



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

November 10, 2006

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Agenda Date: December 13, 2006

APN: 062-211-30

Application: 01-0261

Item: 20

Subject: A public bearing to consider a proposal to rezone a single lot of record from the Commercial Agriculture - Open Space (CA-O) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On May 18, 2001, the County Planning Department accepted this application for rezoning a parcel totaling about 284 acres from the Commercial Agriculture - Open Space (CA-O) zone district to Timber Production - Open Space (TP).

Background and Discussion

The property owners, Campbell Associates, also own approximately 175.57 acres of Timber Production zoned parcel, APN 062-211-02, which is contiguous with the subject property. The uses on the property consist of open space - no residence. An Open Space Easement was created in 1972 with a fixed term of 20 years. Therefore, the Open Space Easement is no longer in effect. The rezoning will eliminate the Open Space Combining District, correcting the inconsistency with the terms of the easement.

This project qualifies for a rezoning under California Government Code Section 51113.5 "Petition by owner to add to timberland production zone." This section allows a property owner with TP-zoned land to petition the County to rezone contiguous land not zoned TP to the TP zone. The only requirements for this type of rezoning are that the parcels must meet the definitions of Government Code Section 51104(f), (g) and (h)¹. The County may not place any additional requirements on this petition to rezone the property to TP.

In accordance with Section 51113.5 of the State Government Code, the project meets the following criteria for

¹ Government Code Section 51104

(f) "Timberland" means privately owned land, or land acquired for state forest purposes, which devoted to and used for growing and harvesting timber, or for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

(g) "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 and 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

(h) "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

- (1) Management for watershed.
- (2) Management for fish and wildlife habitat or hunting and fishing.
- (3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.
- (4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.
- (5) Grazing.
- (6) A residence or other structure necessary for the management of land used as timberland production.

rezoning to Timber Production:

- The property is contiguous with Timber Production zoned property under the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code (Exhibit C).
- The property is timberland, as it is capable of producing an average of 15 cubic feet of timber per acre annually (Exhibit E).
- The uses on the parcel comply with the Timber Production Zone uses set forth in Section 13.10.372.

This project qualifies for a statutory exemption in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Conclusion

All of the criteria have been met **for** rezoning the subject parcel to the Timber Production zoning designation. All required findings can be made to approve this application pursuant to California State Government Code Section 51113.5.

Recommendation

It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 01-0261, to adopt the Ordinance rezoning the property to the TP zone district.

EXHIBITS

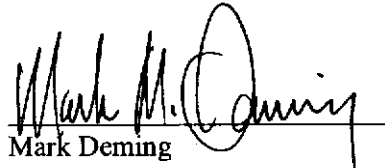
- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN map
- C. Location, Current Zoning and General Plan Designation and Ownership maps
- D. Notice of Exemption from CEQA
- E. Timber Stocking Analysis, prepared by Stephen R. Staub, dated May 17, 2001
- F. Open Space Easement, dated February 22, 1972

Robin Bolster-Grant



Project Planner
Development Review

Reviewed By:



Mark Deming
Assistant Planning Director

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. 01-0261, involving property located on an **unnamed** right-of-way, about 3/4 mile south from Smith Grade., 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 property from the Commercial Agriculture - Open Space (CA-O) zone district to the Timber Production zone district.

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

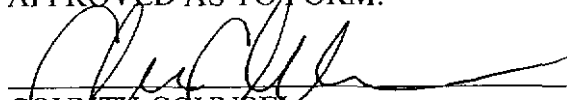
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2006, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
MARK DEMING, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

EXHIBIT A

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 13
OF THE SANTA CRUZ COUNTY CODE
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

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

SECTION 1

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the timber resource property located on an unnamed right-of-way, about 3/4 mile south from Smith Grade.; finds that the zoning to be established herein is consistent with all elements of the Santa Cruz County General Plan and the Santa Cruz County Code, as modified by the *Big Creek* decision; and finds and certifies that the project is subject to a statutory exemption under the California Environmental Quality Act.

SECTION II

The Board of Supervisorshereby adopts the Zoning Plan Amendment as described in Section III, and adopts the findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
1. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
2. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district; and
3. The property meets the requirements of Government Code section 51 113 or 5 1113.5 and County Code Section 13.10.375(c).

EXHIBIT A

SECTION III

Chapter 13.10 - Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.210 - Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
062-21 1-30	Commercial Agriculture - Open Space (CA-O)	TP

SECTION IV

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

PASSED AND ADOPTED THIS ____ day of _____ 2006, by the Board of Supervisors of the County of Santa **Cruz** by the following vote:

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

Chairman of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

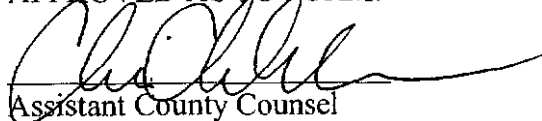

Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
 Planning
 Assessor
 County GIS

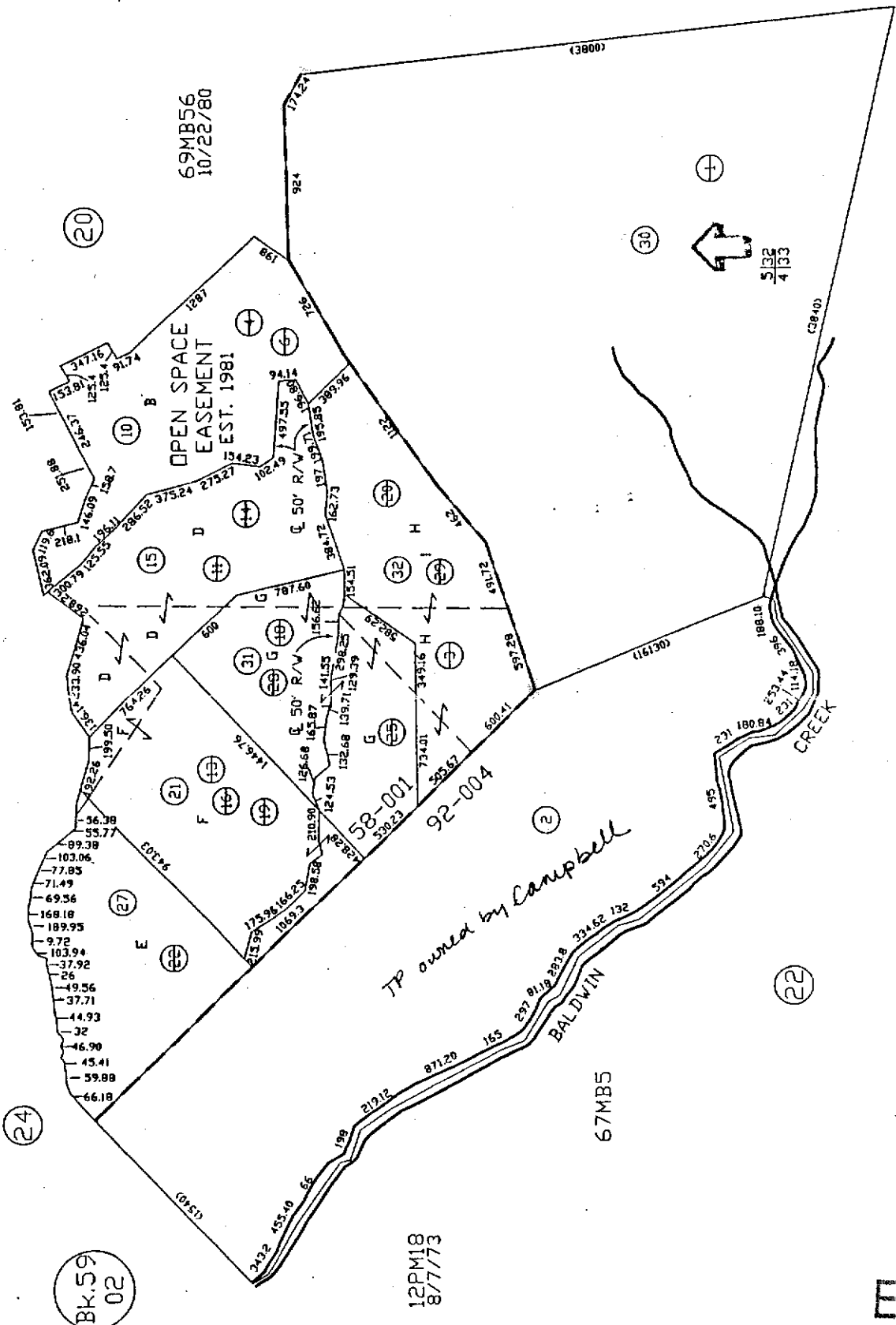
EXHIBIT A

JRPOSES ONLY
 IF AS TO MAP ACCURACY NOR ASSUMES ANY
 TO BE REPRODUCED. ALL RIGHTS RESERVED.
 CRUZ COUNTY ASSESSOR 1996

POR. REFUGIO RANCHO
 SECS. 32 & 33, T.10S., &
 SECS. 4,5,6,7,8, T.11S., R.2W., M.D.B.&M

Tax Area Code
 58-001 92-004

62-21



Assessor's Map No. 62-21
 County of Santa Cruz, Calif
 May, 1965

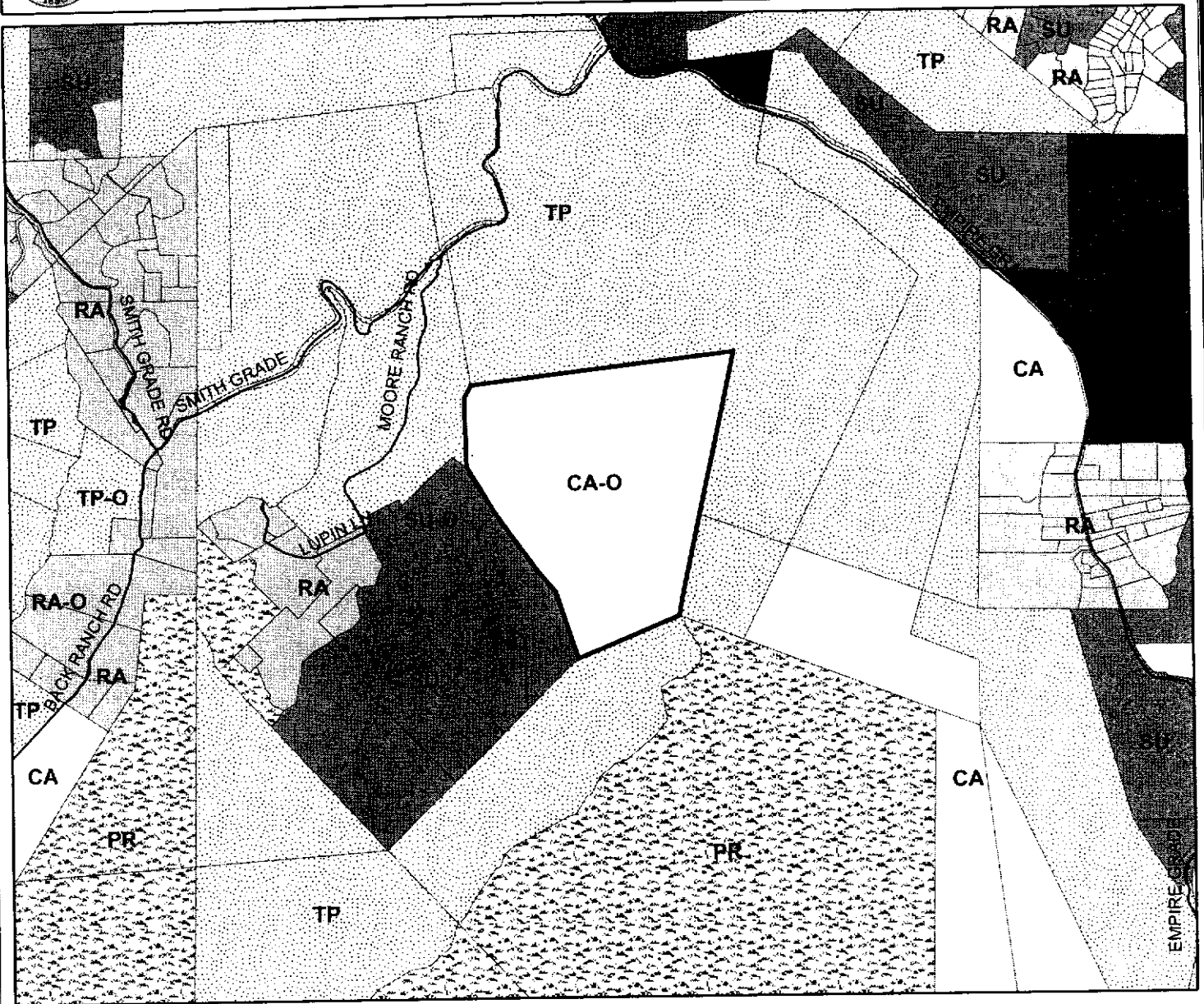
Note - Assessor's Parcel Block &
 Lot Numbers Shown in Circles.

EXHIBIT B

also own TPZ
 59-181-01 164 ac

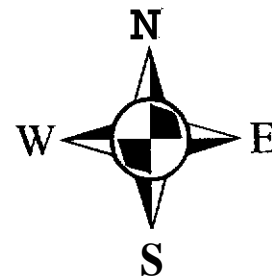


Zoning Map



Legend

- APN 062-211-30
- Streets
- Assessors Parcels
- AGRICULTURE COMMERCIAL (CA)
- TIMBER PRODUCTION (TP)
- AGRICULTURE RESIDENTIAL (RA)
- SPECIAL USE (SU)
- AGRICULTURE (A)
- PARK (PR)

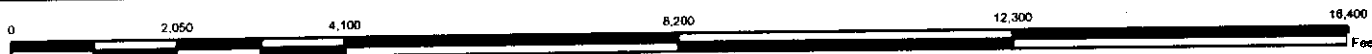
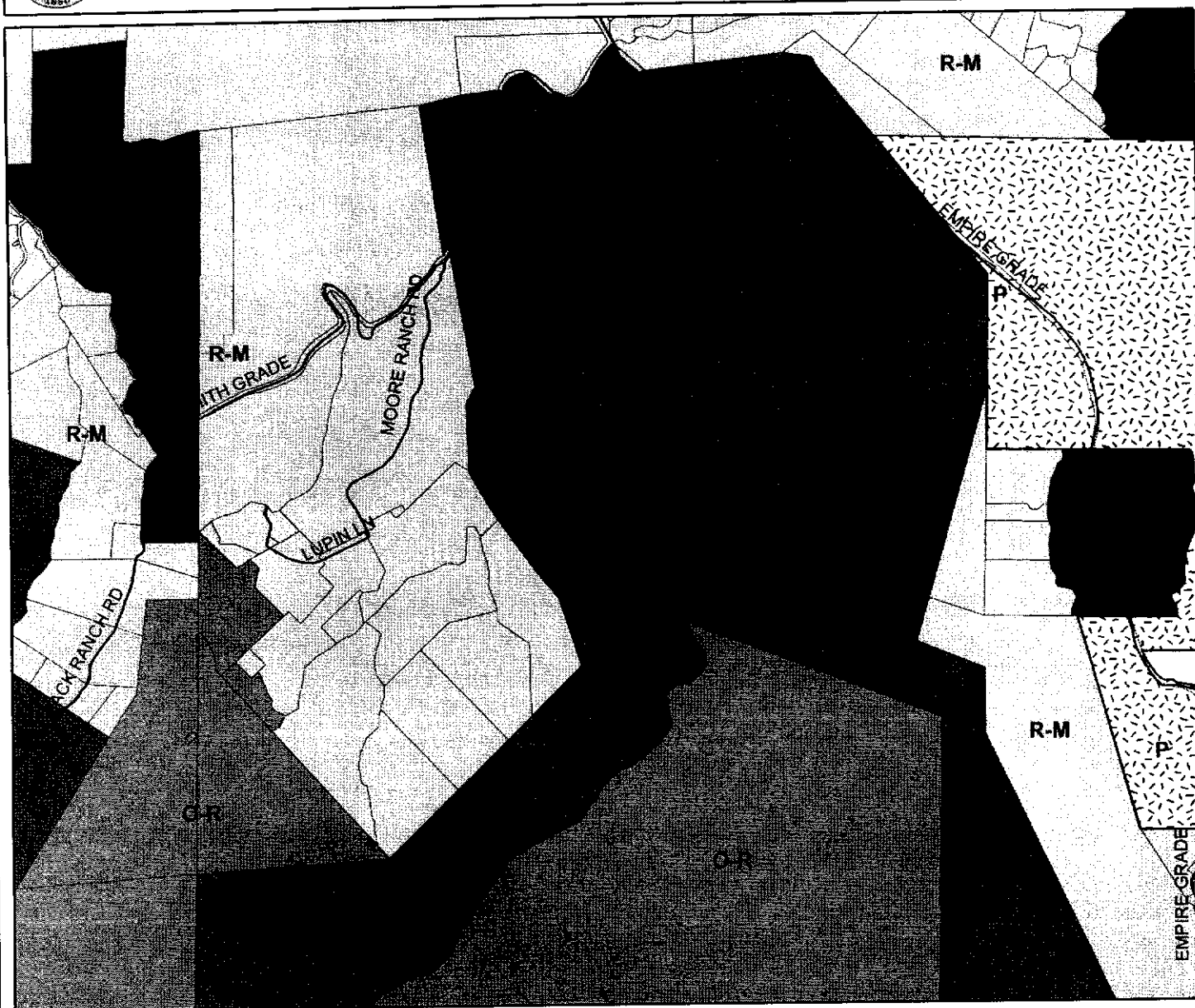


Map Created by
County of Santa Cruz
Planning Department
October 2006

EXHIBIT C



General Plan Designation Map



Legend



SPN 062-211-30

Assessors Parcels



Agriculture (AG)



Residential-Mountain (R-M)

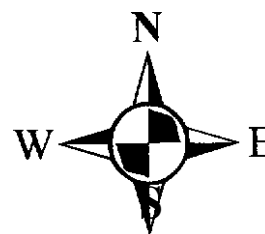


Parks and Recreation (O-R)



Residential-Rural (R-R)

Public Facilities (P)

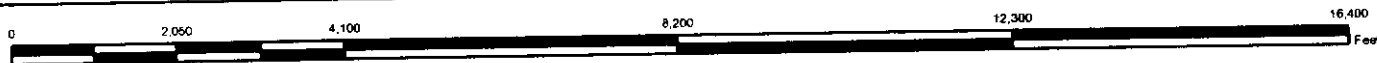
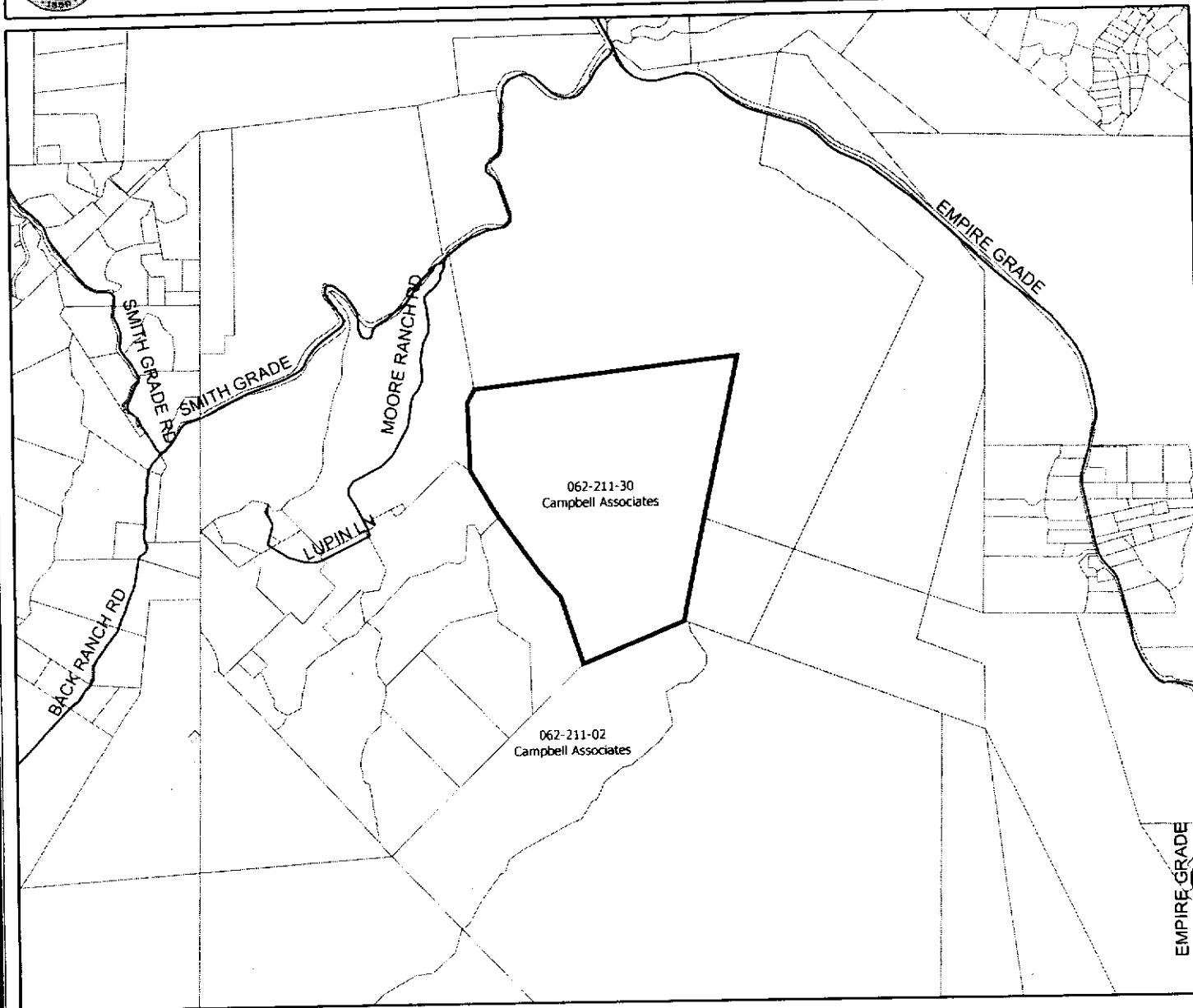


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Planning Department
October 2006




EXHIBIT C

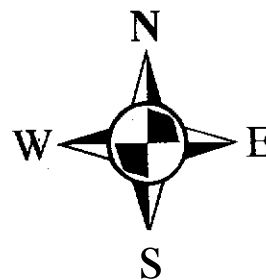


Ownership Map



Legend

-  APN 062-211-30
-  Steets
-  Assessors Parcels

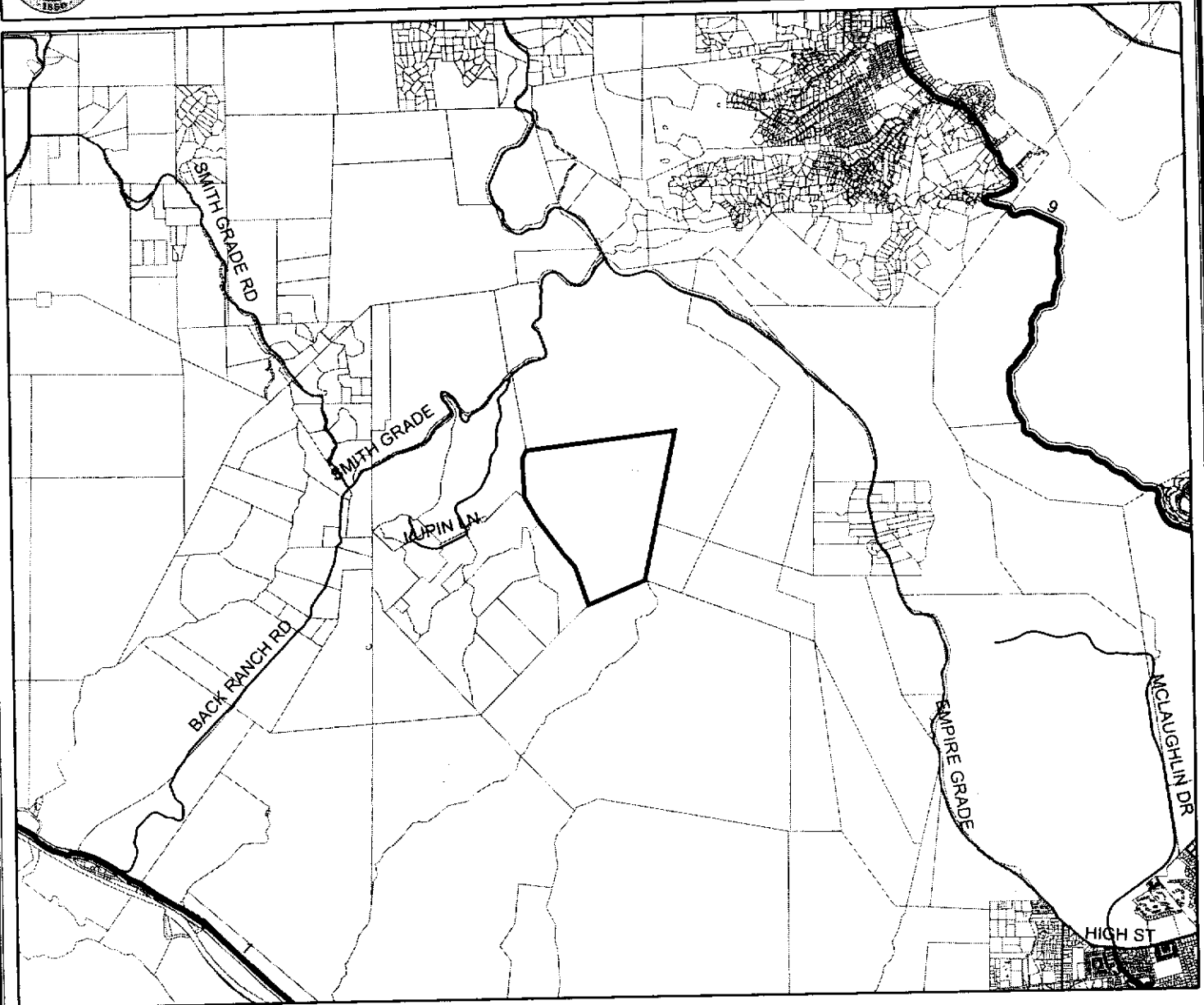


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County of Santa Cruz
Planning Department
October 2008





EXHIBIT C

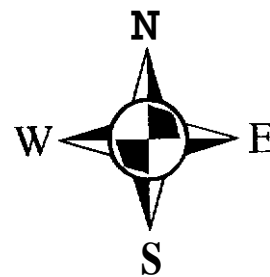


Location Map



Legend

-  APN 062-211-30
-  Streets
-  Assessors Parcels
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
October 2006

EXHIBIT C

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 01-0261

Assessor Parcel Number: 062-211-30

Project Location: Property located on an unnamed right-of-way, about 314 mile south from Smith Grade.

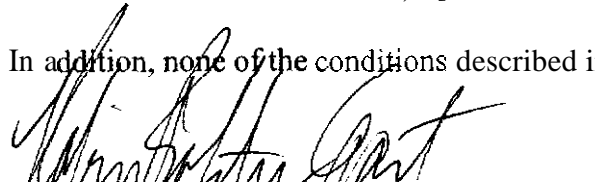
Project Description: Rezone a single parcel from Commercial Agriculture - Open Space (CA-O) zone districts to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Ron Powers

Contact Phone Number: (831) 426-1663

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☒ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285). [Section 1703]

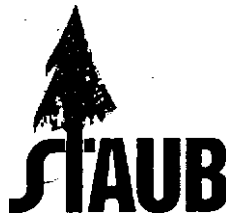
In addition, none of the conditions described in Section 15300.2 apply to this project.


Robin Bolster-Grant, Project Planner

Date: 11-7-06

EXHIBIT D

Stephen R. Staub
Forester & Environmental Consultant



May 17, 2001

Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, CA 95060

RE: REZONING OF SANTA CRUZ APN 2-211-30 TO TPZ

Dear Project Planner,

The subject parcel is the northernmost of the three Campbell Associates parcels comprising the 620 acres known as Sequoia Meadows. The Campbells purchased the property in the 1980s and have been conscientiously managing it for timber production ever since. I began working on the property early in 1991 preparing a Nonindustrial Timber Management Plan (NTMP), a copy of which is attached, that covers the entire property. The NTMP is organized into three Management Units: North, **Central**, and South. APN 62-211-30 is the North Unit. The other two parcels of the property, APNs 62-011-02 and 59-021-05, are the Central and Southern Units. Both are zoned TPZ, and the subject parcel therefore qualifies for immediate rezoning as adjacent productive timberland under the same ownership.

The NTMP provides more than enough information substantiating that the parcel is productive timberland and fully qualifies for rezoning as Timber Production Zone. In fact, the subject parcel bears the most conifer timber and acreage of the three parcels in the ownership. Relevant management parameters including maps of soils, vegetation types, watercourses, erosion hazard, and yarding methods are provided. Conifer acreage is increasing in response to the Campbells' extensive tree planting efforts, particularly on the subject parcel, where literally thousands of redwood, ponderosa pine, and Douglas-fir trees are now established and growing well. Recent harvesting history on the subject parcel consists of selective harvests during the 1992 and 1993 growing seasons. **Work** completion reports are on file with CDF. Access to the property is over an existing road secured by deeded right of **way** that crosses what ~~is~~ now State Parks land from Smith Grade.

Maintenance of the subject parcel as productive timberland under the stewardship of owners like the Campbells is precisely the reason why TPZ zoning was created under the Timberland Taxation Reform Act in the 1970s. The subject parcel has been managed in concert with the other two parcels of the ownership already zoned TPZ and should be zoned accordingly. The NTMP and this letter provide all relevant documentation.

Sincerely,

EXHIBIT E 4

BOOK 2187 PAGE 446

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Santa Cruz County Counsel

RECORDED AT REQUEST OF

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OPEN-SPACE EASEMENT

THIS DEED, executed this 22 day of February,

1972, by and between I. W. Hellman, Max Thelen, Jr., Wells Fargo Bank, National Association,
as GRANTOR, and the COUNTY OF SANTA CRUZ, as GRANTEE,

WITNESSETH:

WHEREAS, Grantor is the owner in the fee of the real property hereinafter described, situated in Santa Cruz County, California,

WHEREAS, Grantor is willing to grant to Grantee an open-space easement, as hereinafter expressed, in said property, and thereby protect its present scenic beauty and existing openness by the restricted use and enjoyment of said property by the Grantor and its successors in interest or assigns through the imposition of the conditions hereinafter expressed, and

WHEREAS, the preservation of this land as open space land is consistent with the general plan of the County and is in the best interest of the County and is important to the public for the enjoyment of scenic beauty because the land is unimproved and has scenic value to the public as viewed from a public highway or from public and private buildings and because the retention of the land as open space will add to the amenities of living in adjoining or neighboring urbanized areas, and because the land lies in

EXHIBIT E

an area which in the public interest should remain rural in character and the retention of the land as open space will help preserve the rural character of the area,

NOW, **THEREFORE**, for and in consideration of the premises, the Grantor does hereby **grant** and convey unto the County of Santa Cruz an estate, interest and open-space easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest and easement will result from the restrictions hereby imposed upon the use of said property by Grantor, and to that end and for the purpose of accomplishing the intent of the parties hereto, Grantor covenants on behalf of itself, its heirs, successors and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned.

The restrictions hereby imposed upon the use of said property of the Grantor and the acts which Grantor shall refrain from doing upon said property in connection therewith are, and shall be, as follows:

1. That no buildings or structures as defined in the Santa Cruz County Zoning Ordinance will be placed or erected upon said property nor shall utility poles or lines be located on or pass through said property except for

buildings, fences, corrals and other improvements required for the agricultural and/or other feasible uses referred to in Paragraph 4, compatible with the intention of the open-space easement. Facilities for water supply such **as** storage tanks shall be screened from view by vegetation.

2. That no advertising **of** any kind **or** nature shall be located on **or** within said property except **for** identification and **for** the sale of products produced on the site consistent with the purposes **of** this instrument.

3. That the Grantor shall not plant nor permit to be planted any **vegetation** upon said property except normal **farming** on presently cleared **areas** farmed in **the past**, reforestation and planting **of** native California vegetation, normal **landscaping** and screening of building sites and **farming** area and park facilities consistent with the purposes of this instrument.

4. That, except for the construction, alteration, relocation and maintenance **of** public roads, logging roads and trails allowed incident to timber cutting under Chapter 14.04 **of** the Santa Cruz County Code, an access road from Empire Grade Road and Smith Grade Road, across parcel A located in Sections 29 & **30-105-2W**, such easement to be along and over existing roads, **or** over such other route as may be required by the public authority having jurisdiction, public and private pedestrian (hiking, equestrian and

bicycle) trails, and the development of ponds for wildlife and fire protection, normal excavation for farming and building, development of springs or wells as needed, and measures needed to prevent erosion and provide for fire protection, the general topography and natural vegetation of the landscape shall be maintained in its present condition and there shall be no excavation or extraction of natural resources, or other activities which may destroy the unique physical and scenic characteristics of the land. Normal maintenance and replacement of existing structures shall be permitted. Cutting of timber, trees and other natural growth as may be required for fire prevention, thinning, elimination of diseased growth and similar protective measures shall be permitted. In addition, the harvesting of trees in a manner compatible with scenic purposes shall be permitted (Section 51054, Government Code), subject to the following conditions: No timber shall be harvested without the necessary permit under State law or County ordinance and, in addition to any other requirement of law, any tree with a diameter breast high (dbh) of over five feet shall only be cut with the consent of the County Planning Commission, upon a showing that such cutting is necessary and appropriate for reforestation, preservation and maintenance of the timber stand. And in addition, any harvesting of timber shall leave uncut and undamaged a well

distributed timber stand after cutting and logging operations have been completed on the cut area of 50% by number of those conifer trees measuring more than 18" dbh and 50% of those hardwood trees measuring 36" dbh and less. The County Planning Commission, on the basis of recommendations of qualified Planning Commission staff, shall have the discretion to determine which trees must remain following timber harvesting and approve, prior to construction, the location of truck roads, tractor trails and landings. To enable the County representative to properly apprise the County Planning Commission, the applicant shall mark the trees desired to be cut, and flag proposed truck roads, tractor trails and landings. So as not to unnecessarily delay the consideration of a timber harvesting permit before the County Planning Commission, the applicant is advised to mark trees and flag roads, tractor trails and landings prior to submission of an application for timber harvesting permit.

5. That no use of said described property which will or does materially alter the landscape or other attractive scenic and open space features of said property other than those specified above shall be done or suffered. There shall be no deposition or accumulation of trash, garbage or unsightly or offensive materials upon such land as described.

Grantee shall not make any payment to Grantor for the conveyance of the open-space easement described above, it being recognized and agreed between the parties that the consideration for this conveyance is the substantial public benefit to be derived therefrom and the advantage which will accrue to Grantor in the event of any reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein.

The Board of Supervisors of the County at any time may, by resolution, abandon this open-space easement, if it finds that no public purpose described in subdivision (b) of Section 51056 of the Government Code will be served any longer by keeping the land as open space. No resolution abandoning this open-space easement shall be finally adopted until the matter has been referred to the County Planning Commission, the Commission has held a public hearing thereon and furnished a report on the matter to the Board of Supervisors and the Board has held at least one public hearing thereon after giving 30 days' notice thereof by publication in accordance with Section 6061 of the Government Code, and by posting notice on the land.

Prior to any approval of a resolution abandoning this open-space easement, the Board of Supervisors shall direct the County Assessor to assess the land, as if the easement did not exist, and to report such new assessed value to the

Board. **As** a condition of the abandonment of the easement, the owner shall pay to the County an amount equal to 50 percent **of** this new assessed value of the land; provided, however, that the Board of Supervisors may waive all **or** any portion **of** such payment, **if it** finds that **it is** consistent with the public interest to **do so** and the waiver **is** approved by the Secretary **of** the State Resources Agency.

In deciding whether to waive all **or** any portion of such payment, the **Board** of Supervisors **will** consider the following factors:

- (1) Whether the owner has substantially complied with the terms and conditions **of** this easement, and
- (2) Whether the reason **for** the abandonment **is** an involuntary transfer **or** involuntary change in the use which may be made of the land, and the land is not suitable and will not be immediately used **for** a purpose which produces a greater economic return to the owner.

~~The~~ property of the Grantor hereinabove referred to and to which the provisions **of** this instrument apply **is** situate in the County of Santa Cruz, State of California, and **is** particularly described in Exhibit "A" attached hereto and **incorporated** herein by reference.

Excepting and reserving to the Grantor:

- (1) The right to maintain all existing private roads, bridges, trails and structures upon said land and

the right to construct items as previously listed.

- (2) The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

If at any time the property herein described, or any portion thereof, shall be selected for condemnation by any public agency or public utility, including the Grantee, then and in that event the easement created by this conveyance shall terminate as of the time of the filing of the complaint in condemnation as to the land or portion thereof sought to be taken for public use, and shall revert to and vest in the Grantor, its successors in interest or assigns.

In consideration of the benefits to be derived from this open-space easement by the Grantor, the Grantor covenants on behalf of itself, its heirs, successors and assigns, to affirmatively do the following:

- (1) To cooperate with the County Parks and Recreation Department, and permit public use of pedestrian (hiking, equestrian, bicycle) trails on Grantor's property generally along Smith Grade Road and Empire Grade Road (as presently aligned or as subsequently realigned).
- (2) To cooperate with the County Parks and Recreation Department in the preparation and update from

the right to construct items as previously listed.

- (2) The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

If at any time the property herein described, or any portion thereof, shall be selected for condemnation by any public agency or public utility, including the Grantee, then and in that event the easement created by this conveyance shall terminate as of the time of the filing of the complaint in condemnation as to the land or portion thereof sought to be taken for public use, and shall revert to and vest in the Grantor, its successors in interest or assigns.

In consideration of the benefits to be derived from this open-space easement by the Grantor, the Grantor covenants on behalf of itself, its heirs, successors and assigns, to affirmatively do the following:

- (1) To cooperate with the County Parks and Recreation Department, and permit public use of pedestrian (hiking, equestrian, bicycle) trails on Grantor's property generally along Smith Grade Road and Empire Grade Road (as presently aligned or as subsequently realigned).
- (2) To cooperate with the County Parks and Recreation Department in the preparation and update from

time to time of a public pedestrian trail master plan on the Grantor's property, incorporating the above described trails, including, but not limited to, a pedestrian trail across Grantor's property linking Highway One with Empire Grade Road, and to cooperate with the County Parks and Recreation Department and permit public use of said trails in the trail plan.

Grantor and Grantee agree that before any of the trails described in paragraphs (1) and (2) above are developed or made available for public use, they will enter into a written agreement setting forth the rights and obligations of the parties concerning the trails. The Grantee will be responsible for the necessary development, maintenance, liability and property damage insurance, and policing of the trails.

The conveyance by Grantor to Grantee of an open-space easement in the property described above shall become null and void twenty (20) years from the date of execution of this instrument unless the term of the open-space easement is extended by an appropriate instrument executed by the Grantor or its successor in interest or its assigns and by the Grantee (Section 51060, Government Code). Such reaffirmation of this conveyance must be made not later than nineteen (19) years and six (6) months from said date.

To have and to hold unto the County of Santa Cruz, its successors and assigns, for twenty (20) years from the date of execution hereof. This grant shall be binding upon the heirs and assigns of the said Grantor.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day and year first above written.

I. W. Hellman
I. W. Hellman

Max Thelen, Jr.
Max Thelen, Jr.

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

On this 29th day of February, in the year 1972, before me, Philip W. Kelly, County Clerk and Ex-Officio Clerk of the Board of Supervisors, personally appeared Philip W. Kelly, known to me to be the Chairman of the Board of Supervisors of the County of Santa Cruz, a political subdivision of the State of California, and known to me to be the person who executed the within instrument on behalf of said political subdivision, and acknowledged to me that such political subdivision executed the same.

Tom M. Kelley

County Clerk and Ex-Officio
Clerk of the Board of
Supervisors of the County of
Santa Cruz, California

By Linda Packer
Deputy Clerk

Approved as to form
By Dwight S. Her
Assistant County Counsel

WELLS FARGO BANK, NATIONAL
ASSOCIATION

By E. Thayer Assistant Vice President
B. Green Vice President

Trustees of that Charitable Trust
known as S. H. Cowell Foundation
Grantor

COUNTY OF SANTA CRUZ

By Philip W. Kelly
Chairman, Board of Supervisors

Grantee

WITNESS:

EXHIBIT E

STATE OF CALIFORNIA,)
CITY AND COUNTY OF SAN FRANCISCO.) ss.

On this 22nd day of February, 1972, before me,
E. Kathryn Dalton, a Notary Public, State of
 California, duly commissioned and sworn, personally appeared
 I. W. ~~HELLMAN~~ and ~~MAX~~ THELEN, JR., known to me to be the
 persons whose names are subscribed to the within instrument
 and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and
affixed my official seal in the City and County of San
Francisco the **day** and year in this certificate first above
written.

E. Kathryn Dalton
Notary Public, **State** of California

My Commission Expires: ~~November 26, 1975~~

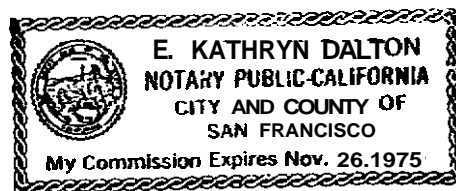


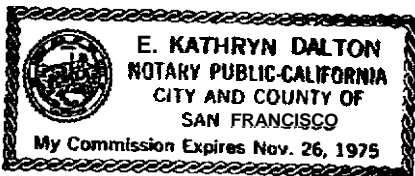
EXHIBIT E

BOOK 2187 PAGE 457

STATE OF CALIFORNIA,

City & County of San Francisco } ss.

On this 22nd day of February in the year one thousand nine hundred and seventy-two before me, E. Kathryn Dalton a Notary Public, State of California, duly commissioned and sworn, personally appeared E. C. Thayer and D. S. Green known to me to be the Ass't. Vice Presidents of the corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same



IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City & County of San Francisco the day and year in this certificate first above written.

E. Kathryn Dalton
Notary Public, State of California.

My Commission Expires November 26, 1975

Cowdry's Form No. 2 B.—(Acknowledgment Corporation).
(C. C. Secs. 1190—1190.1)

(PRINTED 6/15/67) 71-0770

EXHIBIT E

EXHIBIT "A"

(Page 1)

DESCRIPTION OF OPEN SPACE EASEMENT, WEST CAMPUS - PARCEL A

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

PARCEL ONE

BEING Lots 1 and 2, the Northern 1/2 of the Southeastern 1/4 and the Southern 1/2 of the Northeastern 1/4 of Section 30 in Township 10 South, Range 2 West, MDB&M.

PARCEL TWO

BEING all of Lots 3 and 6 and the Northern 1/2 of the Southwestern 1/4 of Section 29 in Township 10 South, Range 2 West, MDB&M, which lies Southerly and Westerly of Empire Grade, a county road, as established in 1972.

RESERVING access easements to Empire Grade and Smith Grade Roads along and over existing roads or such other route as may be required by the public authority having jurisdiction together with the right to construct and maintain such roads to provide access to remaining lands of the grantor.

COMPILED MARCH, 1972 by BOWMAN & WILLIAMS, REGISTERED CIVIL ENGINEERS, JOB NO. 16846.

EXHIBIT E

EXHIBIT "A"

(Page 2)

DESCRIPTION OF OPEN SPACE EASEMENT, WEST CAMPUS - PARCEL B

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

BEING a part of Section 29 in Township 10 South, Range 2 West, MDB&M, and of the Rancho Refugio and more particularly bounded and described as follow, to wit:

BEGINNING at a station on a direct straight line connecting post and stone mound "CR7" on the common boundary of Ranchos Refugio and Canada del Rincon with the point of beginning of Parcel 16 as said parcel is described in Grant Deed Henry Cowell Lime and Cement Company to E. H. Connick, et al, as trustees of the charitable trust known as the S. H. Cowell Foundation recorded March 30, 1956 in Volume 1067 of Official Records at Page 67, Santa Cruz County Records, from which said last mentioned point of beginning bears Southwesterly along said direct straight line 1650.0 feet distant;

THENCE FROM SAID POINT OF BEGINNING parallel to the Southern boundary of said lands described as Parcel 16, South 70° 56' East 1550 feet, a little more or less, to its intersection with the line described as a direct straight line connecting a point on the Southern boundary of said Parcel 16 distant South 70° 56' East 1000.00 feet from the point of beginning of said Parcel 16 with a concrete monument on the Western boundary of lands of the University of California as shown on "Record of Survey Map of the Lands to be Conveyed to the Board of Regents of the University of California", filed in Volume 38 of Maps at Page 1, Santa Cruz County Records, from which the Northwestern corner of said lands of the University of California as shown on said map bears North 39° 12' 20" West 2276.54 feet distant; thence along said last mentioned direct straight line. Northeasterly 4140 feet, a little more or less, to a line parallel to and distant Southwesterly 800.00 feet, measured at right angles, from the Southwestern boundary of Empire Grade, a county road, as located in 1972; thence Northwesterly along said last mentioned parallel line to its intersection with said first-above mentioned direct straight line connecting CR7 and the point of beginning of Parcel 16; thence along said last mentioned line Northeasterly 800 feet, a little more or less, to the Southwestern boundary of Empire Grade, a county road, as located in 1972; thence along said last mentioned boundary, Northwesterly to its intersection with the Southeastern boundary of Smith Grade, a county road, as located in 1972; thence along said last mentioned boundary Southwesterly to the Western boundary of said lands described as Parcel 16; thence along said last mentioned boundary, South 10° 00' East 2101.27 feet to a madrone tree at an angle in said bundary; thence North 85° East 3800 feet, a little more or less, to said first-above mentioned direct straight line connecting CR7 with the point of beginning of said Parcel 16; thence along said last mentioned line Southwesterly 2200 feet to the place of beginning.

EXHIBIT E

EXHIBIT "A"

(Page 3)

DESCRIPTION OF OPEN SPACE EASEMENT, WEST CAMPUS - PARCEL C

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

BEING a part of the Rancho Refugio and more particularly bounded and described as follows, to wit:

BEGINNING at a station on a direct straight line connecting post and stone mound "CR7" on the common boundary of Ranchos Refugio and Canada del Rincon with the point of beginning of Parcel 16 as said parcel is described in Grant Deed Henry Cowell Lime and Cement Company to E. H. Connick, et al, as trustees of the charitable trust known as the S. H. Cowell Foundation recorded March 30, 1956 in Volume 1067 of Official Records at Page 67, Santa Cruz County Records, from which said last mentioned point of beginning bears Southwesterly along said direct straight line 1650.0 feet distant;

THENCE FROM SAID POINT OF BEGINNING parallel to the Southern boundary of said lands described as Parcel 16, South 70' 56' East 1550 feet, a little more or less, to its intersection with the line described as a direct straight line connecting a point on the Southern boundary of said Parcel 16 distant, South 70' 56' East 1000.00 feet from the point of beginning of said Parcel 16 with a concrete monument on the Western boundary of lands of the University of California as shown on "Record of Survey Map of the Lands to be Conveyed to the Board of Regents of the University of California", filed in Volume 38 of Maps at Page 1, Santa Cruz County Records, from which the Northwestern corner of said lands of the University of California, as shown on said map bears North 39' 12' 20" West 2276.54 feet distant; thence along said last mentioned direct straight line Southwesterly 1670 feet, a little more or less, to the Southern boundary of said Parcel 16; thence along said last mentioned boundary North 70' 56' West 1000.00 feet to the point of beginning of said Parcel 16; thence along the Southeastern boundary of said Parcel 16, Southwesterly 12500 feet, a little more or less, to the Southern corner thereof; thence along the Western boundary of said Parcel 16, North 7128 feet, to the middle of Majors Creek; thence Southeasterly down Majors Creek about 11 chains to an angle in the Western boundary of said Parcel 16; thence continuing along said last mentioned boundary, South 45" East 57 chains; thence North 45° East 60.50 chains; thence North 20" West 16.50 chains; thence North 41' 30' West 7 chains; thence North 36' 30' West 17 chains; thence North 31' 30' West 11 chains; thence North 3' 15' West 14 chains; thence North 29" 00' West 2.64 chains to a madrone tree at an angle in the Western boundary of said Parcel 16; thence leaving said last mentioned boundary North 85" East 3800 feet, a little more or less, to said first-above mentioned direct straight line connecting the point of beginning of Parcel 16 with CR7; thence along said last mentioned line Southwesterly 2200 feet, a little more or less, to the place of beginning.

EXHIBIT E

EXHIBIT "A"

(Page 4)

DESCRIPTION OF OPEN SPACE EASEMENT, WEST CAMPUS - PARCEL D

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

BEING a part of the Rancho Refugio and more particularly bounded and described as follows. to wit:

BEGINNING at the Southeastern corner of lands described as Parcel 16 in Grant Deed Henry Cowell Lime and Cement Company to E. H. Connick, et al, as trustees of the charitable trust known as the S. H. Cowell Foundation, filed March 30, 1956 in Volume 1067 of Official Records at Page 67, Santa Cruz County Records;

THENCE FROM SAID POINT OF BEGINNING along the Eastern boundary of said Parcel 16, North 1000.00 feet; thence parallel to the Southern boundary of said Parcel 16, North 70° 56' West 1000.00 feet; thence Northeasterly 3600 feet, a little more or less, to a concrete monument on the Western boundary of lands conveyed to the University of California, as shown on "Record of Survey Map of the Lands to be Conveyed to the Board of Regents of the University of California", filed in Volume 38 of Maps at Page 1, Santa Cruz County Records, from which a concrete monument at the Northwestern corner of lands of V. A. O'Conner, et ux, by deed recorded in Volume 604 of Official Records at Page 269, Santa Cruz County Records, as shown on said map, bears South 0° 09' 30" West 742.12 feet distant; thence along the Eastern boundary of said Parcel 16 South 3100 feet, a little more or less, to a concrete monument at the Southwestern corner of the Thurber Tract; thence along the Southern boundary of said last mentioned lands as shown on said record of survey map, South 89° 59' 20" East 1373.79 feet to a concrete monument at an angle on the Western boundary of said lands conveyed to the University of California; thence along said last mentioned boundary, South 17° 37' 20" East 3348.59 feet to a concrete monument at an angle; thence leaving said boundary, South 30° 29' 45" East 1193.5 feet to a 1/2" iron pipe on the Western boundary of Empire Grade as shown on "Record of Survey Map of a part of Empire Grade through Lands of Cowell", filed in Volume 32 of Maps at Page 99, Santa Cruz County Records; thence along said last mentioned boundary South 7° 26' East 40.00 feet; thence South 59° 37' 40" East 141.67 feet; thence Southerly on a curve to the left, from a tangent bearing South 5° 20' 30" East, with a radius of 530 feet, through an angle of 12° 13' 30" a distance of 113.08 feet to a point of tangency; thence South 17° 34' East 159.00 feet; thence South 33° 07' East 12.00 feet; thence South 20° 21' 40" East 130.51 feet; thence South 20° 28' East 136.34 feet; thence South 0° 31' West 10.00 feet to the Northwestern corner of Empire Grade, as shown on "Record of Survey Map of a part of Empire Grade", filed in Volume 32 of Maps at Page 6, Santa Cruz County Records; thence along said last mentioned boundary South 0° 31' West 150.25 feet to the beginning of a curve; thence Southerly curving to the left with a radius of 3030.00 feet, through an angle of 10° 30' a distance of 555.28 feet to a point of curvature at an angle on the Western boundary of said lands conveyed to the

EXHIBIT E

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 73-72

On the motion of Supervisor Hello
duly seconded by Supervisor Forbus
the following resolution is adopted:

RESOLUTION ACCEPTING OPEN SPACE EASEMENT

WHEREAS, property owners have made application to grant an Open Space Easement to the County pursuant to Sections 51050 through 51065 of the Government Code on the properties outlined on attachment (1) hereto; and

WHEREAS, the Open Space Easement Review Committee has recommended approval of these parcels for an Open Space Easement to ensure the open space character of the land for 20 years; and

WHEREAS, the Board of Supervisors finds that:

- (a) The preservation of the land as open space is consistent with the general plan of the County, and that
- (b) The preservation of the land as open space is in the best interest of the State and the County and is important to the public for the enjoyment of scenic beauty, for recreation, and specifically because of the following:
 - (1) The retention of the land as open space will add to the amenities of living in adjoining or neighboring urbanized areas.
 - (2) The land lies in an area which in the public interest should remain rural in character and the retention of the land as open space will help preserve the rural character of the area.
 - (3) It is in the public interest that the land remain in its natural state, including the trees and other natural growth, as a means of preventing floods or because of its value as watershed.
 - (4) The land is valuable to the public as a wild-life preserve or sanctuary and the proposed Open Space Easement contains appropriate covenants to that end.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors accepts the deeds granting Open Space Easements on the subject properties from the property owners identified on the attachment, a copy of which said deeds are attached hereto and incorporated herein by reference.

Agreements filed 1.15

EXHIBIT E

BE IT FURTHER RESOLVED AND ORDERED that the Chairman of the Board of Supervisors is authorized to endorse on the deed granting the Open Space Easement acceptance of the Board of supervisors; and

BE IT FURTHER RESOLVED AND ORDERED and the Clerk is hereby directed upon the endorsing of the acceptance of the Board of Supervisors on the deed granting the Open Space Easement to record the deed and file a copy with the County Assessor.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 29th day of February, 1972, by the following vote:

AYES: SUPERVISORS FORBUS, HELM, SANSON, CRESS, HARRY

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

Philip W. Harry
Chairman of said Board

ATTEST: *Tom M. Kelley*
Clerk of said Board

Approved as to form:

Dwight L. Herr
DWIGHT L. HERR, Assistant
County Counsel

DISTRIBUTION: County Counsel
Assessor

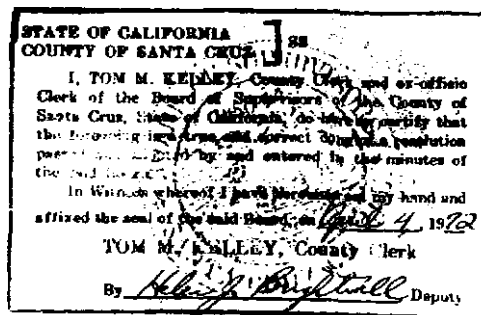


EXHIBIT E

OPEN-SPACE EASEMENT APPLICATIONS

Application 6-72: **S. H. Cowell** Foundation, owners of several Assessor Parcels of which portions have been excepted and which comprise a total of approximately 2,015 acres, defined within Parcels A through D as follows:

Parcel A - Portions of Assessor Parcel Nos. 62-181-01, -02, -03 and -04 comprising 375 acres located off Empire Grade north of Smith Grade, Bonny Doon area.

Parcel B - Portions of Assessor Parcel Nos. 62-191-04 and -05 comprising 650 acres. located adjacent to Empire Grade and Smith Grade, Santa Cruz area.

Parcel C - Assessor Parcel Nos. 59-021-05, 62-211-01, -02 and -05 and a portion of 62-221-01, comprising 740 acres located generally west of Baldwin Creek, Santa Cruz area.

Parcel D - Portions of Assessor Parcel Nos. 62-191-05, 62-221-01 and -04, comprising 250 acres located in the vicinity of Wilder Creek, Santa Cruz area.

This application is specifically identified within attached Exhibit "K."

Application 8-72: **Karl Baumeister**, owner of a portion of Assessor's Parcel No. 107-081-07, comprising 40 acres located off Rider's Road in the Eureka Canyon area and specifically identified within attached Exhibit "L."

EXHIBIT E