



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

February 12, 2008

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

Agenda Date: March 26, 2008
APN: 080-411-28
Application: 07-0563
Item 34

Subject: A public hearing to consider a proposal to rezone a single lot of record from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On September 19, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 16.7-acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of a single family residence and accessory structure.

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. 07-0563 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, RPF #2674, dated July 27, 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.07-0563 involving property located at the end of an unpaved right-of-way, approximately ¼ of a mile west of the west end of Sunlit Lane, approximately ¾ of a mile west of Empire Grade Road (801 Sunlit Lane), 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) 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 _____, 2008, 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 property located at the end of an unpaved right-of-way, approximately $\frac{1}{4}$ of a mile west of the west end of Sunlit Lane, approximately $\frac{3}{4}$ of a mile west of Empire Grade Road (801 Sunlit Lane); 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).

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>
080-411-28	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 _____ 2008, 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 Council
Planning
Assessor
County

GIS

EXHIBIT A

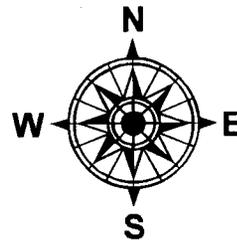


Location Map



LEGEND

-  APN: 080-411-28
-  Assessors Parcels
-  Streets

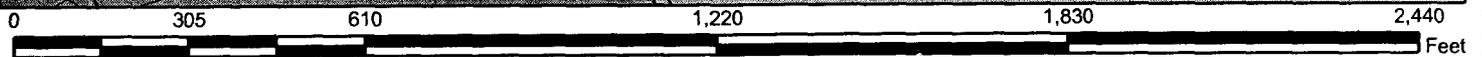
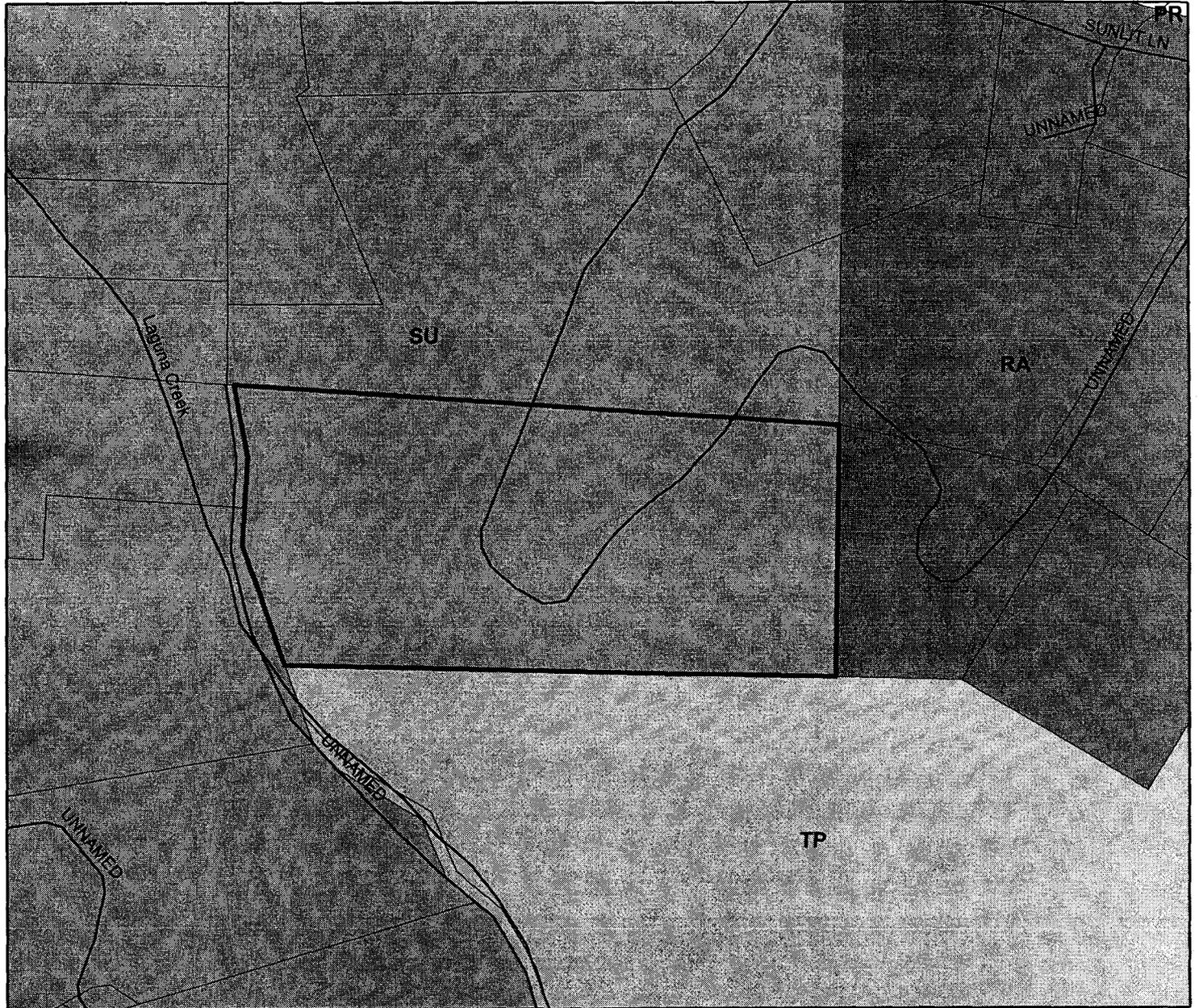


Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT C

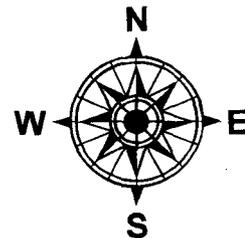


Zoning Map



LEGEND

- APN: 080-411-28
- Assessor's Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- AGRICULTURE RESIDENTIAL
- SPECIAL USE
- TIMBER PRODUCTION

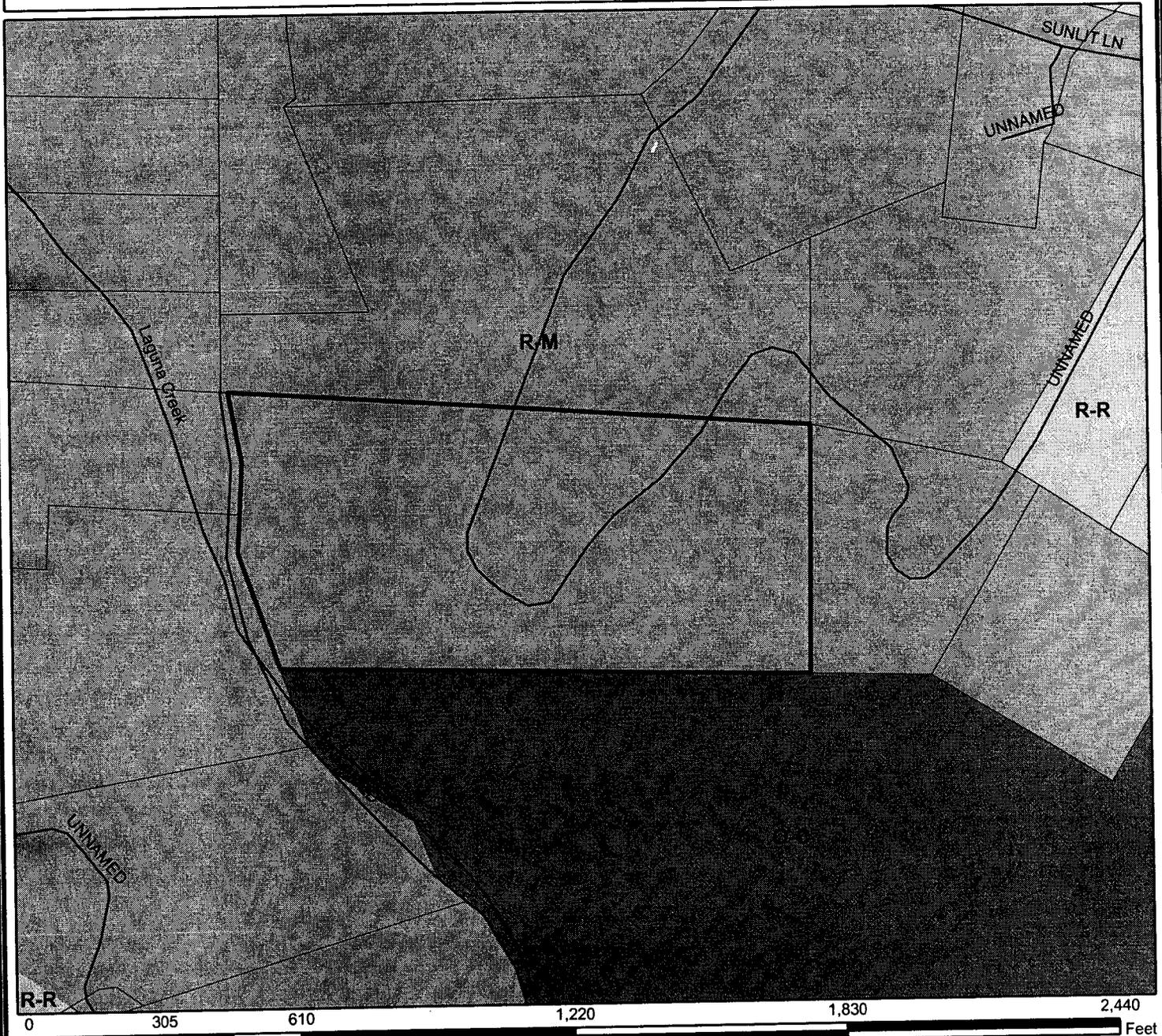


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

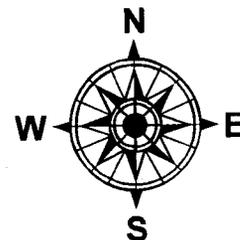


General Plan Designation Map



LEGEND

- APN: 080-411-28
- Assessors Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- Residential-Mountain
- Residential-Rural
- Resource Conservation



Map created by
 County of Santa Cruz
 Planning Department
 August 2007

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: 07-0563

Assessor Parcel Number: 080-411-28

Project Location: Property located at the end of an unpaved right-of-way, approximately ¼ of a mile west of the west end of Sunlit Lane, approximately ¾ of a mile west of Empire Grade Road (801 Sunlit Lane).

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

Person or Agency Proposing Project: Jessica Britt, U/W AS TC etal

Contact Phone Number: not applicable

- 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.

Maria Porcila Perez, Project Planner

Date: _____

Timber Management Plan

**Lands of Deziel
801 Sunlit Lane
Bonny Doon**

**APN# 080-411-28
Portion of Section 12, 13
Township 10 South
Range 3 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
July 27, 2007**

PREFACE

In July 2007, Joseph Culver, Consulting Forester, was commissioned by Chris Deziel to prepare a Timber Management Plan for APN #080-411-28. The county assessor lists the parcel as 16.8 acres in size. Mr. Deziel would like to rezone the parcel to Timber Production and the TMP will be part of an application packet submitted to the County of Santa Cruz. The management plan incorporates field work and currently available resource data.

GENERAL PROPERTY DESCRIPTION

The parcel is located approximately three miles northwest of Felton at the end of Sunlit Lane. The property is located in the Laguna Creek Watershed. A prominent south trending ridge bisects the property with slopes falling off to the east and west of the ridge. The eastern half of the property is defined by a forested valley with a seasonal watercourse running through the valley bottom. The Western portion of the property steeply drops off towards Laguna Creek. The central portion of the property contains the ridge and slopes to the south.

Elevation ranges from 1,640 feet near Laguna Creek in the southwest corner to 1,900 feet along the ridgeline. The legal description of the parcel is Township 10 South, Range 3 West, portion of section 12, 13. Timber site classification throughout the timbered portions of the property is site III. Average site III lands are present east of the main ridge and low site III lands exist west of this ridge near Laguna Creek.

Soils on approximately five acres east of the main ridge consist of the Lompico-Felton complex. Permeability of the Lompico soil is moderate and effective rooting depth is 20 to 40 inches. Runoff is medium or rapid, and the hazard of erosion is moderate or high. The Felton soil is deep and well drained and formed in residuum derived from sandstone, shale, siltstone, or schist. Permeability of the Felton soil is moderately slow and effective rooting depth is 40 to 72 inches. These soils are well suited to the production of redwood and Douglas fir.

The remainder of the property is underlain by the Sur-Catelli complex. This soil complex is moderately deep and somewhat excessively drained. The surface soil is stony sandy loam about 18" in thickness. Massive sandstone is at a depth of 35". Runoff is very rapid and the erosion hazard is very high. These soils are not as well suited for timber production due to a lack of moisture holding capacity, which is exacerbated by the general south facing aspect of this soil type. However, commercial stands of redwood and Douglas-fir trees are present on this soil type on the property.

Approximately 10 acres of the property is comprised of coniferous forest. Of these 10 acres, seven acres east of the main ridge consist of a mixed redwood and Douglas-fir forest. Tanoak is the main hardwood interspersed within this forest with lesser amounts of Madrone. The remaining 3 acres of coniferous forest is located west of the main ridge above Laguna Creek. This forest has a higher concentration of Douglas-fir with only a few scattered clumps of redwood. Hardwood species of Tanoak and Madrone are also interspersed in this stand. These forested areas have not been harvested for approximately 100 years and the forest canopy has substantially closed in on itself.

5.8 acres of the property contain south facing slopes and upper west facing slopes where the majority of the conifer component has died out. The forest cover in these areas is primarily madrone and tanoak. Approximately one acre of the property contains the home site and associated cleared areas.

TIMBER HARVEST HISTORY

The old-growth redwood logging in the Santa Cruz area, including this property, occurred approximately 110 years ago. As was common throughout the area, this clear-cut 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. The property does not appear to have been commercially harvested since the original clear-cut.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Mr. Deziel intends to manage the forest land for high quality forest products, while enhancing the related values of aesthetics and wildlife. As there has been no harvesting on the property for over 100 years the next harvest should occur in the next 5 years. Although State law allows for a harvest every 10 years, due to the small size of the timbered area it is recommended that future harvesting be spaced at a 15-20 year interval to maximize the volume removed in each harvest, and to minimize neighborhood impacts. Future harvests 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.

RECOMMENDED LOGGING SYSTEM

The recommended logging system for this property is to use ground based logging equipment such as tractors and log skidders. Appropriate harvesting infrastructure would have to be developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

In July of 2007 a 12% 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 10 acres of forest land have the following approximate stand conditions:*

Species Composition	41% second growth redwood 59% Douglas-fir
Basal Area	130 square feet per acre
Gross Volume/acre	22,950 board feet
Gross Overall property volume	229,500 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 and other minor defects in the standing timber. The defect in the Douglas-fir is higher due to the presence of conk in many of the butt logs and is estimated at 15%. With these factors in mind the overall net conifer volume on the property is approximately 200,000 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 2.2% per year. This growth rate is below the average for stands of second growth trees as the property has not been recently harvested. Over time the trees have closed in on each other and are competing for the same amount of sunlight water and nutrients. A growth rate of 2.2% per year equates to an annual increase in the forest resource of 5,050 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 421 cubic feet over the entire property, or 25 cubic feet per acre per year. This 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 extrapolated 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

The primary residence and associated structures are located on the main ridge outside of the timbered portions of the property and will not interfere with timber harvest operations.

CONCLUSION

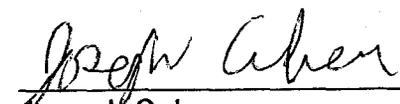
The property is well suited for timber management into the future. The forest resource is currently healthy but growth rates have begun to decline due to overstocked stand conditions. Mr. Deziel has indicated that he wants to manage the timber resource and stand conditions warrant a harvest in the near future.

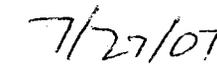
TIMBER STOCKING: To rezone a property to the "Timber Production" zoning a property must meet the timber stocking standards set forth in Section 4561 of the Public Resources Code. Section 4561 states in part that "The average residual basal area, measured in stems one inch or larger in diameter.....in areas which the registered professional forester has determined are site II classification or lower, the minimum average residual basal area shall be 50 square feet per acre. Rock outcroppings and other areas not normally bearing timber shall not be considered as requiring stocking." The average residual basal area in the timbered portions of the property is 130 square feet and therefore meets the stocking standards.

TIMBERLAND: To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section 51104 of the California Code states that "Timberland means privately owned land.....capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." The property proposed for rezoning is capable of growing an annual average volume of wood fiber of 25 cubic feet per acre and therefore meets the definition of timberland.

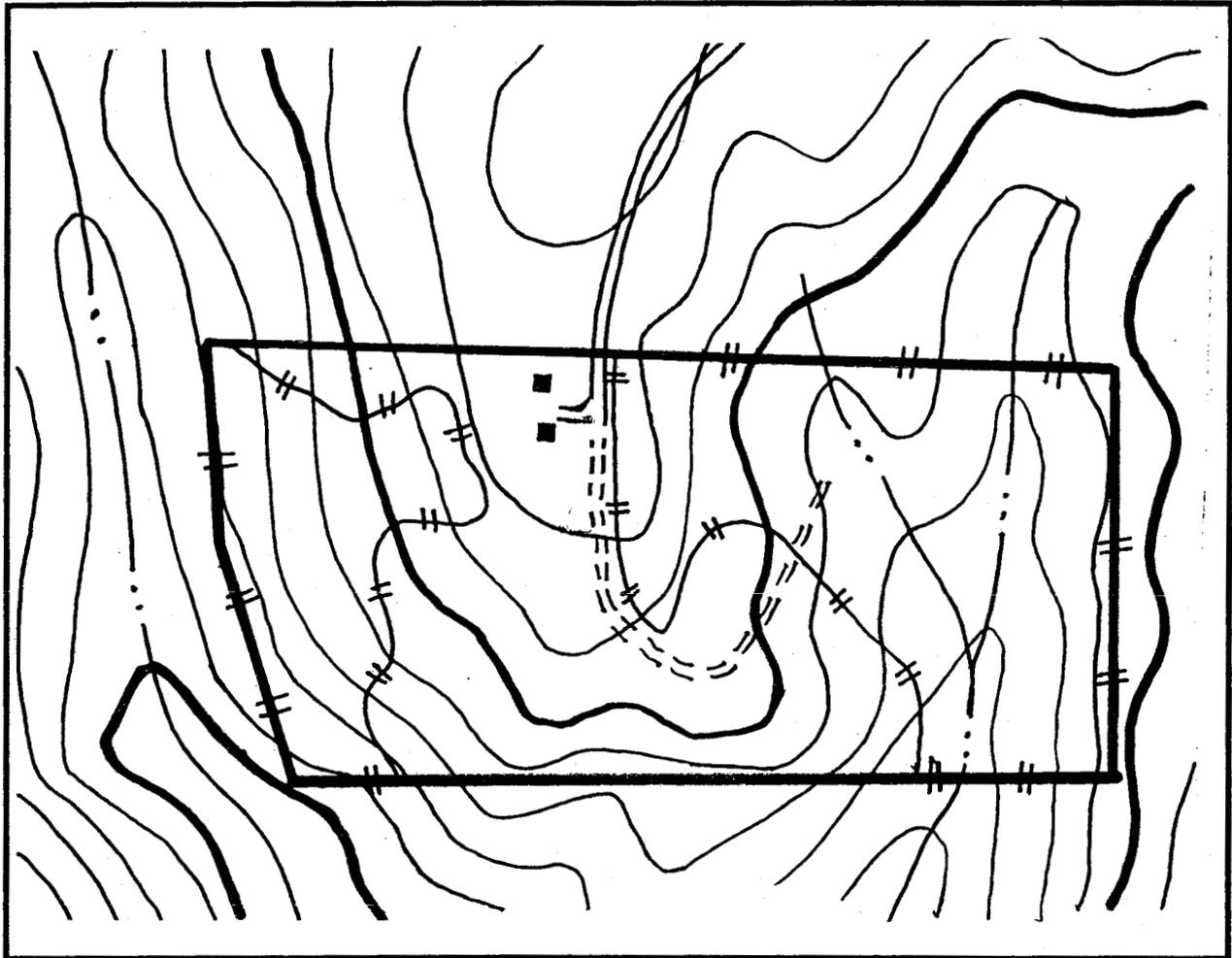
COMPATIBLE USE: Existing infrastructure on the properties does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

Timber Management Plan Prepared By:


Joseph Culver
Registered Professional Forester #2674


Date

**LANDS OF DEZIEL
PLAN AREA MAP
SANTA CRUZ COUNTY
T10S, R3W, SEC. 12, 13, MDB&M**



LEGEND

- PROPERTY BOUNDARY
- CONIFER FOREST
- PERMANENT ROAD
- SEASONAL ROAD
- WATERCOURSE
- STRUCTURE

SCALE: 1 INCH = 250 FEET

CONTOUR INTERVAL = 40 FEET



2006-0064636

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
Jessica Britt
801 Sunlit Lane
Santa Cruz, CA 95060

Recorded | REC FEE 16.00
Official Records | TAX 1457.58
County of | SURVEY MONUMENT 10.00
Santa Cruz |
GARY E. HAZELTON |
Recorder |

08:00AM 07-Nov-2006 | LAH
Page 1 of 4



Space Above This Line for Recorder's Use Only

A.P.N.: 080-411-28

File No.: 4405-2507569 (RV)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$1,457.50; CITY TRANSFER TAX \$0.00;
SURVEY MONUMENT FEE \$

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area; City of **Santa Cruz**, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Daniel Azar and Lynn M. Azar, husband and wife**

hereby GRANTS to **Jessica Britt, an unmarried woman and Christopher W. Deziel, an unmarried man as tenants in common**

the following described property in the City of **Santa Cruz**, County of **Santa Cruz**, State of **California**:

PARCEL ONE:

SITUATE IN LOT ONE, SECTION 13, TOWNSHIP 10 SOUTH, RANGE 3 WEST, MOUNT DIABLO BASE AND MERIDIAN, AND DESCRIBED AS FOLLOWS:

BEING A PART OF THE LANDS CONVEYED TO MARGARET RICE BY PATENT DATED SEPTEMBER 5, 1891 AND RECORDED NOVEMBER 27, 1891, IN VOLUME 3 OF PATENTS, AT PAGE 381, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 7 AND 18, IN TOWNSHIP 10 SOUTH, RANGE 2 WEST AND SECTIONS 12 AND 13, IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, MOUNT DIABLO BASE AND MERIDIAN; THENCE SOUTH ALONG THE EAST BOUNDARY OF THE AFORESAID SECTION 13, BEING THE WEST BOUNDARY OF THE LAND CONVEYED TO WILLIAM BROTHERS, BY PATENT DATED OCTOBER 1, 1878, AND RECORDED NOVEMBER 18, 1878, IN VOLUME 2 OF PATENTS, AT PAGE 513, 530 FEET, MORE OR LESS, TO A POINT FROM WHICH AN IRON PIPE AT THE WEST CORNER OF THE LANDS CONVEYED FROM THE HOLMES LINE COMPANY, INCORPORATED, TO MILDRED LISKEY, BY DEED RECORDED APRIL 18, 1939, IN VOLUME 366, PAGE 376, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, BEARS WEST 280 FEET, MORE OR LESS; THENCE LEAVE SAID SECTION LINE AND WEST BOUNDARY OF BROTHERS WEST 1210 FEET, MORE OR LESS, TO A STATION IN THE MIDDLE OF LAGUNA CREEK ON THE EAST LINE OF THE LANDS CONVEYED FROM J.A. MARTENSTEIN TO ALFRED WELCH, ET AL, BY DEED RECORDED NOVEMBER 18, 1932 IN VOLUME 237, PAGE 453, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE NORTHERLY UP THE MIDDLE OF LAGUNA CREEK ABOUT 150 FEET TO A STATION, FROM WHICH THE ONE-SIXTEENTH SECTION CORNER ON THE SOUTH BOUNDARY OF THE SOUTHEAST QUARTER OF SAID SECTION 12 BEARS DUE NORTH; THENCE DUE NORTH 450 FEET, MORE OR LESS, TO SAID ONE-SIXTEENTH SECTION CORNER; THENCE SOUTH 87 DEG. 30' EAST ALONG THE SOUTH BOUNDARY OF SAID SECTION 12, 1335.84 FEET TO THE PLACE OF THE BEGINNING.

Mail Tax Statements To: **SAME AS ABOVE**

EXCEPTING FROM THE ABOVE 50 FOOT STRIP OF LAND DESCRIBED AS PARCEL NO. 5 IN THE DEED FROM THE HOLMES LIME COMPANY, INCORPORATED, TO J.A. MARTENSTEIN, RECORDED NOVEMBER 18, 1932 IN VOLUME 236, PAGE 280, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL TWO:

A RIGHT OF WAY 40 FEET IN WIDTH OVER THE SOUTHEASTERLY 40 FEET OF PARCEL ONE DESCRIBED IN THE DEED FROM ALBERT MANSFIELD, ET UX, TO CARL E. FLINCHPAUGH, ET UX, RECORDED MAY 10, 1977, IN VOLUME 2757, PAGE 618, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL THREE:

A RIGHT OF WAY, APPURTENANT TO PARCEL ONE, 40 FEET IN WIDTH, 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A STATION ON THE SOUTHERLY BOUNDARY OF THE PARCEL OF LAND CONVEYED TO MINOT E. LA DIEU, ET UX., BY DEED RECORDED JUNE 16, 1947 IN VOLUME 586, PAGE 78, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, FROM WHICH THE POINT OF BEGINNING OF SAID PARCEL BEARS COUNTY 72 DEG. 32' EAST 55.46 FEET DISTANT; THENCE FROM SAID POINT OF BEGINNING NORTH 8 DEG. 00' WEST 72.87 FEET TO A STATION FROM WHICH A "W" IN A 12 INCH TWIN TAN OAK TREE BEARS NORTH 67 DEG. 10' WEST 14.10 FEET DISTANT; THENCE NORTH 56 DEG. 06 EAST 165.00 FEET TO A STATION ON THE EAST BOUNDARY OF SAID LANDS OF LA DIEU, AS GRANTED IN THE DEED FROM CARL E. FLINCHPAUGH, ET UX., TO WILLIAM M. LEWIS, AS HIS SEPARATE PROPERTY, RECORDED MAY 10, 1977 IN VOLUME 2757, PAGE 622, OFFICIAL RECORDS OF SANTA CRUZ.

PARCEL FOUR:

AN EASEMENT, APPURTENANT TO PARCEL ONE, 20 FEET IN WIDTH, GRANTED IN THE DEED FROM CARL E. FLINCHPAUGH, ET UX., TO WILLIAM M. LEWIS, AS HIS SEPARATE PROPERTY, RECORDED MAY 10, 1977 IN VOLUME 2757, PAGE 622, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, THE NORTHEASTERLY BOUNDARY OF WHICH IS THE NORTHEASTERLY BOUNDARY OF THE LANDS CONVEYED TO ADELE ADAMS, ET AL, BY DEED JANUARY 11, 1936 IN VOLUME 293, PAGE 477, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL FIVE:

AN EASEMENT, APPURTENANT TO PARCEL ONE, AS GRANTED IN THE DEED FROM CARL E. FLINCHPAUGH, ET UX., TO WILLIAM M. LEWIS, AS HIS SEPARATE PROPERTY, RECORDED MAY 10, 1977 IN VOLUME 2757, PAGE 622, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, 40 FEET IN WIDTH OVER THE NORTHEASTERLY BOUNDARY OF THE LANDS OF MILDRED R. LISKEY, BY DEED RECORDED FEBRUARY 25, 1937 IN VOLUME 323, PAGE 123, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; E.N. DAVID, BY DEED RECORDED JANUARY 11, 1936 IN VOLUME 293, PAGE 476, OFFICIAL RECORDS OF SANTA CRUZ COUNT; JOHN STEEN, BY DEED RECORDED NOVEMBER 15, 1937 IN VOLUME 345, PAGE 197, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THOMAS J. IRVING, BY DEED RECORDED DECEMBER 10, 1934 IN VOLUME 278, PAGE 310, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND OVER THE NORTHWESTERLY AND NORTHERLY BOUNDARY OF THE LANDS CONVEYED TO GUS A. ZEITLER, JR., BY DEED RECORDED MAY 9, 1940 IN VOLUME 386, PAGE 292, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL SIX:

AN EASEMENT APPURTENANT TO PARCEL ONE AS GRANTED IN THE DEED FROM HARRY T. JENSEN, ET UX., TO WILLIAM M. LEWIS, ET AL., RECORDED AUGUST 25, 1977 IN VOLUME 2806, PAGE 549, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL SEVEN:

A RIGHT OF WAY 40 FEET IN WIDTH, 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

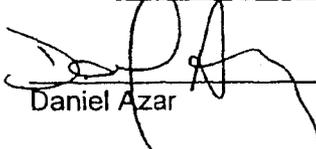
BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF A 40 FOOT RIGHT OF WAY KNOWN AS SUNLIT LANE FROM WHICH THE SOUTHEASTERLY CORNER OF PARCEL A OF THOSE LANDS CONVEYED TO WILLIAM M. LEWIS, AND DESCRIBED IN THAT DEED OF TRUST RECORDED IN VOLUME 2800, PAGE 516, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, BEARS SOUTH 60 DEG. EAST AND 20.0 FEET AND SOUTH 30 DEG. EAST 885 FEET, MORE OR LESS, AND RUNNING PARALLEL TO AND 20 FEET NORTHWESTERLY FROM THE EASTERLY LINE OF SAID PARCEL A SOUTH 30 DEG. EAST 885 FEET, MORE OR LESS, TO A POINT FROM WHICH SAID SOUTHEASTERLY CORNER BEARS SOUTH 61 DEG. 58' 06" EAST, A DISTANCE OF 20.0 FEET; THENCE CONTINUING ALONG THE FOLLOWING COURSES:

**SOUTH 30 DEG. 27' 49" WEST 91.76 FEET;
SOUTH 54 DEG. 37' 45" WEST 74.61 FEET;
SOUTH 71 DEG. 09' 27" WEST 51.12 FEET;
SOUTH 42 DEG. 25' 49" WEST 83.20 FEET;
NORTH 39 DEG. 45' 06" WEST 38.03 FEET;
NORTH 2 DEG. 21' 31" EAST 62.69 FEET;
NORTH 43 DEG. 22' 51" EAST 106.06 FEET;
NORTH 24 DEG. 00' 30" WEST 53 FEET, MORE OR LESS, TO THE BOUNDARY OF THE ABOVE DESCRIBED PARCEL OF LAND, AS RESERVED IN THE DEED FROM DAVID A. BAKER, ET UX., TO ALAN K. WOODBURY, A SINGLE MAN, RECORDED APRIL 11, 1979 IN BOOK 3042, PAGE 436, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.**

PARCEL EIGHT:

A RIGHT OF WAY, 40 FEET IN WIDTH, FOR INGRESS AND EGRESS, AS GRANTED IN THE RIGHT OF WAY AGREEMENT BETWEEN DAVID A. BAKER, ET US AND WILLIAM M. LEWIS, RECORDED AUGUST 17, 1978 IN BOOK 2950, PAGE 322, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

Dated: 10/31/2006



Daniel Azar

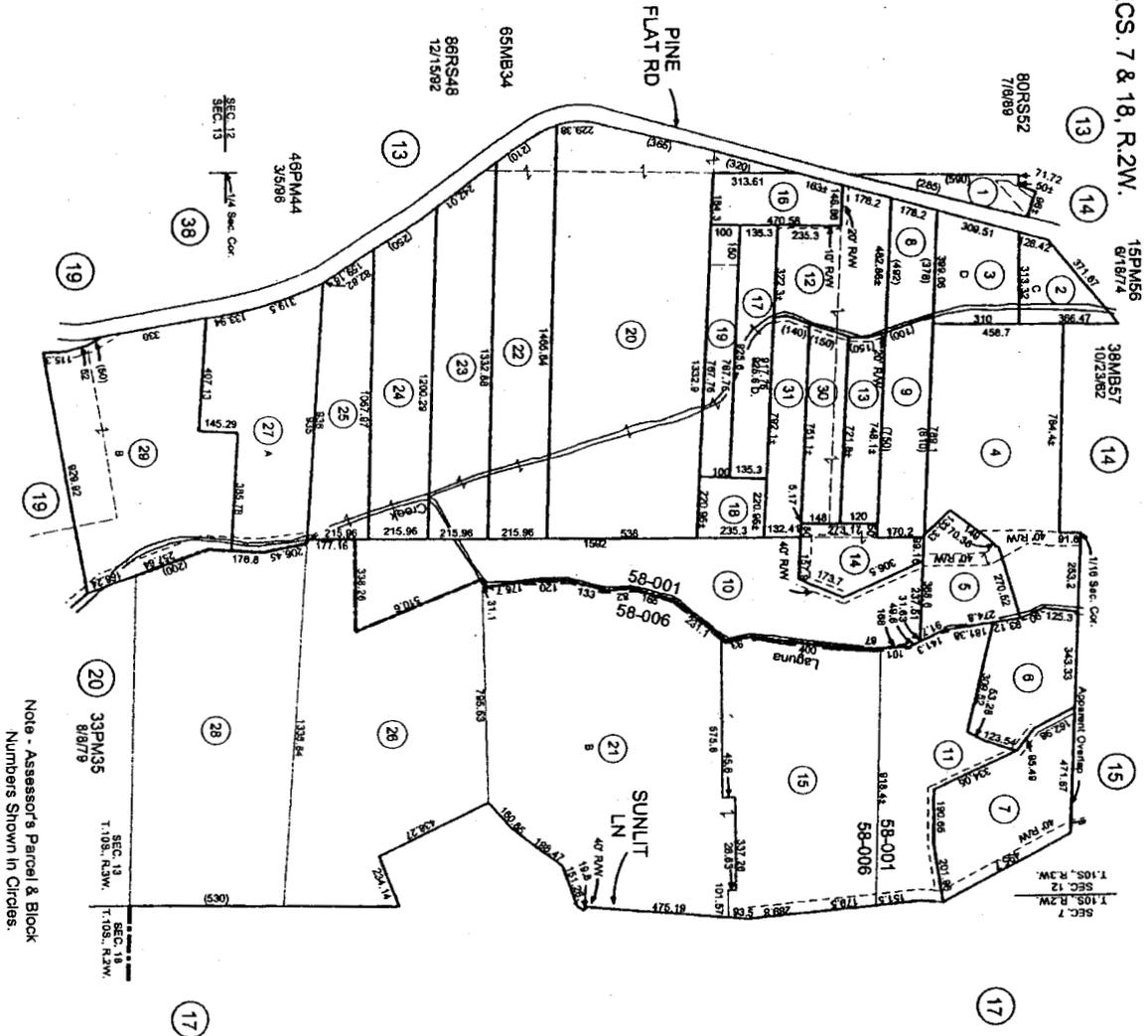


Lynn M. Azar

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POR. SECS. 12 & 13, R.3W. & SECS. 7 & 18, R.2W.
T.10S., M.D.B. & M.



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

Assessor's Map No. 80-41
County of Santa Cruz, Calif.
April, 2004

Tax Area Code
58-001 58-006

80-41