber Production (TP)
040-281-02 (Parcel 02)	17.916 acres	Special Use (SU)	Timber Production (TP)
040-281-03 (Parcel 03)	1.400 acres	Special Use (SU)	No Change (SU)

Total Acreage: 41.323

## **GENERAL DESCRIPTION**

The subject property is located approximately 1.5 miles north of the town of Aptos, and is bordered on the south and west by the Monte Toyon Subdivision. The property is accessed from and bounded on the west side by Cathedral Drive. A short spur road called Sequoia Way forks off of Cathedral and accesses the internal portions of the property, including an existing residence located in the southeast corner of what is now Parcel 01. This house is the only structure on any of the three parcels mentioned above. Properties to the north and east of the subject parcels are large, wildland parcels zoned for Timber Production (TP). The property is undeveloped forestland well-suited for timber production. The property's topography is quite variable; ranging from gently sloping ridgetops (5-10%), to steep slopes (40-65%) along portions of the primary draw which dominates the central portion of the property. Between these two extremes, there are many midslope flats and other areas of moderate ground. Slopes immediately adjacent to the one and only watercourse on the property occasionally exceed 75%, particularly as the watercourse nears the southern boundary of the property. The property generally has a southerly aspect, with internal east and west exposures resulting from topographic variability. Elevation ranges from about 380 feet along the draw bottom at the southern end of the property to around 640 feet atop the ridge along the eastern property line.

Using the standard applied by the California Department of Forestry and Fire Protection (CDF), the upper reach (more or less 1/3) of this watercourse is considered a Class III watercourse, and the lower reaches a Class II watercourse. Drainage from the property flows downstream to Mangels Gulch, which eventually joins with Aptos Creek about a mile and a half downstream at the town of Aptos. Vegetation on the

property is a mix of Coastal *Oak* Woodland and Redwood Forest Types, as delineated on the attached Vegetation Type Map. The Redwood Forest Type is a mixed-age redwood forest that includes a significant old-growth component, and a modest number of Douglas-fir (approximately 10% of the stem count). Detailed growth and yield information regarding the redwood stand on the property is found under the Management Goals and Objectives below. The hardwood component of the Coastal *Oak* Woodland Type is almost exclusively coast and interior live *oak*, which occurs both as pure stands and as an understory tree species among the many groups of redwoods. Understory species within both the Redwood and *Oak* Woodland consist of blackberry, woodwardia (in spring areas), sword fern, coffee berry, hazelnut, bracken fern, poison oak, redwood sorrel, mint, thimbleberry, wild pea, honeysuckle, azalea, holly, toyon, wild rose, a variety of sedges and grasses, and scattered number of other species. There are occasional madrone trees and eucalyptus which also dot the landscape. The attached Vegetation Type Map identifies both the Redwood Forest Type and the Coastal *Oak* Woodland Type. Preliminary estimates of this well stocked stand indicate that it can realistically sustain periodic commercial harvests. On the ground layout indicates feasible truck road, skid trail, and landing locations, as shown on the attached Features Map.

### **TPZ REZONING:**

Tim and Kristin Taylor wish to selectively manage the redwood timber on their property. Discussions with Mr. Taylor indicate a desire to implement a conservative "timber stand improvement" approach to managing his forest, where individual tree selection emphasizes removal of diseased, defective, and suppressed stems, while favoring and highlighting the larger, healthier, dominant trees in the stand. The goal is still very much one of commercial management, but with a more conservative approach to managing the larger diameter trees. Parcel 03 (1.4 acres) does not contain enough timber to merit rezoning to TPZ, and its position within the timber stand is somewhat prohibitive to management of Parcels 01 and 02. This Timber Management Plan recommends that Parcel 03 retain its current zoning, but be moved downstream to encompass the existing Taylor residence currently located on Parcel 01. In addition, timber management would be best served by having the common boundary between Parcel 01 and parcel 02 follow the centerline of the one and only watercourse on the property. See the attached Tentative Lot Line Adjustment Map for detail. The justification the lot line adjustments is quite simple: Parcel 03 is adjusted such that it conforms to the area surrounding the existing residence on the property, where its highest and best use is consistent with its current use. Parcels 01 and 02 are adjusted such that a logical topographic feature (the watercourse) defines their boundary and Parcel 03 is removed from the middle of what is otherwise a natural and logical extension of the timber management area within Parcel 01. The tentative boundaries of the described lot line adjustments are flagged in the field, and Don Snyder of Bowman and Williams has been working on the final survey maps for submittal to the County Planning Department. Should changes in the configuration, different than shown in this plan, arise during review and final approval of the lot line adjustment, the TMP shall be amended to conform to the final boundary lines. Both Parcel 01 and Parcel 02 far exceed the minimum stocking standards per PRC Section 4561, as well as meet the State of California's minimum productivity standards which require that TPZ lands be capable of producing at least 15 cubic feet/acre/year. The subject parcels are well-suited for timber production, and are logical candidates for rezoning to TP.

*Note: The above parcel reconfiguration recommendation was accepted by the **County**, and is shown on the attached Boundary Adjustment Map, prepared by Bowman and Williams on June 7, 2001. As discussed above. TMP maps have been revised to reflect boundary changes that occurred as a result of the boundary adjustment.*

## TIMBER MANAGEMENT GOALS AND OBJECTIVES:

**Site Class:** Site class is simply a means of identifying a particular site's capacity to produce timber. The most commonly used timber site classification system in this area, Lindquist and Palley's "Empirical Growth Tables for Young-Growth Redwood", uses height and age in determining a site's timber growing potential. The system assigns a rating of I through V (I being the highest) using the average dominant tree height for a 100 year-old stand. As the subject stand is a mix of several different age classes, we used regression analysis to produce the site index. The property was determined to be mainly Site III (dominant tree heights of 130-154 feet in 100 years), with unmappable pockets of both Site II (along the draw bottoms) and Site IV (along the ridgetop areas) land.

**Present and Future Stand Conditions:** Roughly half (22 acres) of the subject property is forested with redwood and Douglas-fir trees. Where redwood occurs, it truly dominates the site, with little more than periphery live *oaks* and layer of coffee berry, hazelnut, nettles, and blackberry vines in the understory. Unlike most of the Santa Cruz Mountains, the subject property was not clear-cut, but was selectively picked through around 100 years ago, and has remained more or less untouched since. Selective removals in such operations targeted the best-formed trees, which were likely used to produce split products such as shakes, bolts, stakes, and fence posts. Common in such operations, trees that exhibited noticeable defect were often left, leaving a relatively intact old growth-stand with a scattered component of second-growth sprout clumps. The second-growth redwood component has become established amongst the residual old-growth, and a large number of mixed-age (1-100 years old) seedlings have begun to expand into suitable microclimates. Radial Growth was sampled throughout the stand in each of seven diameter classes, yielding the following estimates of annual percent gross volume growth:

### CURRENT ANNUAL PERCENT VOLUME GROWTH RATES BY DIAMETER CLASS

8-18"	6.7%
20-30"	3.0%
32-42"	2.7%
44-54"	<b>1.3%</b>
56-66"	1.2%
68-78"	.8%
80"+	.2%

As growth of residual old-growth trees begins to decline and even become negative (where rot and decay exceed merchantable volume growth), and groups of redwoods of all ages become overcrowded and compete for limited resources, selective thinning can be a valuable tool to improve stand health and productivity on the property. Individual tree marking shall be done under the supervision of a Registered Professional Forester with the goal of promoting healthy growth in trees of all sizes by following a system of selection silviculture. Under this system, trees whose removal will increase the growth of retained trees and promote regeneration by sprouting from the stump are selected for harvest. The system requires a balance which retains growing stock for current growth (creating shade, wind protection, visual attractiveness, etc.) while satisfying light and spacing requirements needed to stimulate regeneration by sprouting and maintain healthy growth of smaller trees. The silvicultural objective is to ensure that long term growth is equal to or greater than the long term harvest volume using a cutting regime which knowledgeably integrates cutting intensity and cutting frequency for release growth and regeneration. Mr. Taylor has indicated a desire to maintain a forest dominated by large trees (>42" dbh) in an uneven-aged stand structure, sometimes referred to as "Big Tree Management". Achieving and maintaining the desired structure is a methodical, scientific process will take four to five entries spanning 40-50 years. The table below provides basic timberstand attributes by diameter class: current volume per acre, current annual percent volume growth, and current growth per acre. These attributes are the basic tools a forester or landowner needs to develop a sustained approach to timber management.

CURRENT (2001) TIMBERSTAND ATTRIBUTES (presented in board feet)

<u>DBH</u>	<u>VOL./AC.</u>	<u>ANNUAL GROWTH</u>	<u>ANN. VOL. GROWTWAC.</u>
8-18"	546	6.7%	37
20-30"	7371	3.0%	221
32-42"	18354	2.7%	496
44-54"	20752	1.3%	270
56-66"	21636	1.2%	260
68-78"	16587	.8%	133
80"+	27272	.2%	55
Totals:	112,519	1.17%	1470

It is important to recognize that the growth percentages listed on the previous page represent gross volume growth and do not account for defects within individual trees. In the larger diameter trees in a stand such as this, past damage and growing decay dramatically affect the amount of merchantable wood (net volume) that is actually produced as the tree grows. This is to say, a large tree whose **annual** growth is 1% may only be putting on a fraction of that percent, and in some cases may be growing wood over the top of fire scars or rotten knots which may completely nullify any volume contribution. This fact is only being mentioned to put volume growth over time into perspective, so as not to overestimate. As selective removal of highly defective trees sanitizes the stand, and general health improves, this point becomes less significant.

**Present and Future Growth Models:** As discussed above, the stand is comprised of a number of different size classes, ranging from young seedlings to several hundred year-old old-growth trees. Growth within the various age classes is equally variable, with younger more vigorous trees growing the quickest, and the older specimens slowing appreciably. The combination of hardwood encroachment on smaller trees, competition within overcrowded redwood clumps, and slowed growth in the older trees has dropped annual percent gross volume growth to just over 1% on the site. Within the redwood forest type, conifer basal area (the cross-sectional area of a tree at its base) stocking levels within the redwood forest type averages 390-420 square feet per acre. As such, the property's timber resource is well above average in terms of standing volume per acre, and below average in terms of annual percent volume growth for the Santa Cruz Mountains. In the absence of active management, merchantable growth will continue its downward trend. Selective thinning under the guidance of a Registered Professional Forester, and in compliance with the Forest Practice Rules, will replace much of the highly defective portion of the stand with sound, vigorous trees while retaining the unusual mix of old-growth habitat elements and character.

Future growth is modeled using a combination volume per acre, basal area (see Lindquist and Palley, 1967) and estimated growth percent. The growth base of the stand will be maintained by setting a minimum basal area standard of 150 square feet and maintaining an objective for average basal area an average basal area of 200 square feet on this predominantly Site Class III property. Maintaining these basal areas assures good land occupation by trees while permitting establishment and healthy growth of regeneration and small trees during each cutting cycle. Under this regime, it is expected that annual growth rates will gradually increase over the next 2-3 cutting cycles, yielding a volume weighted average (see discussion of weighted average "Note:" on following page) of over **3%** by the year 2041 as long as healthy trees are retained as leave trees during each harvest. Harvesting to maintain inventory and growth rates within model parameters must coordinate harvest percentages by size class with cutting cycle length as depicted below under the Growth and Harvest Simulations (2001-2041). To eliminate excessive defect (beyond that which is necessary for wildlife habitat) and initiate the regeneration and release component that the stand currently lacks, harvest intensity on the initial two entries is

recommended at 35% to 45% of the trees throughout most size classes, lessening the intensity somewhat in the largest of these classes. As stated above in the TPZ Rezoning section, the goal is still very much one of commercial management, but with a conservative approach to management of the larger diameter trees. The intensity of the initial **two** harvests will create a stand with stocking levels and structure which provides opportunity for growth in trees of all sizes, while still maintaining a significant large tree component to maintain aesthetic and functional diversity while increasing volume contribution over time. Following the third entry, silvicultural management should focus on cutting no more than growth between any given harvest cycle (20-25% on a ten-year reentry), thinning dominant and co-dominant trees to generate spacing and encourage sprout development, remove weaker, poorer growing trees regardless of size class, and remove selected hardwoods where necessary to release suppressed individual or groups of conifers. The early phases of the proposed silvicultural approach *are* probably best described as sanitation thinning, while the latter would be considered more like the standard "selection silviculture" per 14CCR 913.8(a) required in Santa Cruz County. Using the growth and volume information developed from a 100% cruise of the property, and following our silvicultural approach, we anticipate an un-even aged stand structure with significant numbers of trees in all diameter classes will emerge over three to five cutting cycles. Applying conservative projected growth rates as shown in the first table, and following the series of growth and harvest simulations starting with an initial harvest in the year 2001, represents one of many sustainable management approaches. All volumes are presented in board feet.

#### PROJECTED ANNUAL PERCENT VOLUME GROWTH BY DIAMETER CLASS

<u>2001 - 2011</u>		<u>Post-2011 - 2041</u>	
8-18"	10%	8-18"	10.6%
20-30"	4.8%	20-30"	5.8%
32-42"	3.0%	30-32"	3.2%
44-54"	2.0%	34-44"	2.2%
56-66"	1.3%	44-54"	1.5%
68-78"	.9%	56-66"	1.1%
80"+	.5%	80"+	.6%

Note: Percent volume growth is weighted by the relative contribution from each diameter class. As volume in the faster growing, smaller diameter classes increases, percent volume growth (as a weighted average) increases relative to their contribution. This fact becomes evident as harvest percentages taper off in the lower diameter classes (as clean-up objectives are met), and the smaller diameter classes are allowed to accumulate volume.

#### GROWTH AND HARVEST SIMULATION (2001-2011)

<u>DIAMETER CLASS</u>	<u>2001 VOL/AC</u>	<u>PROJECTED % HARVEST</u>	<u>HARVEST VOL/AC</u>	<u>RESIDUAL VOL/AC</u>	<u>2001-2011 VOL GROWTH/AC</u>
8-18	546	35%	191	355	355
20-30	7371	35%	2580	4791	2300
32-42"	18354	40%	7341	11012	3304
44-54"	20752	40%	8301	12451	2490
56-66	21636	40%	8655	12982	1688
68-78	16587	30%	4976	11611	1045
80"+	27272	15%	4091	23181	1159
Totals:	112519	32%	36135	76384	12341

GROWTH AND HARVEST SIMULATION (2011-2021)

<u>DIAMETER CLASS</u>	<u>2011 VOUAC</u>	<u>PROJECTED % HARVEST</u>	<u>HARVEST VOLIAC</u>	<u>RESIDUAL VOLIAC</u>	<u>2011-2021 VOL GROWTHIAC</u>
8-18"	710	35%	249	462	489
20-30"	7091	35%	2482	4609	2673
32-42"	14316	40%	5726	8590	2749
44-54"	14942	40%	5977	8965	1972
56-66"	14669	40%	5868	8801	1320
68-78"	12656	30%	3797	8859	975
80 +	24340	15%	3651	20689	1241
<b>Totals:</b>	<b>88724</b>	<b>32%</b>	<b>27749</b>	<b>60975</b>	<b>11420</b>

GROWTH AND HARVEST SIMULATION (2021-2031)

<u>DIAMETER</u>	<u>2021 VOUAC</u>	<u>PROJECTED % HARVEST</u>	<u>HARVEST VOLIAC</u>	<u>RESIDUAL VOUAC</u>	<u>2021-2031 VOL GROWTHIAC</u>
8-18"	951	10%	95	856	907
20-30"	7282	10%	728	6554	3801
32-42"	11338	25%	2835	8504	2721
44-54"	10938	25%	2735	8204	1805
56-66"	10122	25%	7592	7592	1139
68-78"	9834	10%	8851	8851	974
80"+	21930	5%	20834	20834	1250
<b>Totals:</b>	<b>72395</b>	<b>14%</b>	<b>11003</b>	<b>61392</b>	<b>12597</b>

GROWTH AND HARVEST SIMULATION (2031-2041)

<u>DIAMETER</u>	<u>2031 VOLIAC</u>	<u>PROJECTED % HARVEST</u>	<u>HARVEST VOUAC</u>	<u>RESIDUAL VOLIAC</u>	<u>2031-2041 VOL GROWTHIAC</u>
8-18"	1763	5%	88	1675	1775
20-30"	10355	10%	1036	9320	5405
32-42"	11225	15%	1684	9541	3053
44-54"	10008	20%	2002	8006	1761
56-66"	8730	20%	1746	6984	1048
68-78"	9824	20%	1965	7859	865
80"+	22084	5%	1104	20980	1259
<b>Totals:</b>	<b>72395</b>	<b>14%</b>	<b>9624</b>	<b>64365</b>	<b>15166</b>

GROWTH AND HARVEST SIMULATION (2041-2051)

<u>DIAMETER CLASS</u>	<u>2041 VOUAC</u>	<u>PROJECTED % HARVEST</u>	<u>HARVEST VOL/AC</u>	<u>RESIDUAL VOUAC</u>	<u>2041-2051 VOL GROWTH/AC</u>
8-18	3450	5%	173	3278	3474
20-30"	14725	25%	3681	11044	6405
32-42"	12594	25%	3149	9446	3023
44-54"	19768	25%	1465	8303	1127
56-66	8032	15%	1205	6827	1024
68-78	8724	10%	872	7852	864
80 +	22239	5%	1112	21127	1268
Totals:	79532	10%	11657	64365	17844

Harvest Cycles: Special cutting rules within the California Forest Practice Rules govern the nature of the selective harvests in Santa Cruz County. Under the current rules a landowner may selectively harvest up to a maximum of 60% of the trees over 18" dbh (diameter at breast height) on the first entry, although as suggested above this percent should be decreased to 45-50% to maintain adequate growing stock. Following the initial entry, percent harvest is based upon the amount of time since the last cut (14 CCR 926.23): If reentered in 10 years, then the harvest shall remove no more than 50% of the trees greater than 18". If reentered in 14 years, then the harvest may remove a maximum of 51-60% of the trees over 18". Regardless of the reentry period, no more than 40% of the trees between 14" and 18" shall be removed. Any entry must also maintain the minimum basal requirements and minimum spacing requirements between leave trees (those trees which remain after a harvest). Leave trees to be counted towards cutting percentages and basal area requirements must be "...thrifty coniferous trees which were dominant or co-dominant in crown class prior to timber harvesting or which have crowns typical of such dominant or co-dominant trees. They shall be free from significant damage caused by the operations". While the initial entry may remove up to 50% of the trees over 18" dbh, the schedule outlined below shall govern percent removals on subsequent harvests by linking them to the stand's growth rate and the amount of time between future harvests. Subject to the maximum percentages described above per 14 CCR 926.23, for each year over 10 years, the allowable percent harvest increases by roughly 2%. While changes to this 2% annual increase in percent cut may be modified over time as growth and inventory are monitored, this conservative approach is projected to easily meet our growth model objectives outlined above after the initial two entries. To decrease logging costs, longer cutting cycles at somewhat higher harvest percentages are recommended.

Management Units: The property has been broken into two management units, MU-1 (Parcel 01) and MU-2 (Parcel 02). Economies of scale and operational reciprocity are best maintained by harvesting the two units simultaneously. Note that the two units presume that APN 040-281-03 has been relocated downstream, consistent with the parcel reconfiguration discussed above under TPZ Rezoning, and mapped on the attached Tentative Parcel Reconfiguration Map.

*Note: The parcels have been reconfigured as recommended. The Tentative Parcel Reconfiguration Map attached hereto accurately reflects these changes.*

Recommended Logging Systems: While the majority of the property is suitable for ground-based yarding equipment, the preferred alternative, particularly where slopes exceed 40%, would be to use a small, mobile, tractor-mounted, cable yarding machine. One such machine, operated locally by Archie McLellan (AM Logging), has gained popularity because it minimizes the use of equipment on steeper slopes. Use of the AM Logging machine would likely require access to the eastern side of the property,

which is discussed below in the Access Section. In the absence of accessing the eastern ridge, the third yarding option would be to set up a skyline yarder along the property's central ridge (central portion of Parcel 01), with full suspension across the canyon. The western slope adjoining Cathedral Drive would still be harvested using ground-based equipment or a machine similar to the AM logging machine mentioned above.

**Forest Improvement:** Timberstand improvement operations (TSI) will be prescribed and implemented as needed and feasible to promote stand vigor, the desired age class distribution and species composition. It is anticipated that stand improvement efforts will occur nearly everywhere on the property. Small openings created by harvesting or openings that naturally occur within the stand will be interplanted with redwoods to enhance stocking even though stocking standards will be met immediately upon completion of operations. Sprouts which regenerate following harvest may be thinned after five or more years so that only 3-4 of the healthiest sprouts per stump are left. The number of sprouts left is generally a function of the diameter of the stump, where the rule of thumb dictates that the number of retained sprouts equals the diameter of the stump in feet. Individual hardwood trees may be removed where doing so would release conifer trees which are either directly underneath or immediately adjacent to the tree to be removed. As hardwoods provide habitat for raptors and other bird species, and are a valuable sources of mast for other forest creatures, individual tree marking should only be done on an as needed basis under the supervision of a Registered Professional Forester (RPF). Any of the improvement projects discussed above will be done under the direct supervision of an RPF. Standard hazard mitigation which requires lopping of all material to within 30 inches of the ground will be followed for all such timber stand improvement operations. The extent and intensity of TSI may depend somewhat on the availability of cost-share programs.

**Fire Protection Plan:** While the property is skirted on the west side by Cathedral Drive and can be accessed from the south by Sequoia Way, neither road provides emergency access to the vast majority of the internal portions of the Taylor property. Upon rezoning, the Taylor's expect to file a Timber Harvest Plan (THP) or a Non-industrial Timber Management Plan (NTMP) for the property. As part of the THP/NTMP, seasonal access roads will be constructed as shown on the attached Features Map. This road system will not only facilitate hauling activities, but will also provide access for emergency vehicles should a fire or other emergency necessitate access to the subject property or adjacent properties. Roads built as part of the THP/NTMP will be designed to accommodate such emergency vehicles. The Taylor's also anticipate developing a water storage system to provide a backup water reserve for fire fighting crews. Available water, well-maintained access, and adherence to the fire hazard reduction provisions discussed below will make a notable fire defense improvement.

There are many rules and regulations which address fire prevention and hazard reduction. Attention should be paid to ensure that any Licensed Timber Operator (LTO) hired to carry out either stand improvement projects or a timber harvest operation under a THP/NTMP conforms with all laws, regulations, and contract provisions pertaining to smoking, fire tool requirements, and fire in general. Some of the more important items include: posting of fire rules, regulation of smoking and lunch and warming fires, care in welding, caution in using chain saws and other spark emitting equipment, prohibiting uncovered glass containers, and daily inspections prior to shutting down operations during the fire season. During the most critical period of the fire season, it may also be prudent to check with the local ranger unit to determine the daily prediction of fire danger. In terms of reducing the potential for fire following a harvest, local lopping standards have been adopted to lessen the chance for a fire to start as well as reduce its spread and intensity once it has ignited. These rules include: 1) All woody debris greater than one inch but less than eight inches in diameter created by timber operations shall be removed



when located within 100 feet of a permanently located structure maintained for human habitation. 2) All woody debris greater than one inch but less than eight inches in diameter created by timber operations shall be lopped to within 12" of the ground surface when located within 200 feet of a permanently located structure maintained for human habitation. 3) All other debris created by the proposed operations shall be lopped to within 30" of the ground surface. 4) Lopping shall be completed by April 1 of the year following operations. Should a fire break out, standard logging contracts require that the LTO use all available men and equipment to suppress such a fire.

**Snags and Downed Woody Debris Inventory:** Natural flattening of treetops, occasional drought-induced apical dieback, and older fire-scarred redwoods provide an above average number of snags on the property. Many of the highly defective old-growth trees on the property may provide habitat for cavity nesters as well. Snags identified in the field as actively used habitat will not be harvested. The Taylor's anticipate hiring a wildlife biologist to do a reconnaissance of the property prior to filing a THP, and prepare a report summarizing the findings. Specific trees or other habitat features which possess unique characteristics which make them desirable for wildlife will be identified and maintained in perpetuity. Compared with other timbered properties in the Santa Cruz Mountains, the subject property has an above average woody debris component (perhaps as many as 3-4 pieces per acre over 24" in diameter and 20' in length), which is largely a function of declining forest vigor. Although there are no consensus standards for optimal large woody debris levels in mixed-age redwood stands, if deemed appropriate, recruitment of snags or large woody debris may be accomplished by selective girdling or felling of larger trees (some research indicates hardwoods can be of high value in upslope conditions away from watercourses) and/or leaving highly defective redwood logs in the woods following harvesting. Evaluation of several trees which would be likely candidates for removal under a THP/NTMP, indicate that a selective harvest would yield a fair amount of cull log material which could be dispersed throughout the stand to provide niche habitats.

**Ancient Trees:** As discussed above, the timber stand on the Taylor property is an interesting mix of redwoods of varying ages. The old-growth or "ancient tree" component, defined as trees over 200 years of age, is pervasive enough that mapping individual trees is not feasible at this scale. The majority of the largest old-growth trees will be retained, although removals are recommended where doing so will result in significant growth release of the residual stand. Mr. Taylor has agreed to retain all trees that are currently 100" or greater in diameter (currently 5 trees), as well as 29 additional trees that possess old-growth structure or high habitat value (See Exhibit 1). To discourage whole-scale removal of all trees that might become 100" or larger over time, no restriction shall be placed on removal of trees that aren't currently 100", but in time grow to be this size. Similarly, this document is not intended to restrict removal of said 34 trees should one or more pose a risk to private property or public health and safety. Each of 34 retained trees is identified in the field with a numbered, permanent aluminum tag. The numbers are recorded on Exhibit 1.

## **GEOLOGY & SOILS**

The subject property is located in the Santa Cruz Mountains in the central portion of the Coast Range Physiographic Province of California. The Coast Range Province consists of a series of coastal mountain chains paralleling the pronounced northwest-southeast structural grain of central California geology. The property is underlain by the Purisima Formation, a description of which is found on the attached Geology and Soils Map. The San Andreas fault is approximately 4.5 miles northeast of the property. There were large earthquakes along the San Andreas fault in 1838, 1865, 1906, and most recently in 1989. Cooper-Clark and Associates mapped the swale at the southern end of the property as a questionable debris flow

(see the attached Cooper-Clark Landslide Map). On the ground reconnaissance of the swale did not reveal any signs of recent instability. A moderate size landslide occurred just off the property to the northwest, and has been shown on the attached Features Map. There are no existing or proposed features which are located near this or any other area of recent instability.

Soils on the property are described in the 1980 USDA Soil Survey of Santa Cruz County as being of the Lompico-Felton Complex (30-75% slopes), Nisene-Aptos Complex (30-50% slopes), Nisene-Aptos Complex (50-75% slopes), and Tierra-Watsonville Complex (30-50% slopes). The attached Geology and Soils Map delineates these complexes. The Lompico-Felton complex is comprised mainly of loams and sandy loams which are moderately deep and well drained. These forest soils provide very productive timberland. Effective rooting depth varies between 20 and 72 inches. The Nisene-Aptos complex is formed in residuum derived from sandstone and shale. The two dominant soils in this complex are Aptos fine sandy loam and Nisene loam. Effective rooting depth is between 30 and 60 inches. Permeability is moderate, runoff is relatively rapid, and erosion hazard is high, particularly when bare mineral soil is exposed. The Nisene-Aptos complex is well-suited for timber production. The Tierra-Watsonville Complex consists of soils on alluvial and marine terraces, comprised mainly of loams and sandy loams. Both the Tierra soil the Watsonville soil are deep, but the Tierra soil is well drained and the Watsonville is not. Effective rooting depth is up to 60". The soil is not well-suited for timber production, which is evidenced by the lack of timber growing on portions of the property underlain by this soil type. Discussion of erosion hazard potential is found below in the Erosion Hazard Inventory and Plan.

**EROSION HAZARD INVENTORY AND PLAN**

The Taylor property fared very well through the heavy El Nino winters of the late 1990s. Aside from a small fill failure located near the watercourse just below the residence on the property, there are no significant drainage or erosion problems. Continued active maintenance on the part of the landowner with emphasis on establishing permanent erosion control features will help protect soil resources on the property. The property as a whole has been assigned a High erosion hazard rating (EHR), although a couple acres of the more gently sloped portions of the property could be rated Medium. Following any given timber harvest, waterbars should be installed on roads and trails using the spacing guidelines below, which were developed using the High EHR standard. Doing so will ensure that water is not concentrated in amounts that may cause erosion. Following timber operations, outside road and trail edges shall be pulled back and slash and debris spread on disturbed areas to the extent feasible. Particular care should be taken when draining and stabilizing roads and landings and they are generally the areas of greatest concern. Upon completion of any given harvest, a Registered Professional Forester or his designated representative shall flag all waterbars on all roads, and be on-site to direct the LTO as to the best means of draining landing areas. Soil stabilization measures such as seeding, straw mulching, tractor packing slash, etc. will be prescribed and implemented on a site-specific basis under any given THP/NTMP.

<u>Waterbar Spacing</u>				
<u>Road/Trail Gradient:</u>	4 0 %	11-25%	26-50%	>50%
<u>High EHR Spacing:</u>	150'	100'	75'	50'

## FISH AND WILDLIFE

**Watershed Resources:** The subject property is located in the Mangels Gulch, which is a small subwatershed of the much larger Aptos Creek Watershed. Mangels Gulch is a largely forested watershed with upland areas transitioning into oak woodland and occasional grassy meadows. On an acreage basis, land use within the Mangels Gulch watershed is roughly two-thirds undeveloped "open-space" and one-third residential development. Development generally occupies the moderately sloped comdor associated with Mangels Gulch and Cathedral Drive. The vast majority of the east-facing slope of Mangels Gulch is forested open space, ownership of which is predominantly State Park and the Monte Toyon Methodist Camp. The eastern uplands and the northern portion of Mangels Gulch possess open-space characteristics similar to the subject property. Compared with other watersheds within the Santa Cruz Mountains, the Mangels Gulch drainage is moderately sloped, and relatively stable. When looking at the attached Location Map recognize that the property falls on two different Quadrangles, the northern Laurel Quad with 40' contour lines, and the southern Soquel Quad with 20' contour lines. Within the Mangels Gulch drainage area, primary impacts to the beneficial uses of water result from poorly located and designed road systems, residences, land clearing, and other non-permitted projects.

Using the standard applied by the California Department of Forestry and Fire Protection (CDF), Mangels Gulch is considered a Class II watercourse, portions of which dry up completely late in the spring, including a 350' stretch just above the confluence with Aptos Creek (Class I watercourse). As mentioned above, Mangels Gulch is part of the larger Aptos Creek watershed. Aptos Creek is an anadromous fish stream, and as such is assigned protection measures for Threatened and Impaired Watersheds (T&I Rules). Watercourse protection measures specific to the T&I Rules as well as other protection measures prescribed by the California Forest Practice Rules will be prescribed and implemented as part of any future timber harvest project on the property. Mitigation measures in the form of road rocking, seeding and strawing landings, slash packing skid trails, slide repair, and general limitations near watercourse areas will maintain and perhaps even improve surface stability on the property. The attached Features Map identifies all aquatic features found on the property. Any future THP will necessarily comply with all regulatory requirements for protection of the beneficial uses of water.

**Riparian Corridor:** In order to get this Timber Management Plan processed, the Santa Cruz County required that there be no timber harvesting within 30' either side of the primary watercourse on the property unless said tree removal(s) are approved by their Planning Department. In all likelihood, there will be several trees that will need to be removed within this 60' riparian strip (30' either side of watercourse) to accommodate cable yarding comdors. Cable yarding is the most environmentally sensitive means of removing trees from the eastern portion of the property (Unit MU-2).

*Note: The above discussion was included to make this TMP consistent with the restrictions included in Exhibit 2 (Agreement Concerning Application for Rezone to Timber Production Zone District). attached hereto*

**Wildlife:** Mr. Taylor has expressed an interest in maintaining old-growth specimens on the property which possess exceptional wildlife habitat features, with future harvests geared towards an increase in a younger, more vigorous, multi-layered canopy, which will provide some important niche wildlife habitats. While short-term displacement of mammals and birds may occur during active timber harvest operations, the adjoining lands should accommodate such displaced, as many of the adjacent lands contain large tracts of wildland area. No removal of structural elements such as snags is proposed. In fact, creation of snags and recruitment of large woody debris is encouraged under this Management Plan. Non-listed species which are likely to be found on the property include: band-tailed pigeon, jay, hawk, quail, owl, raptors,

hermit thrush, red-shafted flicker, woodpecker, wild turkey, deer, raccoon, coyote, fox, bobcat, skunk, rabbit, squirrel, mice, wood rat, salamander, tree frog, lizard, snake, and many others.

The Natural Diversity Database (NDDB) lists steelhead trout (*Oncorhynchus mykiss irideus*) as occurring within the Aptos Creek drainage, whose confluence with Mangels Gulch is located approximately 2 miles downstream at the town of Aptos. As discussed above, combined protection offered by the Threatened and Impaired Watershed Rules, the Forest Practice Rules, and mitigation herein, are sufficient to protect fisheries and watershed values. Santa Cruz County Biotic Resources Maps at CDF Felton office identified *Hystrix californica* (approximately 1 mile south of the subject property on the east side of Mangels Gulch) and a golden eagle nesting area (approximately 2 miles north of the subject property at the head of Trout Gulch). Efforts to identify and measures to protect each of the above mentioned species will be included as part of any future THP. Recent concern over non-listed raptor species and their breeding habitat has lead the California Department of Fish and Game (CDFG) to require mitigation measures and protection measures within THPs. The primary emphasis is to maintain relative occupancy of hardwoods, and to protect nest sites during the breeding season, which extends from March 15<sup>th</sup> to August 15<sup>th</sup>. As mentioned above in the Timber Management Goals and Objectives Section, Mr. Taylor fully intends to hire a wildlife biologist to perform a reconnaissance of the property prior to filing a THP/NTMP. Site visits thus far have not revealed any raptor nest sites. Hardwood removals will be limited to those that are knocked down during conifer felling, or incidental removals to release understory conifers. Wildlife habitat should be maintained by the selection system, which maintains a relatively continuous forest canopy.

## RECREATION & CULTURAL RESOURCES

Recreation: The subject property is not adjacent to any publicly owned lands. The property itself does not provide any legal recreational opportunity, although the presence of a few hiking trails suggests moderate trespass traffic. A small portion of the timbered area proposed for management may be visible from a few residences on Campus Drive and Sequoia Way, and to travelers on the portion of Cathedral Drive which borders the property. A 300' Special Treatment Area (STA) will be established along Cathedral Drive, where trees to be removed are generally taken off the back side of clumps, roads and trails are seeded and strawed immediately upon completion of harvest operations, and lopping and debris disposal requirements are heightened to minimize visual impacts. And, which there is a noticeable change in the character of the stand immediately following a selective harvest, such changes are very short-lived, and in most cases, often unrecognizable three to four years after the harvest is complete. In many cases, the overall visual appeal of a well-managed property increases in the years following a selective harvest, as vigorous stump sprouts offer diversity in an otherwise depauperate understory. The property does provide small-scale opportunity for owner-approved hiking, mountain biking, bird watching, camping or just outdoor relaxation and enjoyment of nature.

Cultural: A limited archaeological reconnaissance of the property has been conducted by a CDF qualified archaeological surveyor, and no pre-historic or historic sites were discovered. However, should a site be discovered during review of this plan, or during an active operation following its approval, a professional archaeologist shall be called in to determine appropriate protection measures.

## URBAN INTERFACE

The property is located just over a mile north of the town of Aptos, near the end of Cathedral Drive. The Monte Toyon Camp and Conference Center is located in neighborhood area south of the Taylor property, Greater than half of the property is bordered by wildland parcels, most of which is zoned for timber

production (TPZ). The remaining portion of the property is bordered by residential properties in a more or less wildland setting. As mentioned above in the recreational section, selective timber harvesting could be carried out with very little impact to the visual setting or the forested character of the landscape. Noise associated with timber harvesting is unlikely to last more than 3-4 weeks, and will only occur once every ten to fifteen years. As part of the THP/NTMP review process, the public will be invited to attend a Public Hearing, where issues regarding the nature of the conduct of timber operations will be discussed. Mr. Taylor has taken the time to talk with nearly all of his adjacent neighbors, describing his timber management intentions, and to date has not received any negative feedback. Adherence to the STA provisions mentioned above, in concert with a conservative management approach, is an acceptable land use and can be done in a manner which is compatible with surrounding land uses.

## **ACCESS**

As discussed above in the General Description, the property is accessed by Sequoia Way and Cathedral Drive. Cathedral Drive, where it abuts the property on the west side is a well-maintained gravel surfaced road which joins with Campus Drive (also gravel surfaced), before tying back into the paved portion of Cathedral Drive. Sequoia Way is a gravel surfaced road which comes off of Cathedral Drive and heads straight into the southern end of the property. The attached Features Map identifies the roads described above. Cathedral Drive runs south from the property, joining with Trout Gulch Road in the town of Aptos. While the western section of Cathedral Drive may be used to provide access during a timber harvest, Sequoia Way out to the lower portion of Cathedral Drive will be the designated haul route. The notion at this point is to utilize short-log trucks for log hauling operations. Log removals resulting from a variety of tree service type jobs in immediate area have demonstrated that Cathedral Drive will accommodate short-log trucks. During log hauling activities a pilot car will precede all loaded log trucks out to Trout Gulch Road. Log truck drivers will be required to abide by all speed limits, and will not exceed 10mph while on Cathedral Drive. In addition, hauling activities will be scheduled, as much as is feasible, to avoid morning and evening commute hours, as traffic outside these times is relatively light. A more detailed assessment of traffic resources would necessarily be included as part of any future THP/NTMP. However, suffice it to say that log hauling, with the limitations described above, has been conducted safely on comparable public roads in the Santa Cruz Mountains. As required by the California Forest Practice Rules, bonding may be required by the Director of CDF to repair damage to public roads resulting from hauling activities. Prior to hauling activities under any future THP/NTMP, it is suggested that the owner document the existing condition of both Sequoia Way and Cathedral Drive, then re-document such conditions following hauling.

As noted on the Hauling Options Map, a portion of the proposed seasonal road system runs onto the adjoining TPZ parcel (APN 105-121-07) to the north before switching back and accessing the eastern portion of the Taylor property. Mr. Taylor has received verbal assurance from the owner of said APN for the right to use said switchback road. While this switchback road is not required to facilitate harvesting, it does provide flexibility with regard to yarding options as discussed above in the Yarding Methods Section. In addition, Mr. Taylor has approached the landowner whose TPZ parcel (APN 040-281-04) borders his property on the east, to discuss the option of securing access over his property (also shown on the attached Hauling Options Map) to access the eastern ridge. In addition to providing access to the eastern portion of the subject property, each of these adjacent parcels provides a direct connection to Trout Gulch Road, thereby avoiding hauling out Cathedral Drive. While hauling over either of these two adjoining properties is preferred and would avoid use of Cathedral Drive for timber operations, until a written agreement is drawn up, Cathedral Drive remains the haul route of record for this Forest Management Plan.

## **CONCLUSION:**

Each of the two parcels APN 040-28 1-02 and APN 040-28 1-01 (assuming the combination APN 040-28 1-03) far exceed the minimum stocking standards per PRC Section 4561, as well as the State of California's minimum productivity standards required for TPZ. It is recommended that future harvests be done in conjunction to maximize economies of scale from both a timber sale and timber operations perspective. Additionally, disturbance and truck traffic would be limited to a single event, and operational reciprocity would simplify harvesting in many areas. As indicated in the Timber Management Section above, growth rates on the property exceed the minimum TP requirements, and are expected to improve dramatically under active management. Aside from the single watercourse crossing and a repair of a small fill failure below the existing residence, operational features have been located away from watercourses and unstable areas. Proposed road and landing construction is flagged in the field, and has received the same consideration given to the technical layout required of THPs. Cumulative impacts to watershed resources, soil resources, biological resources, recreational resources, visual resources, and traffic resources are unlikely. Future timber harvest operations on the property will undergo review equivalent to an environmental Impact Report. Property management decisions, whether related to a THP or not, should be made with consultation with a Registered Professional Forester or his designated representative to help assure compatibility with timber harvesting.

**TAYLOR FOREST MANAGEMENT PLAN  
PORTION OF SECTION 6, T 10S, R 1E,  
MDB&M. SANTA CRUZ COUNTY, CA.  
APN #'S 040-281-01, 02, & 03. SOQUEL  
AND LAUREL QUADRANGLES.**

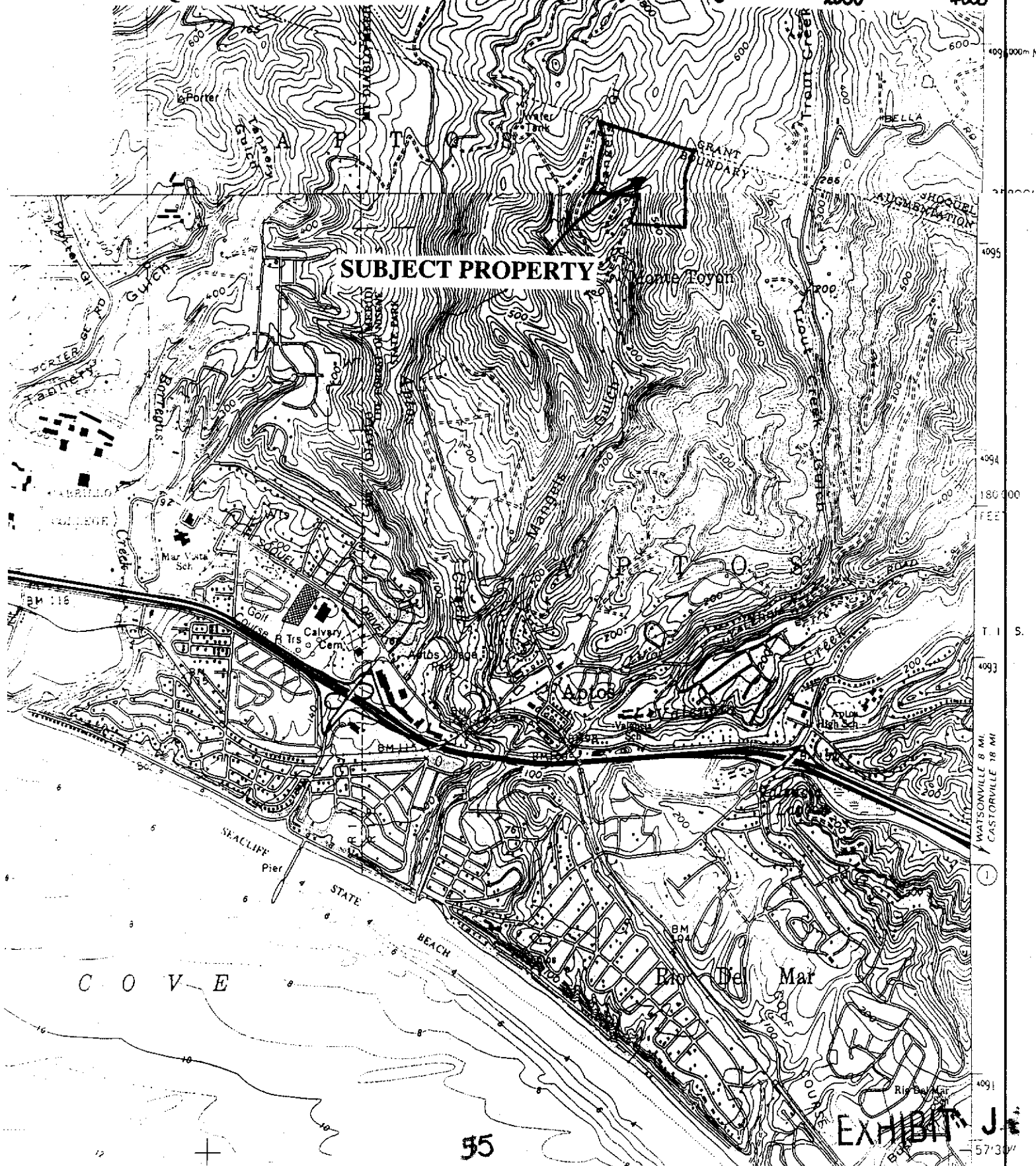
**LOCATION MAP**



**SCALE**



**SUBJECT PROPERTY**

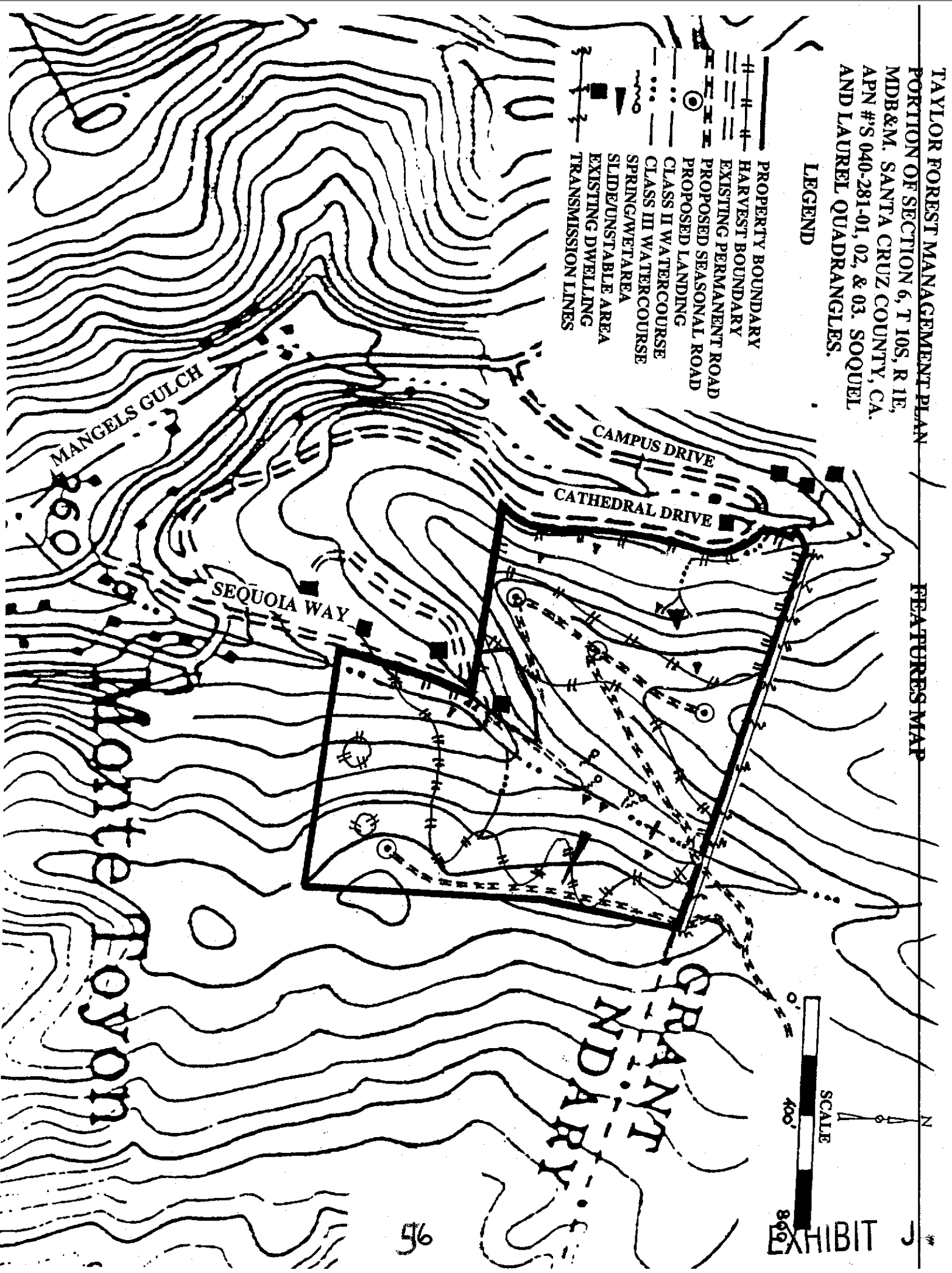


TAYLOR FOREST MANAGEMENT PLAN  
 PORTION OF SECTION 6, T 10S, R 1E,  
 MDB&M. SANTA CRUZ COUNTY, CA.  
 APN #'S 040-281-01, 02, & 03. SOQUEL  
 AND LAUREL QUADRANGLES.

FEATURES MAP

LEGEND

- PROPERTY BOUNDARY
- HARVEST BOUNDARY
- EXISTING PERMANENT ROAD
- PROPOSED SEASONAL ROAD
- PROPOSED LANDING
- CLASS II WATERCOURSE
- CLASS III WATERCOURSE
- SLIDE/UNSTABLE AREA
- EXISTING DWELLING
- TRANSMISSION LINES



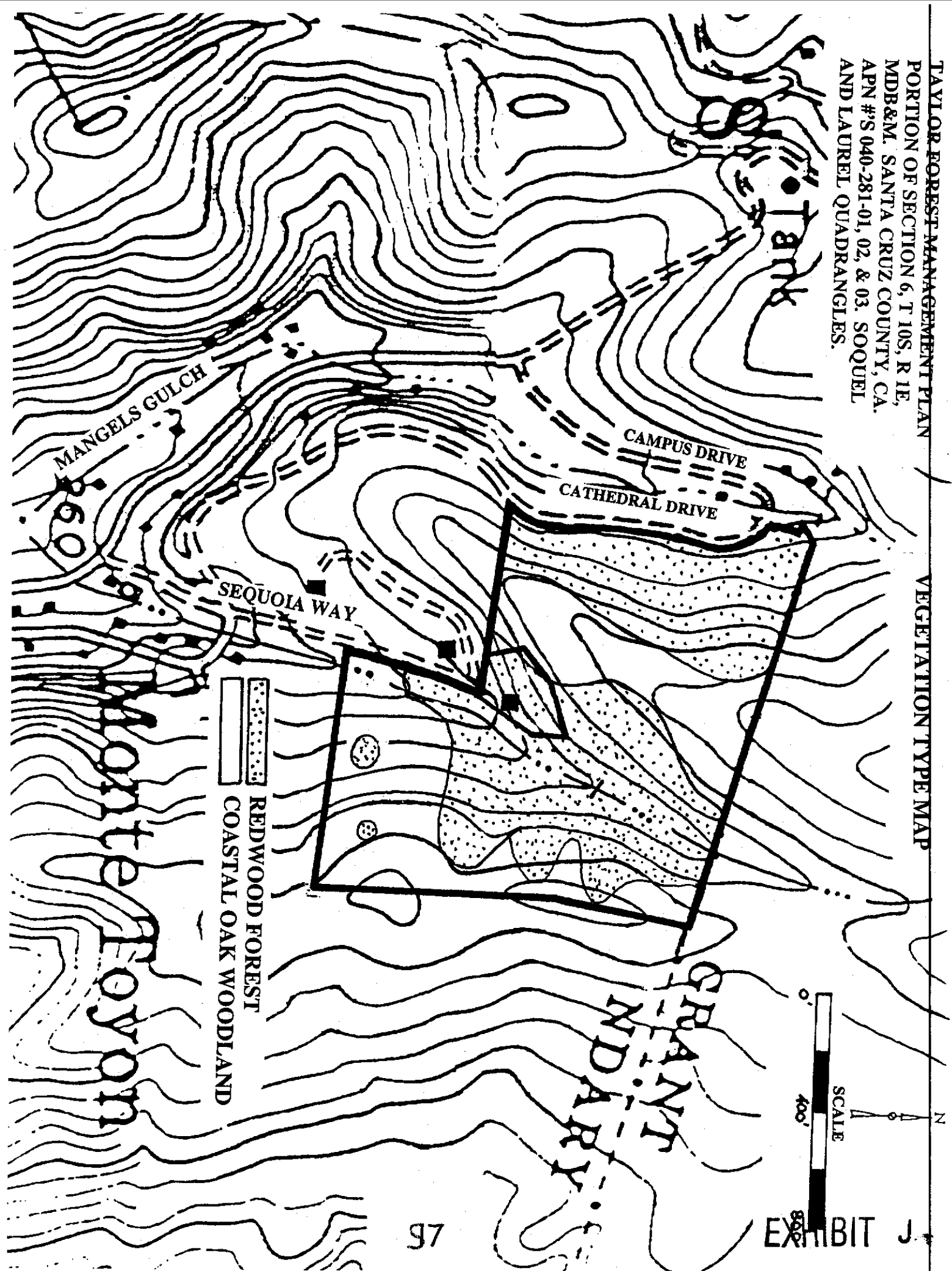
SCALE  
 0' 400' 800'

EXHIBIT J



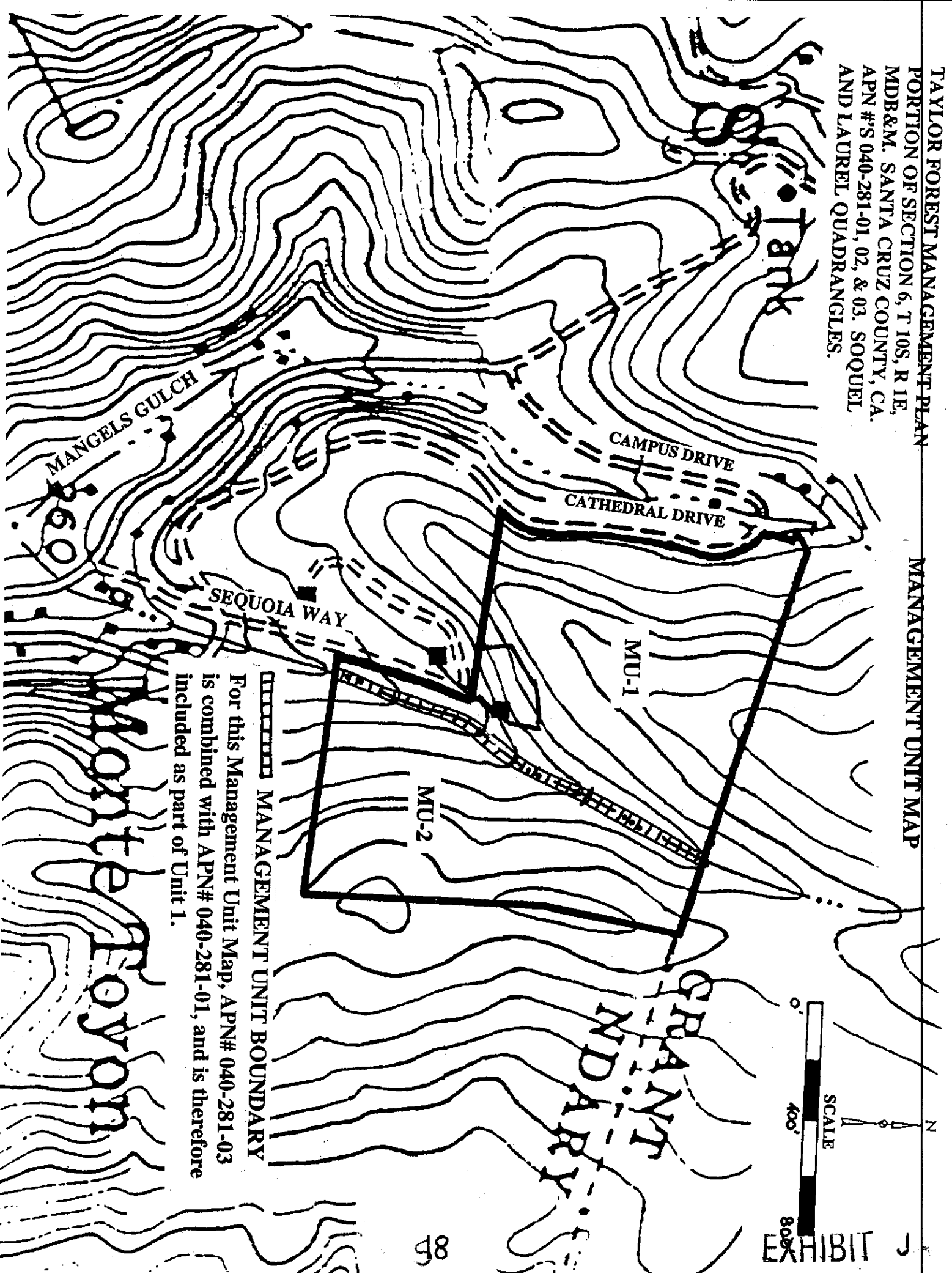
TAYLOR FOREST MANAGEMENT PLAN  
PORTION OF SECTION 6, T 10S, R 1E,  
MDB&M, SANTA CRUZ COUNTY, CA.  
APN #'S 040-281-01, 02, & 03. SOQUEL  
AND LAUREL QUADRANGLES.

VEGETATION TYPE MAP



TAYLOR FOREST MANAGEMENT PLAN  
PORTION OF SECTION 6, T 10S, R 1E,  
MDB&M, SANTA CRUZ COUNTY, CA.  
APN #'S 040-281-01, 02, & 03. SOQUEL  
AND LAUREL QUADRANGLES.

MANAGEMENT UNIT MAP



MANAGEMENT UNIT BOUNDARY

For this Management Unit Map, APN# 040-281-03  
is combined with APN# 040-281-01, and is therefore  
included as part of Unit 1.

TAYLOR FOREST MANAGEMENT PLAN  
PORTION OF SECTION 6, T 10S, R 1E,  
MDB&M, SANTA CRUZ COUNTY, CA.  
APN #'S 040-281-01, 02, & 03. SOQUEL  
AND LAUREL QUADRANGLES.

HAULING OPTIONS MAP

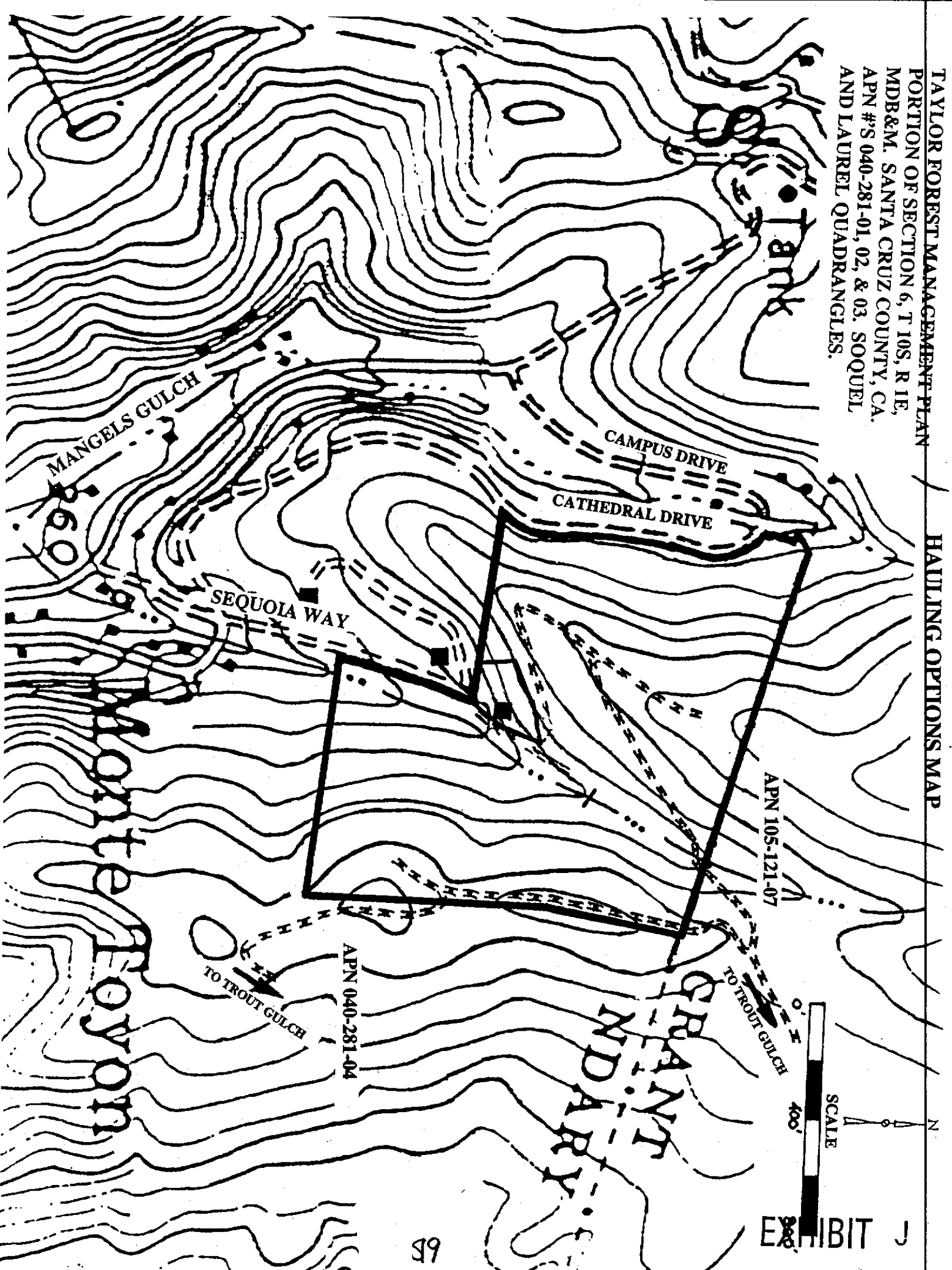
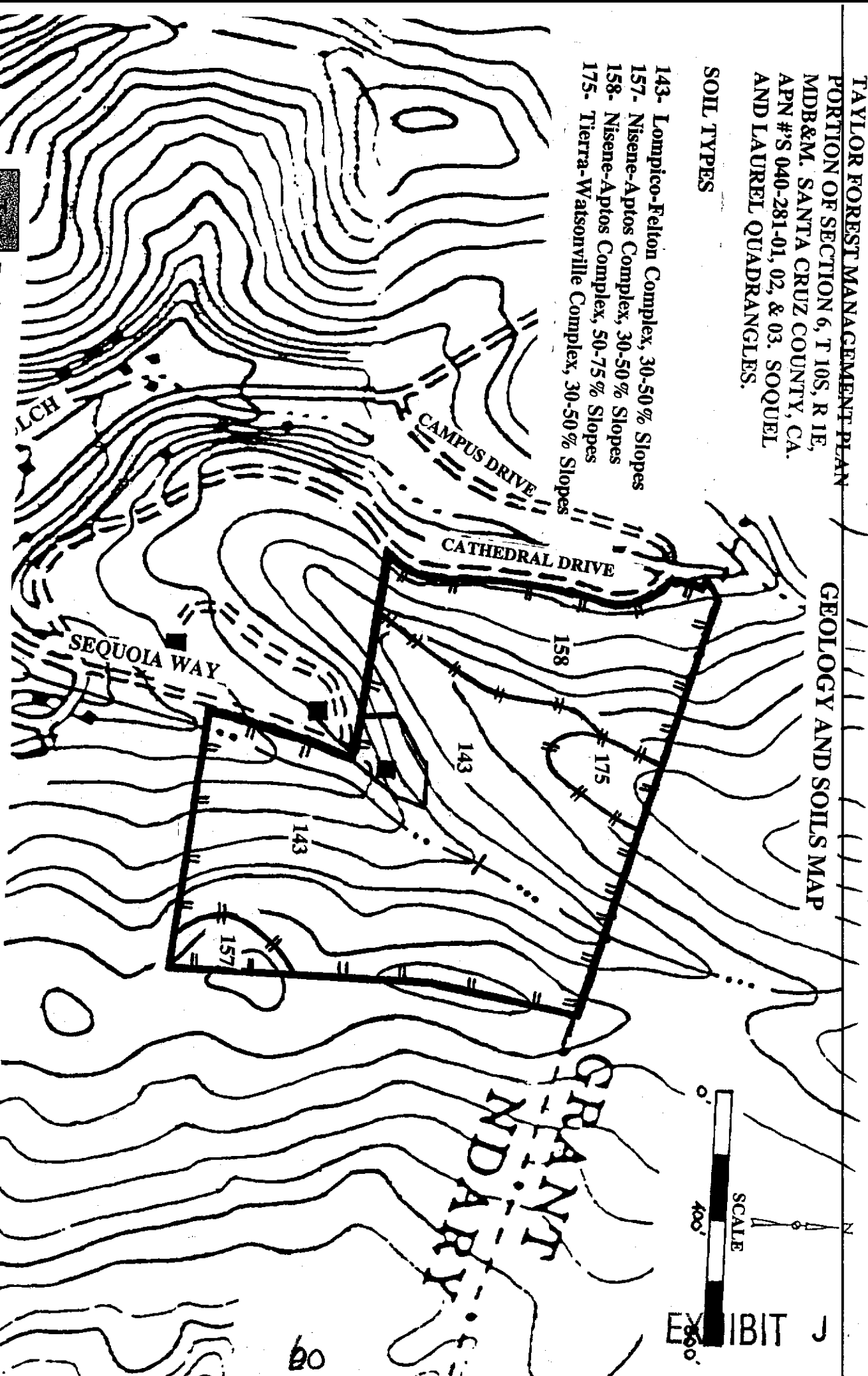


EXHIBIT J

PORTION OF SECTION 6, T 10S, R 1E,  
MDB&M, SANTA CRUZ COUNTY, CA.  
APN #'S 040-281-01, 02, & 03. SOQUEL  
AND LAUREL QUADRANGLES.

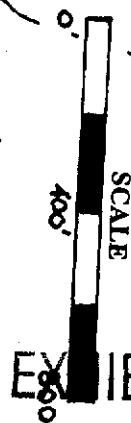
SOIL TYPES

- 143- Lompico-Felton Complex, 30-50% Slopes
- 157- Nisene-Aptos Complex, 30-50% Slopes
- 158- Nisene-Aptos Complex, 50-75% Slopes
- 175- Tierra-Watsonville Complex, 30-50% Slopes



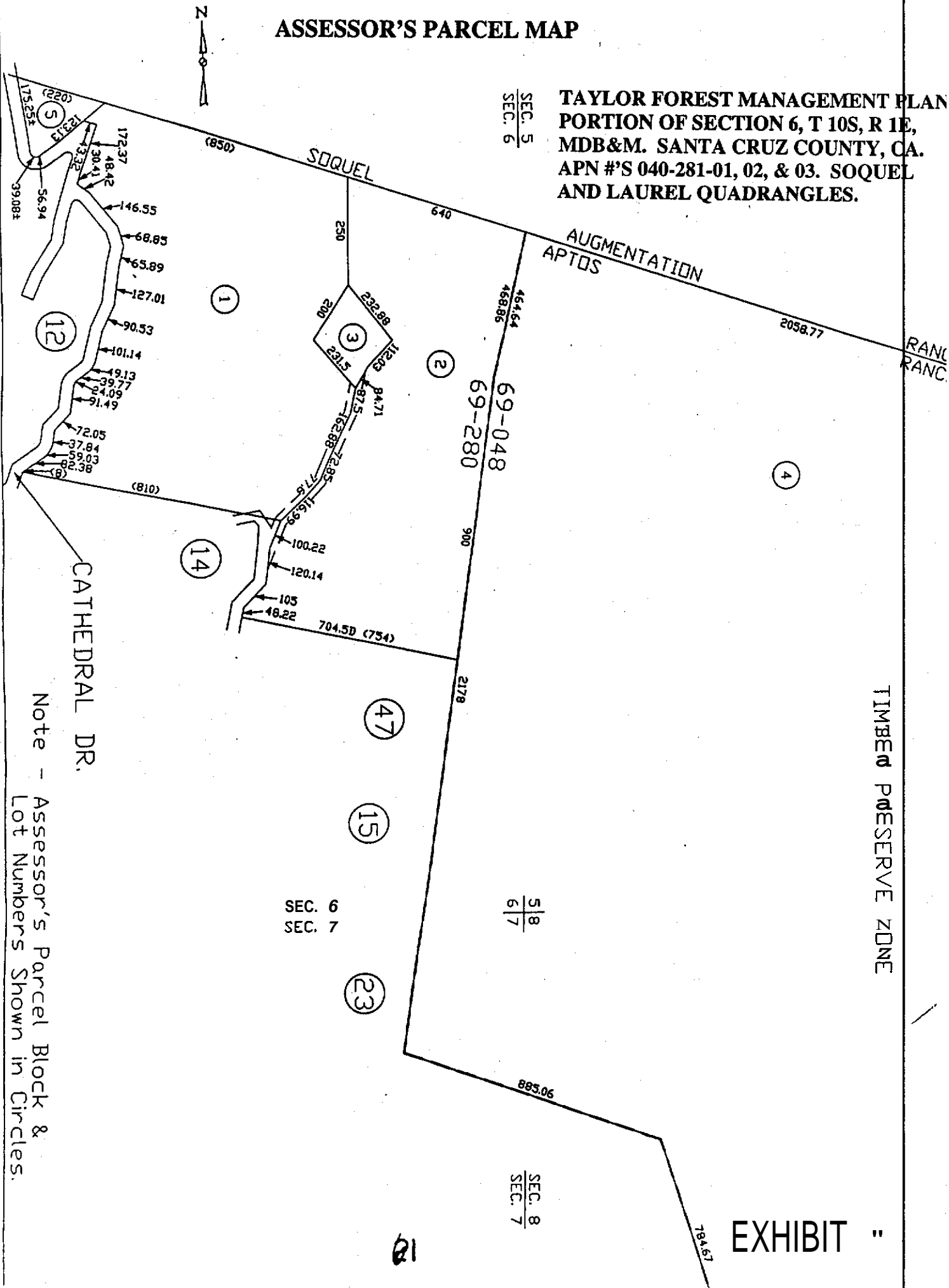
**Purisima Formation (Pliocene and upper Miocene)**—Very thick bedded

yellowish-gray tuffaceous and diatomaceous siltstone containing thick interbeds of bluish-gray, semifrable, fine-grained andesitic sandstone. As shown, includes Santa Cruz Mudstone east of Scotts Valley and north of Santa Cruz. Thickness approximately 3,000 ft in the Corralitos Canyon area



# ASSESSOR'S PARCEL MAP

TAYLOR FOREST MANAGEMENT PLAN  
 PORTION OF SECTION 6, T 10S, R 1E,  
 MDB&M. SANTA CRUZ COUNTY, CA.  
 APN #'S 040-281-01, 02, & 03. SOQUEL  
 AND LAUREL QUADRANGLES.



CATHEDRAL DR.

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

SEC. 6  
 SEC. 7

5/8  
 6/7

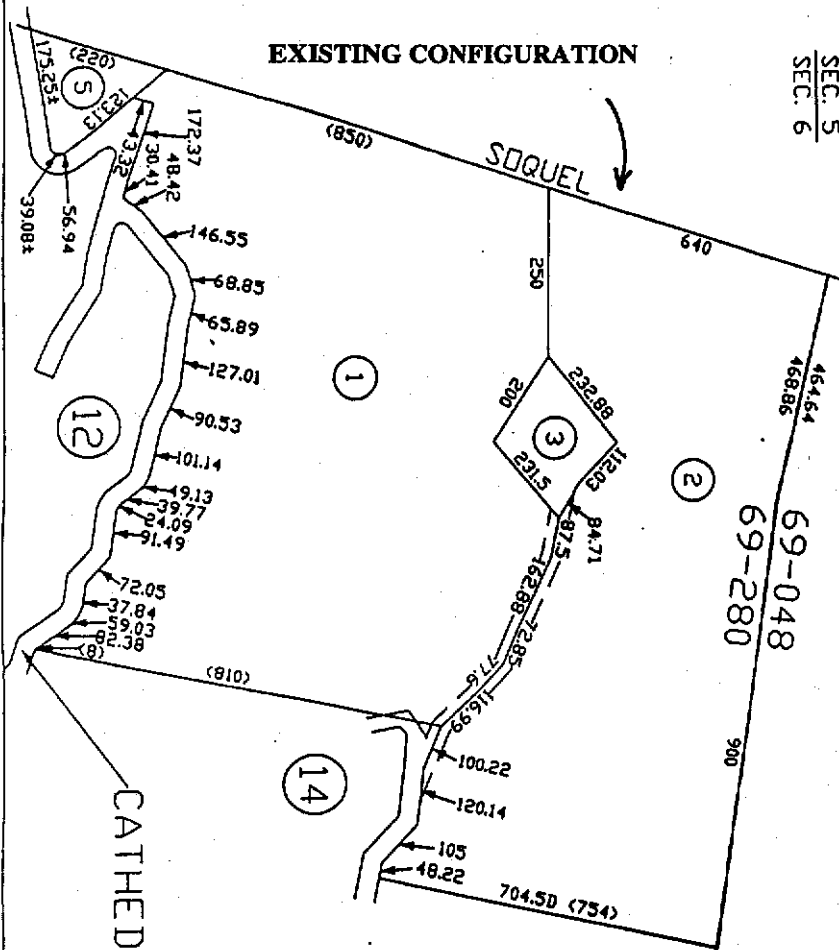
SEC. 8  
 SEC. 7

EXHIBIT

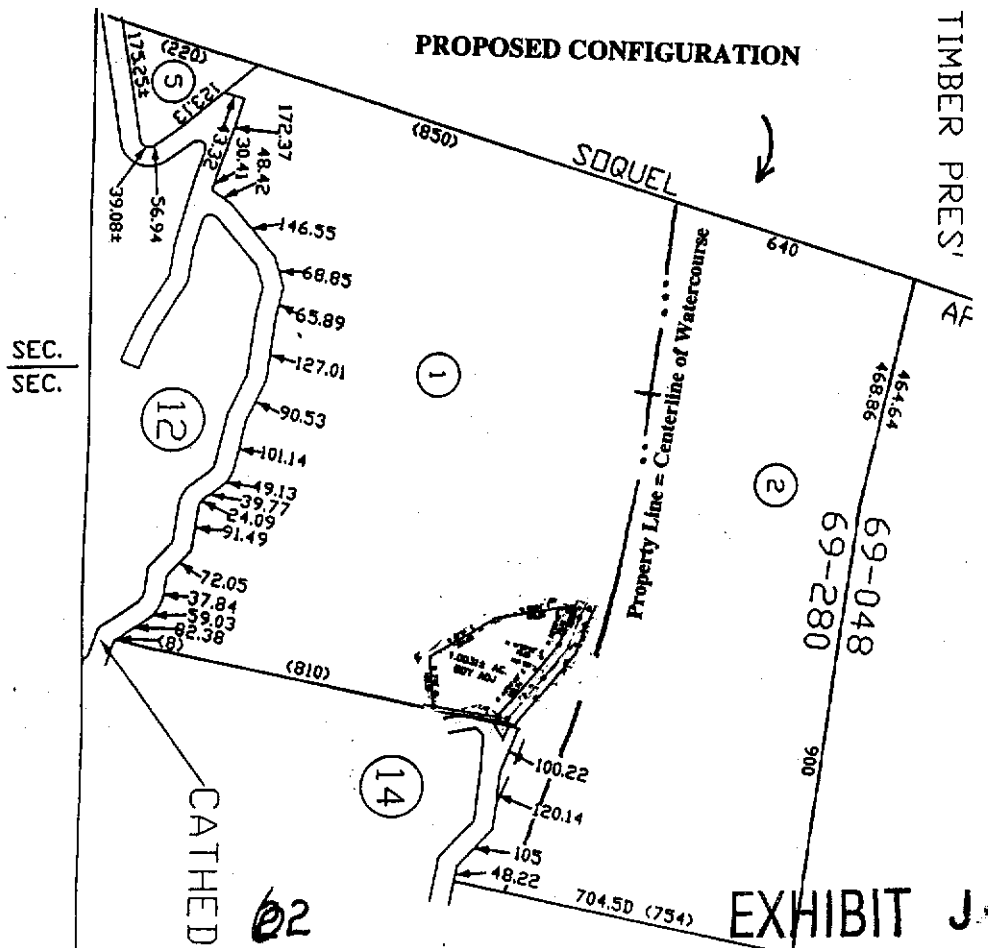
# TENTATIVE LOT LINE ADJUSTMENT MAP

TAYLOR FOREST MANAGEMENT PLAN  
PORTION OF SECTION 6, T 10S, R 1E,  
MDB&M. SANTA CRUZ COUNTY, CA.  
APN #'S 040-281-01, 02, & 03. SOQUEL  
AND LAUREL QUADRANGLES.

## EXISTING CONFIGURATION



## PROPOSED CONFIGURATION

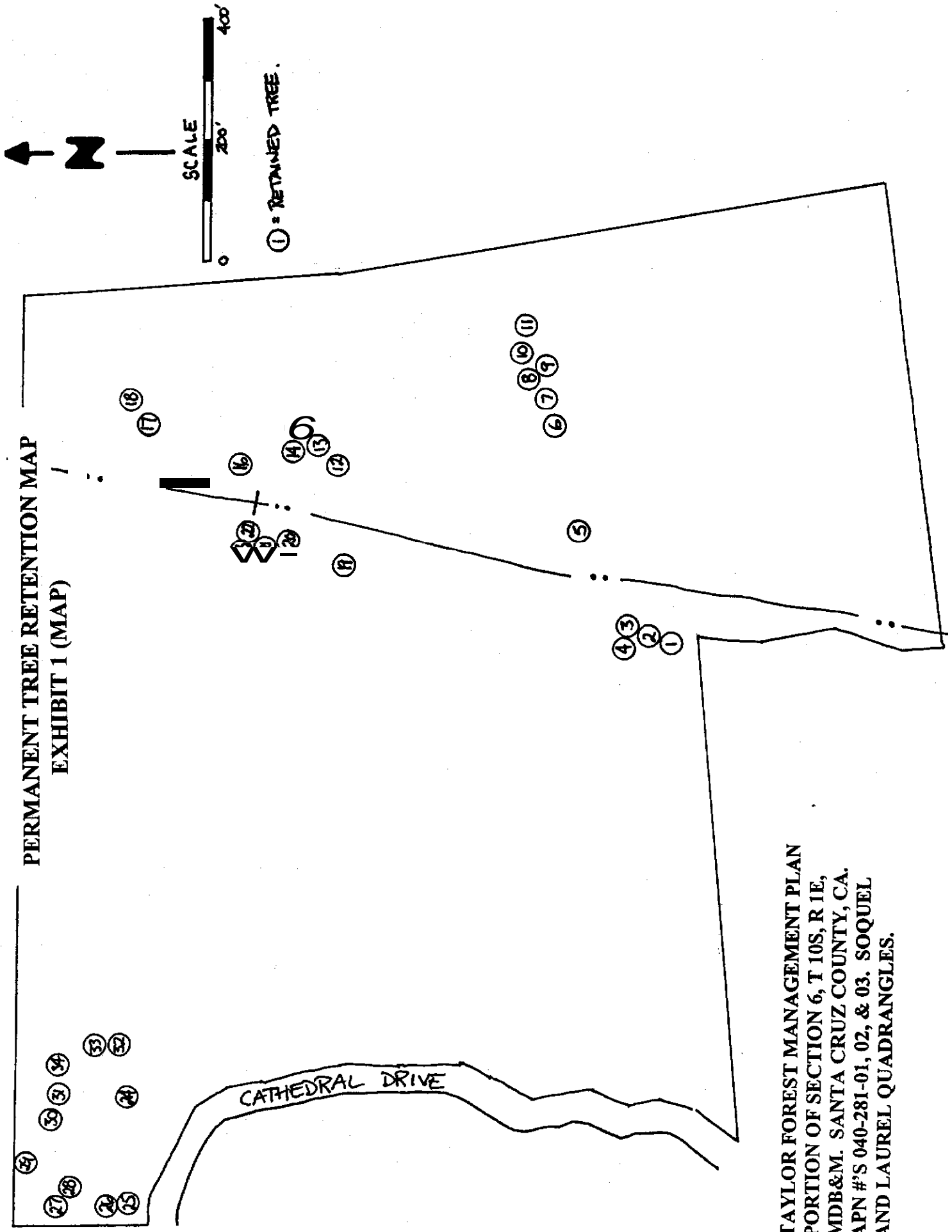


CATHEDRAL DR.

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

EXHIBIT J

<b>TAYLOR TIMBER MANAGEMENT PLAN</b>			
<b>Exhibit 1: Permanent Tree Retention List</b>			
<b>Tree #</b>	<b>Tag #</b>	<b>Diameter</b>	<b>Height</b>
1	5	56	170
2	6	88	165
3	10	81	150
4	12	64	170
5	606	80	195
6	843	87	120
7	841	89	180
8	858	70	78
9	851	81	88
10	849	82	170
11	892	89	138
12	634	85	220
13	636	95	225
14	638	83	215
15	639	98	220
16	663	70	178
17	735	94	210
18	722	90	180
19	97	84	196
20	117	98	176
21	123	78	190
22	128	96	180
23	169	100	170
24	500	105	150
25	559	100	189
26	570	70	100
27	586	90	200
28	585	102	220
29	963	111	240
30	946	81	165
31	952	84	170
32	343	74	140
33	340	70	176
34	380	74	122



TAYLOR FOREST MANAGEMENT PLAN  
 PORTION OF SECTION 6, T 10S, R 1E,  
 MDB&M. SANTA CRUZ COUNTY, CA.  
 APN #'S 040-281-01, 02, & 03. SOQUEL  
 AND LAUREL QUADRANGLES.



## EXHIBIT 2 (COUNTY AGREEMENT)

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

The County of Santa Cruz ("County") and Timothy and Kristin Taylor ("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 37.7 acres APNs 040-281-01, 02 and 03 - with the exception of a one-acre residential parcel created by lot line adjustment permit 01-0309 ("Property") located on the north side of Seauoia Way, about 1,000 feet north of Cathedral Drive adjacent to 221 Seauoia Way.

B. The Property is currently zoned SU (Special Use).

C. On January 24, 2001, **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*

*An unnamed tributary to Mangel's Gulch bisects the subject property. The upper area of this tributary is ephemeral and transitions to an intermittent watercourse. Mangle's Gulch, also an intermittent stream, flows into Aptos Creek, a perennial stream supporting Steelhead trout - a Federally listed Threatened species. Timber harvesting activities could conflict with the County's riparian and sensitive habitat protection General Plan policies. The removal of trees within the 30-foot riparian corridor on each side of the unnamed ephemeral/ intermittent stream channel could damage downstream 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 downstream stream water quality and aquatic habitats. The preferred method of timber harvesting due to the topography of the property and the location of the stream channel is cable yarding. This method minimizes road construction and ground disturbance and eliminates the need to construct a bridge across the channel. Nevertheless, this method would require some tree trimming and removal within the riparian corridor to create cable corridors.*

*There are a number of trees that appear to be over 200 years old on this property. Ancient trees have a particularly high habitat value for wildlife and are valuable as seed trees for future generations. Approximately forty trees are either over 100 inches in diameter or have a growth structure particularly*

*valuable for wildlife habitat.*

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 Burr 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 July 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 and provide the County with the notarized original of 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. *Prior to commencement of timber harvest operations under an approved Timber Harvest Permit, the owner shall obtain a Riparian Exception Permit from the County of Santa Cruz for all tree removal and trimming for the cable corridor across the creek channel and within 30 feet of the edge of the mean high water mark for the stream. All work shall be completed in conformance with the conditions of the Riparian Permit.*
- b. *Timber harvesting and/or tree removal is prohibited within 30 feet of the unnamed tributary to Mangel's Gulch with the following exceptions:*  
  
*Tree(s) posing an imminent hazard to public health and safety may be removed. However, any such tree located within the riparian setback shall require a Riparian Exception Permit prior to removal.*  
  
*Trees removed for cable corridors under an approved Riparian Exception in accordance with condition a. above.*
- c. *All trees over 100 inches in diameter and twenty-nine (29) additional trees with old growth structure or high habitat value, specified in Exhibit 1, shall be preserved on site in perpetuity. Harvesting of these trees is prohibited.*
- d. *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, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Owners:

Timothy and Kristin Taylor  
4700 Trout Gulch Road  
Aptos, CA 95003

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: \_\_\_\_\_

By \_\_\_\_\_  
Timothy Taylor

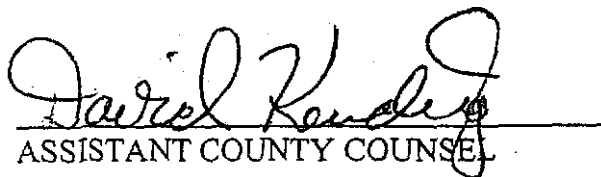
By \_\_\_\_\_  
Kristin Taylor

DATED: \_\_\_\_\_

COUNTY OF SANTA CRUZ, et al.

By \_\_\_\_\_  
Chair, Board of Supervisors

APPROVED AS TO **FORM**:

  
ASSISTANT COUNTY COUNSEL

[01-004] TP rezone agreement.wpd]

7  
31  
71

EXHIBIT J

