



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

August 6, 2007

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

Agenda Date: October 10, 2007

APN: 093-122-01; 093-361-11

Application: 07-0362

Item #: 19

Subject: A public bearing to consider a proposal to rezone 2 parcels from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On May 14, 2007, the County Planning Department accepted this application ~~for~~ a rezoning to Timber Production (TP). This is a proposal to rezone 2 parcels totaling 31.6 acres ~~from~~ the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of vacant rural acreage on APN: 093-361-11 and a residence on APN: 093-122-01.

Background

This project qualifies for a rezoning under California Government Code Section 51113. This section allows a property owner to petition the County to rezone land to the TP zone. ~~The~~ requirements for this type of rezoning are listed in Government Code section 51113(c)¹. The County may not place any additional requirements on this petition to rezone the property to TP. County Code Section 13.10.375(c) – “Zoning to the TP District” implements Government Code section 51113 and specifies the ~~six~~ criteria which must be met in order to rezone to TP.

¹ c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland production under this section.

The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

(1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned

(2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester.

The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) (A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121

(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed.

Notwithstanding the provisions of Article 4 (commencing with Section

51130), if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111

(d) The criteria required by subdivision (c) may also include any or all of the following:

(1) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.

(2) The land shall be a certain site quality class or higher under

Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

In accordance with County Code Section 13.10.375(c), the project meets the following ~~six~~ criteria for rezoning to Timber Production:

1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned.
2. A Timber Management Plan, undated, prepared by a registered professional forester has been submitted **for** the property (Exhibit E).
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 (see Exhibit E).
4. The parcel is timberland, as the entire parcel is capable of producing **a** minimum of 15 cubic feet of timber per acre annually and is almost entirely located within a ~~mapped~~ Timber Resource area.
5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres ~~in~~ area.

This project qualifies for a statutory exemption (Exhibit D) 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 this parcel 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.

Recommendation

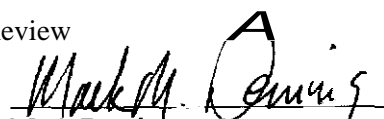
Staff recommends that your Commission adopt the attached Resolution (**Exhibit A**), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0362 based on the attached findings (Exhibit B).

EXHIBITS

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN Map
- C. Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan by Joseph Culver, dated July 5, 2007.

Maria Porcila Perez
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. 07-0362, involving properties located on the south and west sides of Upper Glenwood Drive (23240 Glenwood Cutoff) about .5 miles west of the intersection with Highway 17, 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 Special Use (SU) 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 _____, 2007, by the following vote:

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

Chairperson

ATTEST: _____
MARK DEMING, Secretary

APPROVED AS TO FORM:

COUNTY COUNSEL

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 I

The Board of Supervisors finds that the public convenience, necessity **and** general welfare require the amendment of the County Zoning Regulations to implement the policies **of** the County General Plan and Local Coastal Program Land Use Plan regarding the timber resource properties located on the south and west sides of Upper Glenwood Drive (23240 Glenwood Cutoff) about .5 miles west of the intersection with Highway 17; 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 Supervisors hereby 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 51113 or 51113.5 and County Code Section 13.10.375(c).

EXHIBIT A 4

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>
093-122-01 & 093-361-11	Special Use (SU)	TP

SECTION IV

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

PASSED AND ADOPTED THIS _____ day of _____ 2007, **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:

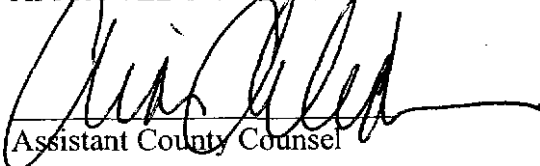

Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning
Assessor
county

GIS

EXHIBIT A 1

Tax Area Code
94-066

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

Assessor's Map No. 93-12
County of Santa Cruz, Calif.
April 1999



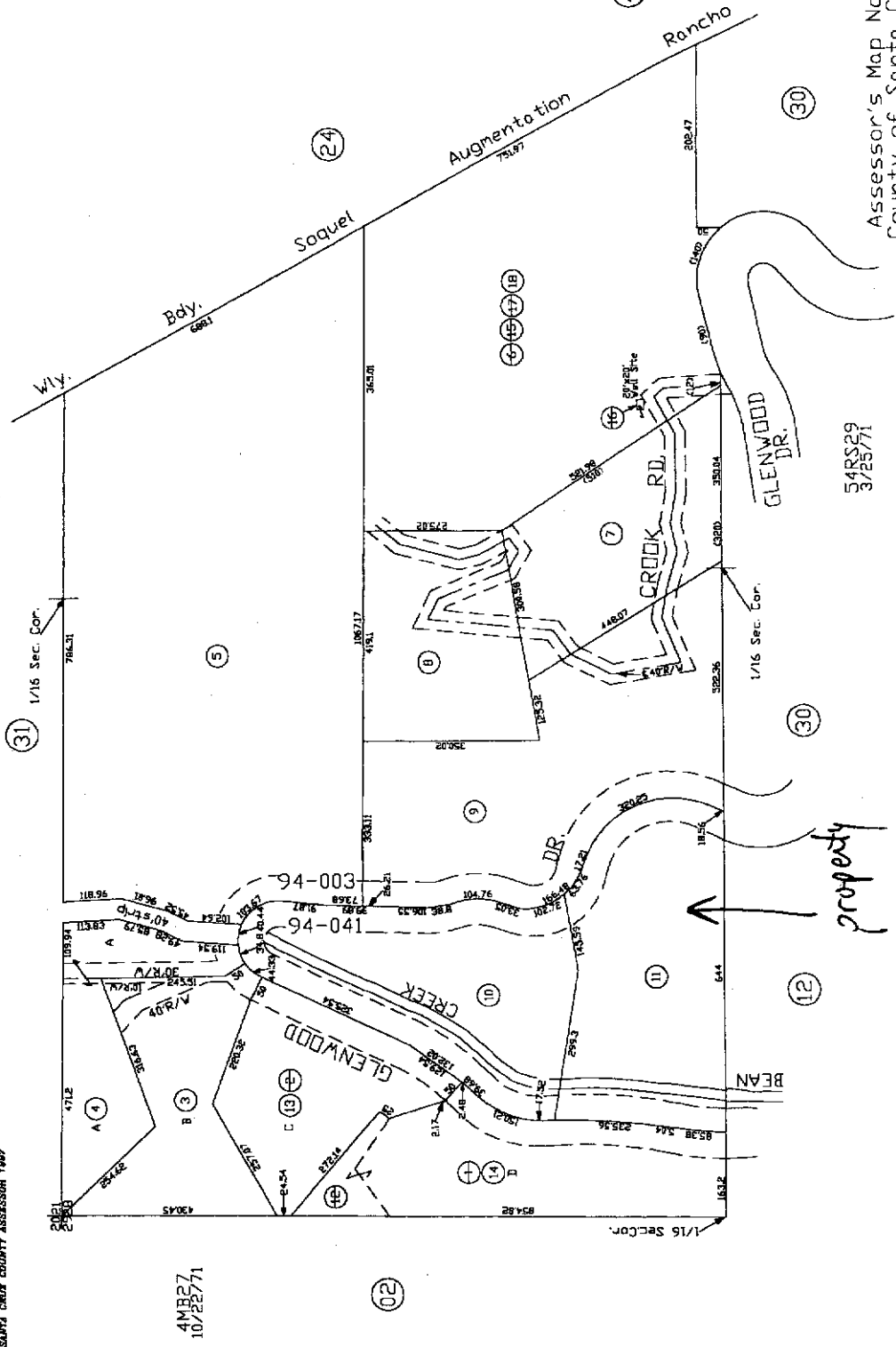
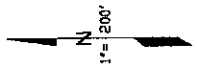
Electrically redrawn 4/27/99 KSA
REV. 9/17/91 mwn (changed page refs.)

93-30

1000 Acres 0000
94-003 94-041

PUR. SEL. CR,
T.9S., R.1W., M.D.B. & M.

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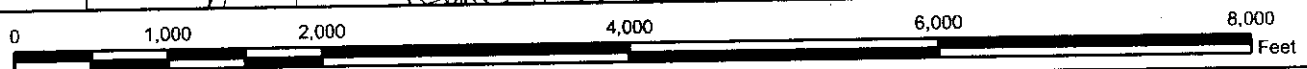
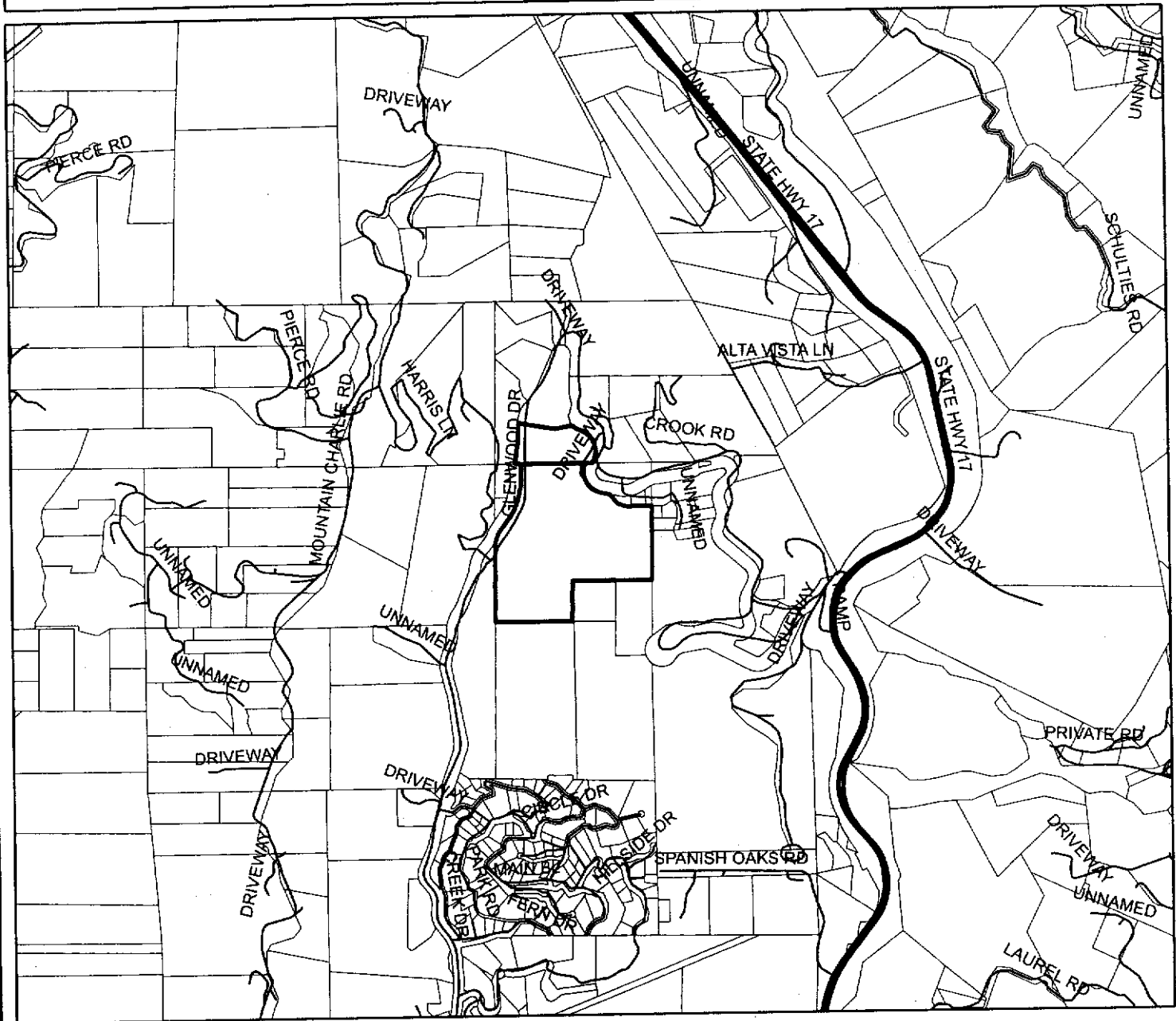


Assessor's Map No. 93-36
County of Santa Cruz, Cal
April 1997






Note - Assessor's Parcel & Block

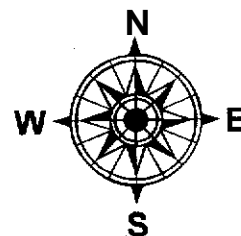


Location Map



LEGEND

-  APN: 093-361-11
-  APN: 093-122-01
-  Streets
-  Assessors Parcels
-  State Highways

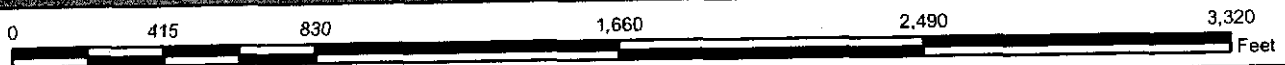
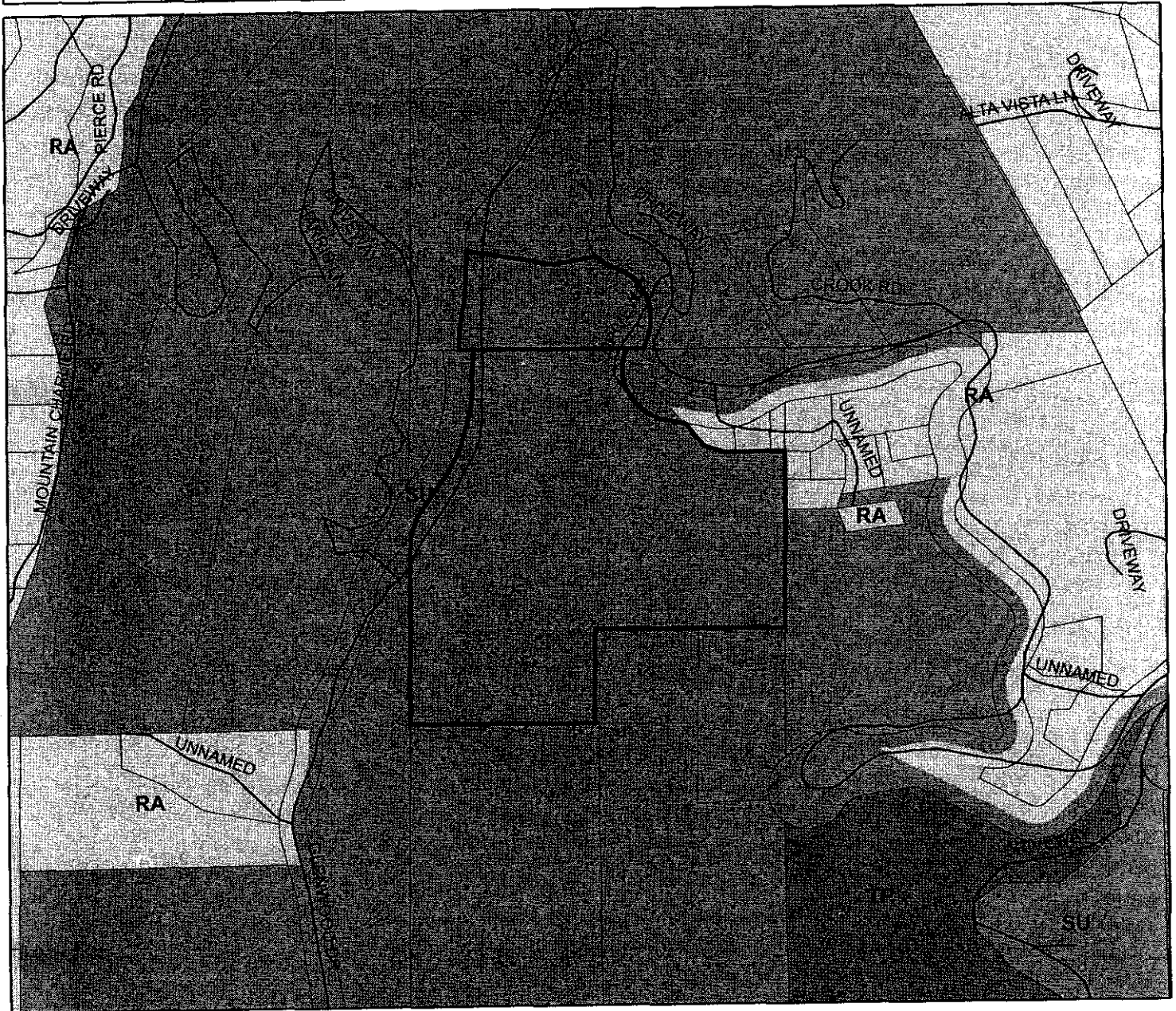


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C



Zoning Map



LEGEND

APN: 093-361-11

APN: 093-122-01

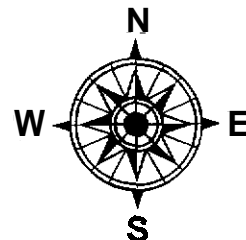
Streets

Assessors Parcels

AGRICULTURE RESIDENTIAL

TIMBER PRODUCTION

SPECIAL USE

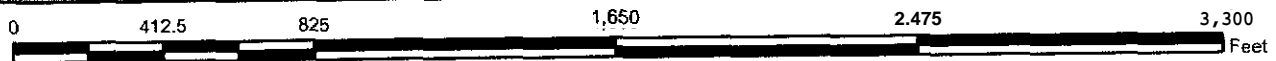


Map created by
County of Santa Cruz
Planning Department
August 2007






EXHIBIT C

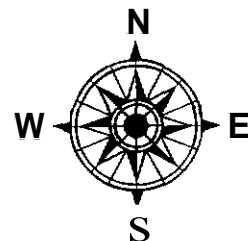


General Plan Designation Map



LEGEND

-  APN: 093-361-11
-  APN: 093-122-01
-  Streets
-  Assessors Parcels
-  Residential-Mountain



Map created by
County of Santa Cruz
Planning Department
August 2007

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: 07-0362

Assessor Parcel Number: 093-122-01; 093-361-11

Project Location: Property located on the south and west sides of Upper Glenwood Drive (23240 Glenwood Cutoff) about .5 miles west of the intersection with Highway 17.

Project Description: Rezone parcels from the Special Use (SU) zone districts to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Joseph Culver

Contact Phone Number: (831) 469-7735

- 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 17031]

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



Maria Porcila Perez, Project Planner

Date: 8/14/07

Timber Management Plan

**Lands of Bemis
23240 Glenwood Drive
Santa Cruz County**

**Portion of Section 28
Township 9 South
Range 1 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
July 5, 2007**

PREFACE

In May 2007, Joseph Culver, Consulting Forester, was commissioned by Richard Bemis to prepare a Timber Management Plan (TMP) for parcels 093-122-01 and 093-361-11. Mr. Bemis would like to rezone the contiguous **parcels** to Timber Production and the TMP will be part of the application packet submitted to the County of Santa Cruz. The management plan incorporates field work and currently available resource data.

GENERAL PROPERTY DESCRIPTION

The parcels are located off of Glenwood Drive within the upper portions of the Bean Creek watershed. The legal description of the parcels is Township 9 South, Range 1 West, portion of section 28. Glenwood Drive swings around the northern end of the parcels and defines the boundary on the northeast and northwest corners. Bean Creek flows through northwest portion of the parcels. Slopes generally face to the west with a west trending valley running through the middle of the property. Elevation ranges from 1080 feet at Bean Creek to 1360 feet in the southwest portion of the property.

Soils underlying the parcels consist of the Ben Lomond-Felton complex and the Nisene-Aptos complex. According to the Natural Resource Conservation Service both soil complexes are well suited for the production of timber.

The Ben Lomond and Felton soils are deep and well drained. Ben Lomond soils formed in residuum derived from sandstone or granitic rock and Felton formed from sandstone, shale, schist, or silt stone. Permeability of the Ben Lomond soil is moderately rapid while permeability of the Felton soil is moderately **slow**. Effective rooting depth of the complex is 40-70 inches. Runoff is rapid, and the hazard of erosion is high.

The Nisene and Aptos soils are deep and well-drained. They formed in residuum derived from sandstone, siltstone or shale. Permeability of the soils is moderate. Effective rooting depth of the Nisene soil is 40 to 60 inches and 20-40 inches for the Aptos soil. Runoff is rapid, and the hazard of erosion is high.

The county assessor lists parcel 093-122-01 as 27.2 acres in size and parcel 093-361-11 as **4.2** acres in size. Mr. Bemis has documentation showing parcel 093-122-01 as 32 acres in size. The author of the Timber Management Plan did not **determine** the precise amount of acreage for the parcels but recognizes that the combined acreage is between 31.4 and 36.2 acres. Of these acres, 25 are

comprised of redwood forest. A varying amount of hardwoods are interspersed within the redwood forest. The lower slopes of the property near the intermittent and perennial streams have the highest percentage of redwood trees in the forest canopy. As the property climbs up from the streams a heavier component of hardwood trees mixes into the forest canopy. The most dominant hardwood species on the property is tanoak but smaller amounts of coastal live oaks, bays and big leaf maples are also present in the project area. Portions of the redwood forest, particularly the upper north facing slopes of the project area are comprised of a higher percentage of tanoak than redwood.

The remaining acres in the project area are located on upper slopes generally with a west to southwest aspect and do not contain redwood trees. This land *is* comprised of hardwood, brush (both native and exotic) and cleared land around the home site.

TIMBER HARVEST HISTORY

The **old-growth** redwood logging in the Santa Cruz area, including this property, occurred around the turn of the century. As was common throughout the area, this clearcut logging was often followed by fire, usually intentionally set to burn bark and slash. Fire scars on the old-growth stumps are evidence of this fire activity.

Mr. Bemis and his wife bought parcel 093-122-01 in 1989 and parcel 093-361-11 in 2006. Mr. Bemis informed me that the previous owner was a logger and he had logged the property in the late 1970's. Stumps and numerous logging roads observed during field work on parcel 093-122-01 indicated that the property was aggressively logged at that time, removing approximately 50-60% of the larger trees. No harvesting has occurred on the property under the ownership of Mr. Bemis. Parcel 093-361-11 has not been logged since the original clearcut.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Mr. Bemis intends to manage the property for high quality forest products, while enhancing the related values of aesthetics and wildlife.

As the previous selective harvest occurred approximately 30 years ago the next harvest should occur in the next 5 years. Future harvests should be spaced approximately 12-15 years apart and should focus on the following objectives:

1. Prescribe and implement a forest improvement program to improve stocking, increase tree vigor and maximize growth.
2. Maintain a healthy and vigorous forest of well-spaced trees growing at the highest rates feasible considering the other values of the forest.
3. Maintain a high degree of aesthetic consideration during all aspects of forest management.
4. Improve wildlife habitat as part of continuing forest management.
5. Maintain, and improve existing harvest infrastructure to reduce possible erosion.

RECOMMENDED LOGGING SYSTEM

The recommended logging system for this property is to use ground based logging equipment such as tractors and log skidders. The road and trail system is already in place from the previous harvest. Very little, if any, infrastructure is required to continue timber management on this property. In fact, some effort may want to be placed on reducing the amount of existing tractor skid trails from the previous harvest.

PRESENT AND FUTURE STAND CONDITIONS

In early June of 2007 a 9% timber inventory was conducted on the property to determine conifer volume per acre, species composition, basal area, stocking levels and stand growth. Based on the stand data gathered from the inventory, the 25 acres of forestland have the following approximate stand conditions:*

Species Composition	100% redwood
Basal Area	131 square feet per acre
Gross Volume/acre (redwood)	18,760 board feet
Gross Overall property volume	469,000 board feet

The volume per acre and overall property volume stated above are gross volumes. In general, the net volume for redwood will be about 10% less due to fire scar, rot, damage from previous logging and other minor defects in the standing timber. With this in mind the overall net redwood volume on the property is approximately 422,100 board feet.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the redwood forest is growing at an approximate rate of 2.7% per year. This rate is about average for site III timberland in the Santa Cruz Mountains. A growth rate of 2.7% per year equates to an annual increase in the forest resource of 12,663 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 1,055 cubic feet over the entire property, or 29 cubic feet per acre per year. This well exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

**Limitation: This data is based on a field sample and an estimated growth rate for the previous ten years. This data should only be used as a guide for management purposes, and should not be extended or taken out of context for other purposes.*

OTHER PROPERTY USES

Parcel 093-122-01 contains a home which is the primary residence for Mr. Bemis and his wife. Mr. Bemis gathers his domestic water from a spring source located in the southern portion of the property. Parcel 093-361-11 is vacant and has no improvements.

CONCLUSION

The parcels are well suited for timber management into the future. The majority of the project area was selectively harvested for second growth timber approximately 30 years ago and the redwood resource is healthy and experiencing typical growth rates for a managed forest. Mr. Bemis has indicated that he would like to manage the timber resource and stand conditions warrant another harvest in the next five years. Current stocking levels meet the requirements of PRC 4561 with an average basal area of 131 square feet over the property. Growth rates averaged over the two parcels exceed the required amounts to classify the property as timberland. Current uses on the parcels appear to be in compliance with the Timber Production Zone uses set forth in section 13.10.372 of Santa Cruz County Code. Existing infrastructure on the property does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

Timber Management Plan Prepared By:

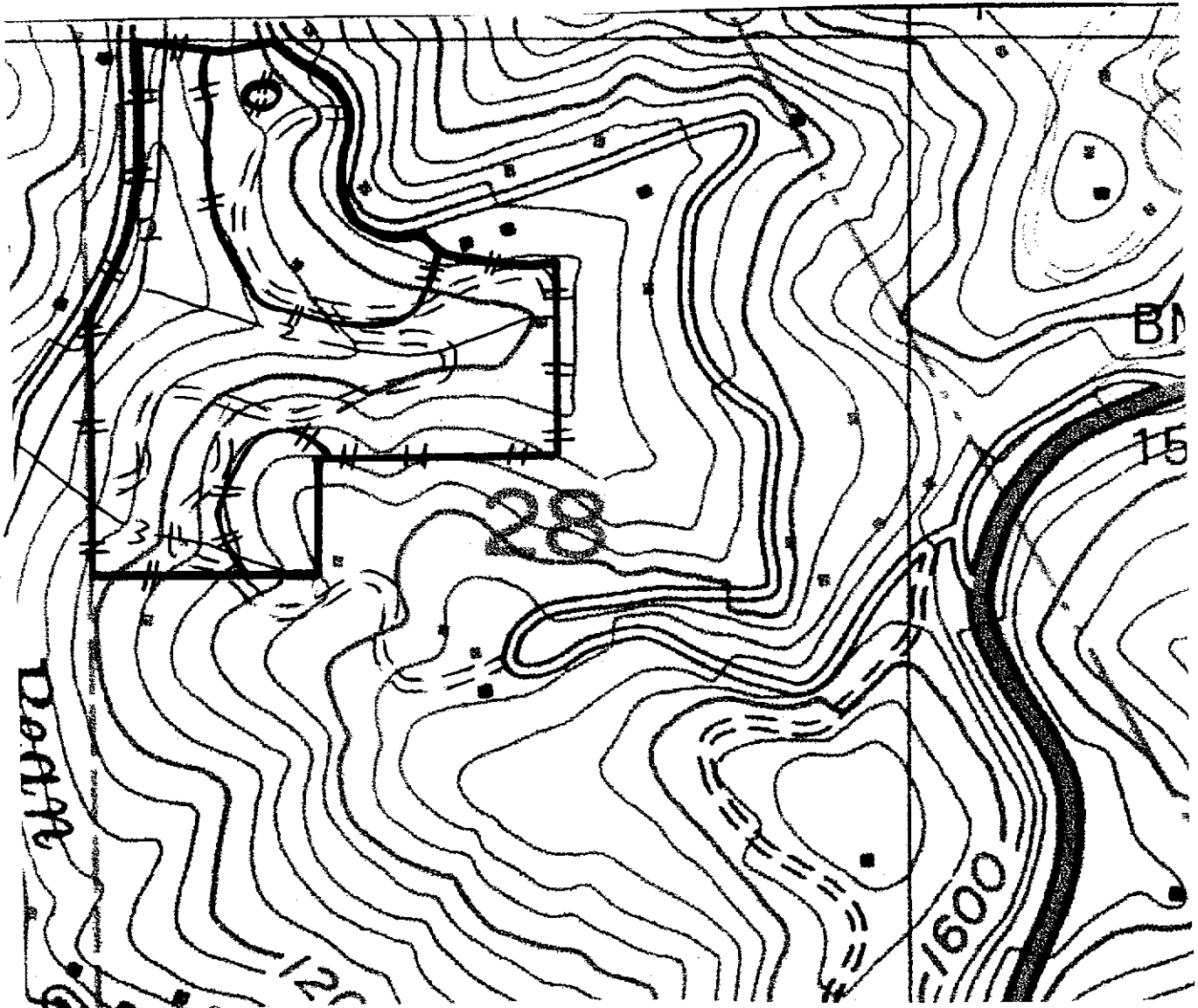


Joseph Culver

Registered Professional Forester #2674

7/05/07
Date

LANDS OF BEMIS
PLAN AREA MAP
SANTA CRUZ COUNTY
T9S, R1W, SEC. 28, MDB&M



LEGEND

PROPERTY BOUNDARY ———
CONIFER FOREST ———
PERMANENT ROAD ———
SEASONAL ROAD - - - - -
CLASS 2 WATERCOURSE — 2 —
CLASS 3 WATERCOURSE — 3 —
STRUCTURE ■

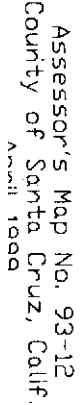
SCALE 1 INCH = 500 FEET

CONTOUR INTERVAL = 40 FEET



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94-066



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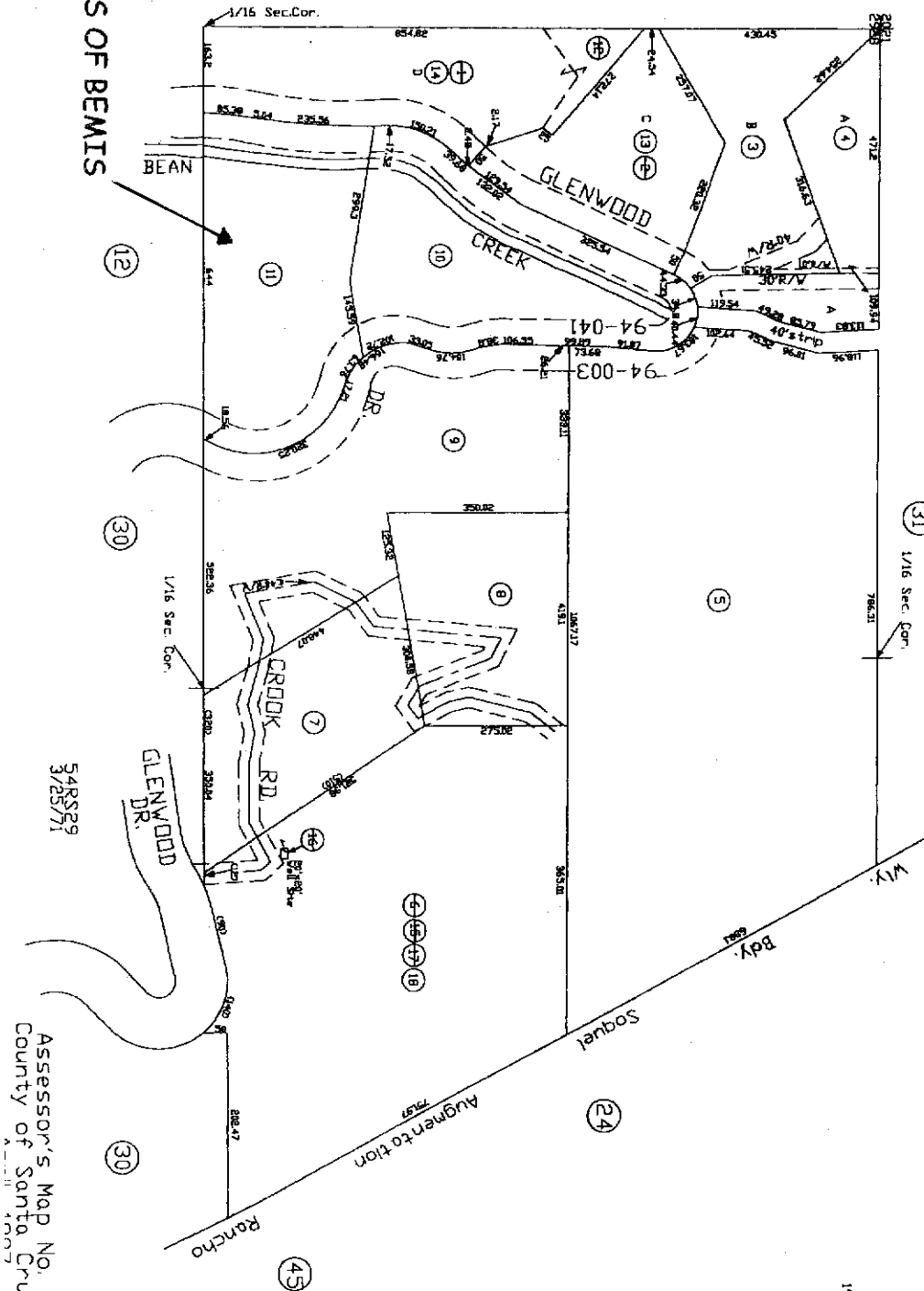
PLU: SCL, CB, M.
 T.9S, R.1W, M.D.B. & M.

94-003 94-041

75-30

4MB27
 10/25/71

LANDS OF BEWIS



Assessor's Map No. 93-36
 County of Santa Cruz, Calif.

ESCROW NO. 446236 AF

EXHIBIT "A"

The land referred to herein is described as follows:

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

PARCEL ONE:

BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, T. 9 S. R. 1 W., M. D. B. & M., AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT **THE 1/4 SECTION CORNER ON THE WESTERLY BOUNDARY OF SECTION 28, T. 9. S. R. 1 W.;** RUNNING THENCE EASTERLY ALONG THE DIVIDING LINE BETWEEN THE NORTHWEST 1/4 AND THE **SOUTHWEST 1/4 OF SAID SECTION 28, 660.00 FEET, MORE OR LESS,** TO THE SOUTHWEST CORNER OF LANDS CONVEYED BY EDWIN S. MARTIN, ET UX, TO JOHN EDWIN LUTTRELL BY DEED DATED JUNE 29, 1937 AND RECORDED IN **VOLUME 329 OF OFFICIAL RECORDS AT PAGE 479, SANTA CRUZ COUNTY RECORDS;** THENCE ALONG THE WESTERLY AND NORTHERLY BOUNDARY OF SAID LAST MENTIONED LANDS **NORTH 0° 15' EAST 330.00 FEET AND DUE EAST 660.00 FEET TO A POINT ON THE 1/16 SECTION LINE RUNNING NORTH AND SOUTH THROUGH THE NORTHWEST 1/4 OF SAID SECTION;** THENCE NORTHERLY ALONG SAID **1/16 SECTION LINE, NORTH 0° 15' EAST 600.00 FEET MORE OR LESS,** TO THE SOUTHEAST CORNER OF LANDS CONVEYED TO PETERSON BY DEED RECORDED IN **VOLUME 22 OF OFFICIAL RECORDS AT PAGE 275, SANTA CRUZ COUNTY RECORDS;** SAID POINT BEING IN THE MIDDLE OF A **20 FOOT PRIVATE RIGHT OF WAY;** THENCE ALONG **THE SOUTHERLY BOUNDARY OF SAID LAST MENTIONED LANDS AND CONTINUING ALONG THE CENTERLINE OF SAID PRIVATE RIGHT OF WAY SOUTH 88° 15' WEST 215.60 FEET TO AN ANGLE;** THENCE CONTINUING ALONG THE CENTERLINE OF SAID PRIVATE RIGHT OF WAY, **NORTH 72° 10' WEST 78.2 FEET TO AN ANGLE; AND NORTH 40° 45' WEST 200.00 FEET, MORE OR LESS,** TO A POINT IN THE CENTERLINE OF THE OLD STATE HIGHWAY LEADING FROM THE TOWN OF GLENWOOD TO LOS GATOS; THENCE ALONG THE CENTERLINE OF SAID STATE HIGHWAY, **NORTHWESTERLY 250.00 FEET, MORE OR LESS** TO THE INTERSECTION WITH **THE 1/16 SECTION LINE RUNNING EAST AND WEST THROUGH THE NORTHWEST QUARTER OF SAID SECTION 28;** THENCE LEAVING THE CENTERLINE OF SAID HIGHWAY AND RUNNING WESTERLY ALONG THE SAID **1/16 SECTION LINE 650.00 FEET, MORE OR LESS,** TO THE CENTERLINE OF THE AFOREMENTIONED STATE HIGHWAY; THENCE SOUTHERLY ALONG THE CENTERLINE OF SAID STATE HIGHWAY **550 FEET, MORE OR LESS,** TO THE WESTERLY BOUNDARY OF SAID SECTION 28; THENCE SOUTHERLY ALONG THE WESTERLY BOUNDARY OF SAID SECTION 28, **800.00 FEET, MORE OR LESS,** TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM SO MUCH AS LIES WITHIN **THE EXTERIOR BOUNDARIES OF THE OLD STATE HIGHWAY.**

PARCEL TWO:

TOGETHER WITH A RIGHT OF WAY OVER SAID ABOVE MENTIONED **20 FOOT RIGHT OF WAY.**

APN: 93-122-01

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of SANTA CRUZ, State of California, described as follows:

BEING A PART OF LOT 1 IN SECTION 28, T. 9S., R. 1W., M.D.B.&M. AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE CENTER LINE OF A 100.00 FOOT RIGHT OF WAY AS CONVEYED TO THE STATE OF CALIFORNIA IN PARCEL 3 OF CONVEYANCE RECORDED IN BOOK 29, AT PAGE 278 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY AT ITS INTERSECTION WITH THE SOUTH BOUNDARY OF SAID LOT 1, AND FROM WHICH A 3/8" PIPE AT THE BASE OF A 4" X 4" POST MARKED 1/16S AND STANDING AT THE 1/16TH CORNER OF THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF SAID SECTION 28 BEARS NORTH 09°42'30" WEST 163.20 FEET DISTANT; THENCE RUNNING ALONG THE CENTER LINE OF SAID ABOVE MENTIONED RIGHT OF WAY NORTHERLY FROM A TANGENT BEARING NORTH 1°02'15" EAST CURVING RIGHT WITH A RADIUS OF 400 FEET THROUGH AN ANGLE OF 12°13'45" FOR A DISTANCE OF 85.38 FEET; THENCE NORTH 13°15' EAST 5.04 FEET; THENCE NORTHERLY CURVING TO THE LEFT WITH A RADIUS OF 800 FEET THROUGH AN ANGLE OF 16°31' FOR A DISTANCE OF 301.48 FEET TO A POINT FROM WHICH A 1/2" IRON PIPE BEARS SOUTH 82°22' EAST 51.75 FEET DISTANT; THENCE LEAVING THE CENTER LINE OF SAID RIGHT OF WAY SOUTH 82°22' EAST 299.30 FEET TO A 1/2" IRON PIPE FROM WHICH A NAIL IN SCRIBED CIRCLE ON A 10' DOUBLE LAUREL TREE BEARS SOUTH 33° 44' EAST 4.07 FEET DISTANT; THENCE NORTH 79° 41' EAST AT 78.00 FEET A 1/2" IRON PIPE 145.59 FEET TO A STATION ON THE CENTER LINE OF SAID ABOVE MENTIONED 100.00 FOOT RIGHT OF WAY; THENCE ALONG SAID CENTER LINE SOUTHEASTERLY CURVING TO THE LEFT WITH A RADIUS OF 100.00 FEET FROM A TANGENT BEARING SOUTH 39°35' EAST THROUGH AN ANGLE OF 36°32' FOR A DISTANCE OF 63.76 FEET TO A STATION; THENCE SOUTH 76°07' EAST 17.21 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CURVING TO THE RIGHT WITH A RADIUS OF 175.00 FEET THROUGH AN ANGLE OF 104° 51' FOR A DISTANCE OF 320.25 FEET TO A STATION; THENCE SOUTH 28° 44' WEST 18.56 FEET TO THE SOUTH BOUNDARY OF SAID LOT 1; THENCE ALONG SAID BOUNDARY NORTH 89°42'30" WEST 644 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 4.187 ACRES, A LITTLE MORE OR LESS.

SUBJECT TO THE RIGHT OF WAY AS CONVEYED TO THE STATE OF CALIFORNIA, AND DESCRIBED IN PARCEL 3 IN VOLUME 29, AT PAGE 278 OF OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

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