



Staff Report to the Planning Commission

Application Number: **00-0083**

Applicant: Roy Webster, RPF
Owner: St. Francis Preparatory
APN: 110-031-19 and 24

Agenda Date: November 10, 2004
Agenda Item #: 8
Time: After 9:00 a.m.

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

Location: The property is located on the east side of Highway 152 at Hughes Creek, between the highway and the Santa Cruz/Santa Clara County line, Watsonville.

Supervisory District: 4th district (District Supervisor: Campos)

Permits Required: Rezoning

Staff Recommendation:

- Adopt the Resolution ~~sending~~ a recommendation to the Board of Supervisors for approval of Application 00-0083 based on the attached findings.
- Recommend certification that the proposal is statutorily exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | |
|-------------------------------|---------------------------------------|
| A. Findings | H. Timber & Agricultural Resource |
| B. Statutory Exemption (CEQA) | Maps |
| C. Resolution | I. St. Francis Properties (Adjacency) |
| D. Agreement & Declaration | J. Letters from Project Forester |
| E. Location Map | K. Previous Timber Harvest Permit |
| F. Assessor's Parcel Map | |
| G. Zoning & General Plan Maps | |

Parcel Information

Parcel Size:	110-031-19- 116 acres 110-031-24 - 11 acres
Existing Land Use - Parcel:	Vacant rural land, timberland, rangeland
Existing Land Use - Surrounding:	Residential, timberland, rangeland, commercial

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

Project Access:	agriculture
Planning Area:	Highway 152
Land Use Designation:	Salsipuedes
Zone District:	AG (Agriculture)
Coastal Zone:	SU (Special Use)
	<u> </u> Inside <u>XX</u> Outside

Environmental Information

Geologic Hazards:	Mapped suspected landslides
Soils:	Santa Lucia shaly clay loam, Maymen-Madonna complex, Lompico-Felton complex, Nisene-Aptos complex
Fire Hazard:	Areas within a mapped constraint
Slopes:	15 – 75+%
Env. Sen. Habitat:	Riparian – Hughes Creek
Grading:	Existing roads and timber landings
Tree Removal:	Future Timber Harvest proposed
Scenic:	Portions visible from Hwy 152 – a County designation scenic road
Drainage:	No changes to existing drainage patterns
Traffic:	N/A
Roads:	N/A
Parks:	N/A
Archaeology:	Not mapped
Agricultural Resource	Mapped Type 1A – Prime Agricultural lands

Services Information

Urban/Rural Services Line:	<u> </u> Inside <u>XX</u> Outside
Water Supply:	Private well – currently undeveloped
Sewage Disposal:	Septic - currently undeveloped
Fire District:	California Department of Forestry/County Fire
Drainage District:	Zone 7

History

On February 8, 2000, the County Planning Department accepted this application for rezoning two parcels totaling about 127 acres from the Special Use zone district to Timber Production. This project qualifies for a rezoning under California State Government Code Section 51113.5 “Petition by owner to add to timberland production zone”. The St. Francis Preparatory also owns an approximately 295-acre Timber Production zoned parcel contiguous to the southern boundary of APN 110-031-24 and with the eastern boundary of APN 110-031-19. This project qualifies for a statutory exemption (Exhibit B) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Project Setting

The subject property is located in the Salsipuedes Planning Area and is undeveloped. The property has a history of timber harvesting and timber management activities. The property was clear cut in the late 1800's to early 1900's. Portions of the subject properties and the adjacent TP zoned parcel were selectively harvested between 1990 and 1993 under the CDF issued THP 1-89-835 SCR. Future timber harvesting would utilize the existing system of logging roads and landings.

Hughes Creek, an intermittent stream, is located on a portion of APN 110-031-19. Hughes Creek flows into Salsipuedes Creek and eventually to Browns Creek. Browns Creek provides spawning and rearing habitat for Southern steelhead trout (*Oncorhynchus mykiss irideus*) - a Federally listed threatened species. The property is a mosaic of redwood forest, oak woodlands and rangelands.

Zoning & General Plan Consistency

The subject parcel has a 1994 General Plan land use designation of Agriculture. The property is currently zoned Special Use. The Special Use and Timber Production zoning districts implement the Agriculture General Plan designation, as specified in Section 13.10.170 of the County Code. Moreover, the Timber Production zoning is consistent with the agricultural resource designation of Type 1A agricultural lands, as all principal uses set forth for the CA (Commercial Agriculture) zone are also principal uses in the TP zone district.

Hughes Creek meets the definition of Sensitive Habitat under General Plan policy 5.1.2(c) through (f), (i) and (j). General Plan policy 5.1.4 states "implement the protection of sensitive habitats by maintaining the existing Sensitive Habitat Protection ordinance" (this ordinance is Chapter 16.32 of the County Code). In addition, General Plan policy 5.1.6 states that sensitive habitats shall be protected against any significant disruption of habitat values; any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Projects must be reduced in scale, redesigned, mitigated or, if no alternative exists, denied. Policy 5.1.7 includes the following language, "Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance." The Sensitive Habitat Protection ordinance's definition of development includes the following "the removal or harvesting of major vegetation other than for ... timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973; the disturbance of any rare, endangered, or locally unique plant or animal or its habitat". Thus, timber harvesting under a CDF Timber Harvest Permit is specifically exempted from the regulations of Chapter 16.32. Nevertheless, as timber harvesting is not allowed under the subject parcels' current zoning, the proposed rezoning must be analyzed with respect to and found in conformance with the County's General Plan policies for protecting the County's biological resources.

APN 110-031-19 has considerable frontage along Highway 152, which is designated as a "Scenic Road" in the County General Plan. The subject slopes steeply up from highway and is along a particularly winding stretch of road. Consequently, only the area immediately adjacent to Highway 152 is readily visible from the road. Again, Highway 152 is a designated Scenic Road in the County's 1994 General Plan. The County's General Plan policy 5.10.3 on Visual Resources states that significant public vistas shall be protected "by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design". Moreover, policy 5.10.10 Designation of Scenic Roads states "(t)he following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection". Timber harvesting on this property immediately adjacent to Highway 152 could have a detrimental affect on its visual aesthetics, as viewed from the highway,

and thus be inconsistent with the General Plan.

The property owners have entered into an Agreement with the County of Santa Cruz setting limitations on certain timber harvesting activities on the subject parcels, resolving the aforementioned conflicts between timber harvesting activities and the County's General Plan. Specifically, the property owners have agreed to a "no cut zone" within 30 feet of the **Hughes** Creek. This no cut zone is consistent with the County's riparian corridor protection policies and corridor widths for an intermittent stream. This undisturbed area will also provide adequate protection for this sensitive biotic habitat consistent with the County's Sensitive Habitat protection policies. These measures would provide adequate protection for this sensitive habitat consistent with the County's Sensitive Habitat protection policies and is the superior solution to new road construction. In addition, the property owners have further agreed to a "no cut zone" within 50 feet of Highway 152. This limitation will ensure that the forested areas readily visible from Highway 152 of the property will not be adversely affected by future timber harvesting activities.

In accordance with Section 51113.5 of the State Government Code, the project meets the following criteria for 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 I).
- The property is timberland, as it is capable of producing an average of 15 cubic feet of timber per acre annually (Exhibit J).
- The uses on the parcel comply with the Timber Production Zone uses set forth in Section 13.10.372.

Conclusion

All of the criteria have been met for rezoning the subject parcels to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land **use** designations pursuant to California State Government Code Section 51113.5 and subject to the Agreement (Exhibit D). Please *see* Exhibit A ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Adopt the Resolution (Exhibit C), sending a recommendation to the Board of Supervisors for approval of Application 00-0083 based on the attached findings.
- Recommend certification that the proposal is statutorily exempt from further Environmental Review under the California Environmental Quality Act.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

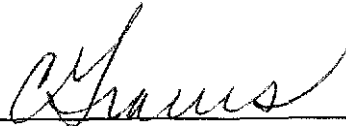
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By:



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Report Reviewed By:



Cathv Graves
Principal Planner
Development Review

REZONING FINDINGS

1. THE PROPOSED ZONE DISTRICT WILL ALLOW A DENSITY OF DEVELOPMENT AND TYPES OF USES WHICH ARE CONSISTENT WITH THE OBJECTIVES AND LAND-USE DESIGNATIONS OF THE ADOPTED GENERAL PLAN; AND,

The rezoning will allow a density of development and types of uses, which are consistent with the objectives and the land use designations of Agriculture. The uses will more closely conform with the General Plan as a result of the zoning of two parcels, which contains timber resources meeting the timber stocking standards, and has an agricultural resource designation of prime agricultural land (Type 1A), since timber harvesting and all principal uses set forth in the Commercial Agriculture zone district are both principal uses in the Timber Production zone district.

Hughes Creek meets the definition of Sensitive Habitat under General Plan policy 5.1.2(c) through (f), (i) and (j). General Plan policy 5.1.4 states "implement the protection of sensitive habitats by maintaining the existing Sensitive Habitat Protection ordinance" (this ordinance is Chapter 16.32 of the County Code). In addition, General Plan policy 5.1.6 states that sensitive habitats shall be protected against any significant disruption of habitat values; any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Projects must be reduced in scale, redesigned, mitigated or, if no alternative exists, denied. Policy 5.1.7 includes the following language, "Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance." The Sensitive Habitat Protection ordinance's definition of development includes the following "the removal or harvesting of major vegetation other than for ... timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973; the disturbance of any rare, endangered, or locally **unique** plant or animal or its habitat". Thus, timber harvesting under a CDF Timber Harvest Permit is specifically exempted from the regulations of Chapter 16.32. Nevertheless, as timber harvesting is not allowed under the subject parcels' current zoning, the proposed rezoning must be analyzed with respect to and found in conformance with the County's General Plan policies for protecting the County's biological resources.

APN 110-031-19 has considerable frontage along Highway 152, which is designated as a "Scenic Road" in the County General Plan. The subject slopes steeply up from highway and is along a particularly winding stretch of road. Consequently, only the area immediately adjacent to Highway 152 is readily visible from the road. Again, Highway **152** is a designated Scenic Road in the County's 1994 General Plan. The County's General Plan policy 5.10.3 on Visual Resources states that significant public vistas shall **be** protected "by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design". Moreover, policy 5.10.10 Designation of Scenic Roads states "(t)he following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection".

The property owners have entered into **an** Agreement with **the** County of Santa Cruz setting limitations on certain timber harvesting activities on the subject parcels, resolving the aforementioned conflicts between timber harvesting activities and the County's General Plan. Specifically, the property owners have agreed to a "no cut zone" within 30 feet of the Hughes Creek. This no cut zone is consistent with the County's riparian corridor protection policies and corridor

widths for an intermittent stream. This undisturbed area will also provide adequate protection for this sensitivebiotic habitat consistent with the County's SensitiveHabitat protection policies. These measures would provide adequate protection for ~~this~~ sensitivehabitat consistent with the County's Sensitive Habitat protection policies and is the superior solution to new road construction. In addition, the property owners have further agreed to a "no cut zone" within 50 feet of Highway 152. This limitation will ensure that the forested areas readily visible from Highway 152 of the property will not be adversely affected by future timber harvesting activities. With this agreement, the proposed rezoning will conform with the General Plan's policies for the protection of sensitive habitat and riparian comdors.

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

The proposed TP zone district is appropriate to the level of utilities and community services available to the parcel. The subject property is accessed via Highway 152 from the adjacent TP zoned property in the same ownership as the subject parcels. The subject parcels are located outside of the Urban Services Line and is, therefore, rural in nature.

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

The proposed rezoning is necessary to provide for a community related use - timber harvesting and timberland management and for continued agricultural uses. Timber harvesting was permitted in the SU zone district in the past in certain circumstances under the jurisdiction of the County and later under the sole authority of the California Department of Forestry. Moreover, the subject parcels in conjunction with the adjacent TP zoned property were selectively harvested between 1990 and 1993 under the CDF issued THP 1-89-835 SCR. Presently, timber harvesting is only allowed within the Timber Production, Parks and Recreation and Mineral Extraction zone districts and the CA zone district outside of the Coastal Zone. The subject property contains timber stands exceeding the timber stocking standards, and is located in a prime agricultural resource area. The rezoning will allow the continuation of harvesting and management of the timberlands and the preservation and continuation of the agricultural uses of the subject properties.

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: 00-0083

Assessor Parcel Number: 110-031-19 and 24

Project Location: The property is located on the east side of Highway 152 at Hughes Creek, between the highway and the Santa Cruz/Santa Clara County line, Watsonville.

Project Description: Proposal to rezone a two parcels from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Roy Webster, RPF

Contact Phone Number: (831) 462-6237

- 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. **XXX** **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type: Specify type: **Article 17, Section 1703. Timberland Preserves**

E. _____ **Categorical Exemption**

Specify type:

F. Reasons why the project is exempt:

Cathleen Carr, Project Planner

Date: _____

**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. 00-0083, involving property located on the east side of Highway **152** at Hughes Creek, between the highway and the Santa Cruz/Santa Clara County line, Watsonville, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

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

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in Exhibit A of the Report to the Planning Commission dated November 10, 2004.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 10th day of November, 2004, by the following vote:

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

RENEE SHEPHERD, Chairperson

ATTEST: _____
CATHY GRAVES, Secretary

APPROVED **AS** TO FORM:

COUNTY COUNSEL

AGREEMENT CONCERNING APPLICATION FOR REZONE TO TIMBER PRODUCTION ZONE DISTRICT

The County of Santa Cruz ("County") and St. Francis Preparatory ("Owners") agree as follows:

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

A. Owners are the owners of certain real property, totaling approximately 126 acres (APNs 110-031-19 and 24) ("Property") located on the east side of Highway 152 at Hughes Creek, between the highway and the Santa Cruz/Santa Clara County line, Watsonville.

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

C. On February 8, 2000, Owners submitted an application, including a timber management plan ("TMP"), to the County to rezone the Property to a Timber Production ("TP") zone district.

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

E. It is the County's position that it is required by state law to ensure that all zoning decisions, including rezoning property to a TP zone district, are consistent with the policies set forth in the County's General Plan and Local Coastal ~~Program~~ Land Use Plan ("General Plan/LCP") and that it has the authority to deny TP rezone applications where necessary to ensure such consistency. Given that the County's authority in this area is currently at issue in pending litigation before the Court of Appeal, the County, in order to avoid the potential for duplicative additional litigation, has refrained from acting on rezone applications that present clear conflicts with its General Plan/LCP pending a final judicial decision.

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

5.1 Biological Diversity

5.1.6 Development within Sensitive Habitats

5.1.7 Site Design and Use Regulations

5.2 Riparian Corridors and Wetlands

5.2.2 Riparian Corridor and Wetland Protection Ordinance

5.2.3 Activities Within Riparian Corridors and Wetlands

5.2.4 Riparian Corridor Buffer Setback

5.2.7 Compatible Uses with Riparian Corridors

5.10a and b Protection of Visual Resources

5.10.1 New Development in Visual Resource Areas

5.10.2 Development Within Visual Resource Areas

5.10.3 Protection of Public Vistas

Hughes Creek is classified as an intermittent stream, crossing parcel 110-031-19. This stream flows into Salipuedes Creek and eventually to Browns Creek. Browns Creek provides prime spawning and rearing habitat to Steelhead trout, a Federally listed as Threatened species. Due to the location of timber resources immediately adjacent to Hughes Creek, timber harvesting activities could conflict with the County's riparian and sensitive habitat protection General Plan policies. The removal of trees within the 30-foot riparian corridor could damage downstream aquatic habitat through increased water temperatures through loss of shade. Moreover, the site disturbance resulting from timber harvesting activities can increase erosion, resulting in increased turbidity and sedimentation within the stream, thereby degrading in stream water quality and aquatic habitats.

The subject parcel is adjacent to Highway 152 - a 1994 General Plan designated Scenic Road. County policy states that public vistas from designated Scenic Roads shall be afforded the highest level of protection. The removal of trees immediately adjacent to Highway 152 Road could damage the aesthetic character of this rural, forested view shed.

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

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

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

J In July of 2004, Owners initiated a series of discussions with the County Planning Department to discuss whether the identified potential General Plan/LCP inconsistencies could be resolved by **an** agreement regarding any future timber harvesting on the Property.

K. After extensive discussions, **Owners** and the County have agreed to enter into this Agreement and to comply with the terms and conditions set forth herein, including the timber harvesting conditions set forth in paragraph 8, below, which they believe are just, fair and adequate.

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

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

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

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

6. The parties to this Agreement shall make every effort and shall cooperate diligently to have all

proceedings before the Planning Commission and any proceedings before the Board of Supervisors with regard to the rezone application concluded expeditiously

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

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

a. *Timber harvesting and/or tree removal ~~is~~ prohibited within 30 feet of Hughes Creek and within 50 feet of Highway 152 with the following exceptions:*

Tree(s) posing an imminent hazard to public health and safety may be removed. However, any such tree located within 30 feet of Hughes Creek shall require a Riparian Exception Permit prior to removal.

b. *Nothing contained in this Agreement shall be deemed to restrict the discretion of the CDF or to preclude CDF, ~~in~~ approving a THP for the Property, from imposing conditions on the THP that are more restrictive on timber harvesting than the terms set forth in this Agreement.*

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

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

11. This Agreement constitutes the **entire** agreement between the parties and all other prior agreements or understandings, written or oral, are merged into and superseded by the terms of this Agreement, which may not be altered, modified, or otherwise changed excepted by a writing signed by the duly authorized representatives of the parties to this Agreement.

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

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

county of Santa Cruz:

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

Owners:

St. Frances Preparatory
Attn: ~~Joseph Lockwood~~
1100 Franklin Street
San Francisco, CA 94109

FATHER RICHARD PRESENTI

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

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

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

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

DATED: 9-17-04 By Richard Presanti for St. Francis

By _____

DATED: _____

COUNTY OF SANTA CRUZ, et al.

By _____
Chair, Board of Supervisors

APPROVED AS TO FORM:


ASSISTANT COUNTY COUNSEL

[00-0083TP rezone agreement.wpd]

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

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

RE: APN 110-031-19 and 24

DECLARATION OF RESTRICTIONS

RECITALS

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

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

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

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

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

RESTRICTIONS

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

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

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

- a. *Timber harvesting and/or tree removal is prohibited within 30 feet of Hughes Creek and within 50 feet of Highway 152 with the following exceptions:*

Tree(s) posing an imminent hazard to public health and safety may be removed. However, any such tree located within 30 feet of Hughes Creek shall require a Riparian Exception Permit prior to removal.

- b. *Nothing contained in this Agreement shall be deemed to restrict the discretion of the CDF or to preclude CDF, in approving a THP for the Property, from imposing conditions on the **THP** that are more restrictive on timber harvesting than the terms set forth in this Agreement.*

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

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

5. Enforcement. Any conveyance, contract, or authorization (whether written or oral) by Declarants or their successors in interest which would permit use of the Subject Property contrary to the terms of this Declaration shall be a breach of this Declaration. County or its successor may bring an action by administrative or judicial proceeding when County deems necessary or convenient to enforce this Declaration. Declarants understand and agree that the enforcement proceedings provided in this paragraph are not exclusive and that the County may pursue any appropriate legal and equitable remedies available to it, and County shall recover, provided that County is the prevailing party, reasonable attorneys' fees and costs in bringing any action, whether administrative or judicial, to enforce this Declaration as against the party causing such breach.

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

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

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

Declarant

Declarant

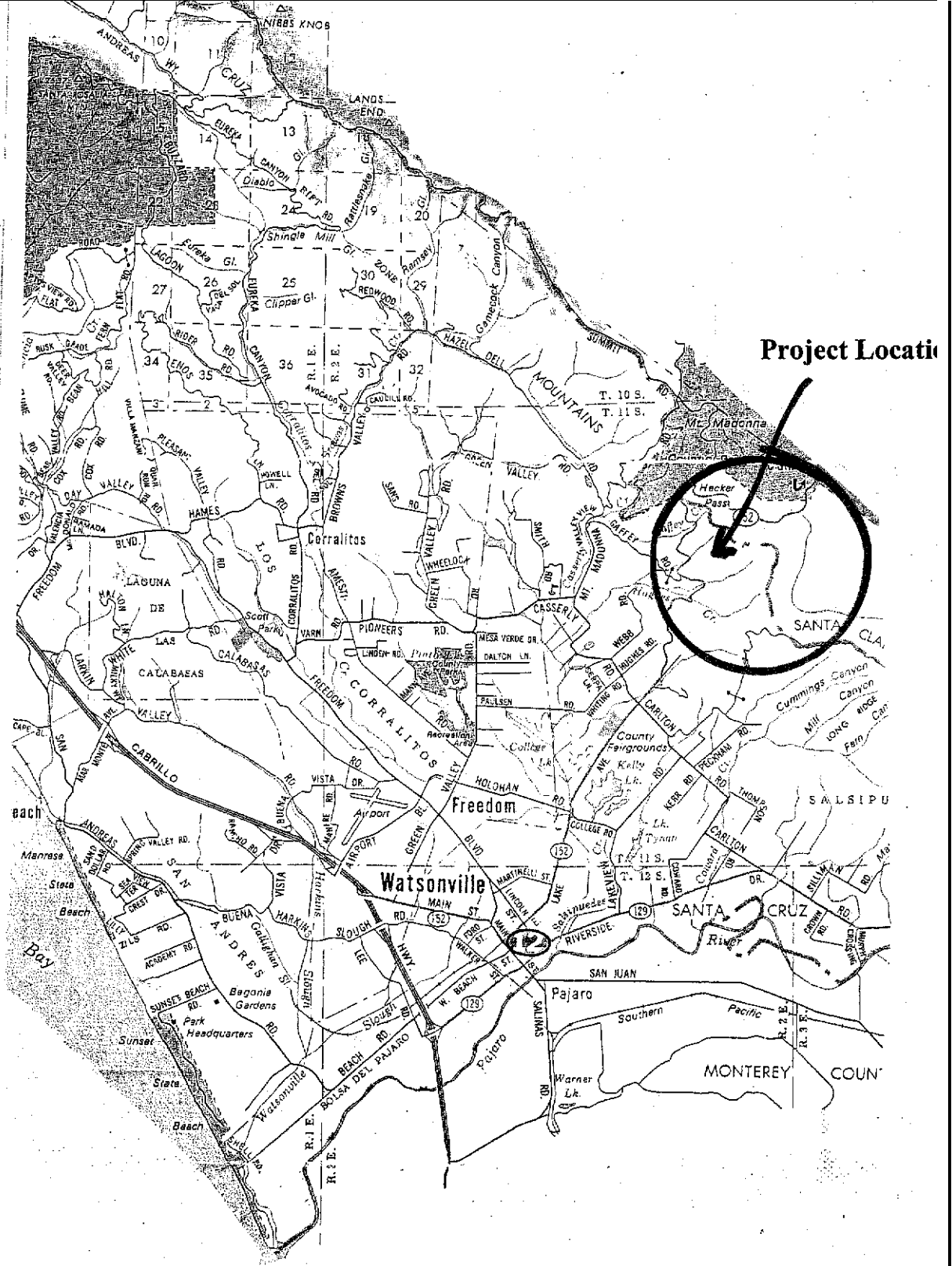
ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC. IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL BE ATTACHED.

STATE OF CALIFORNIA)
)
COUNTY OF SANTA CRUZ)
_____)

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

WITNESS my hand and official seal

Notary Public, State of California



VICINITY MAP

SALSIPUEDES RANCHO
 POR SECS. 11, 12, 13, 14 & 23, T. 11 S., R. 2 E., M.D.B. & M. PROJECTED

Tax. Ar. Code 110-03
 69-110

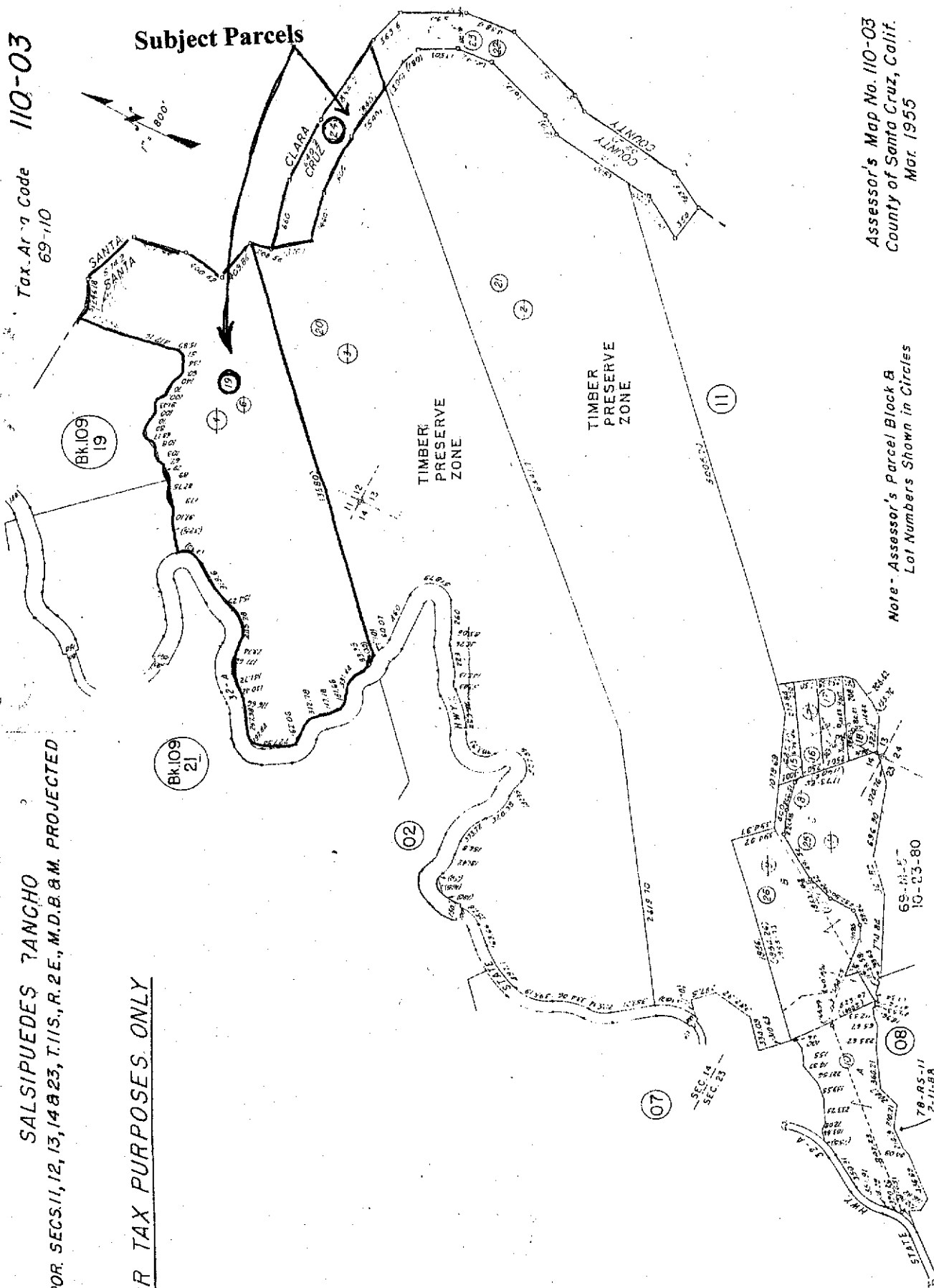
FOR TAX PURPOSES ONLY

Subject Parcels

ASSESSOR'S PARCEL MAP

Assessor's Map No. 110-03
 County of Santa Cruz, Calif.
 Mar. 1955

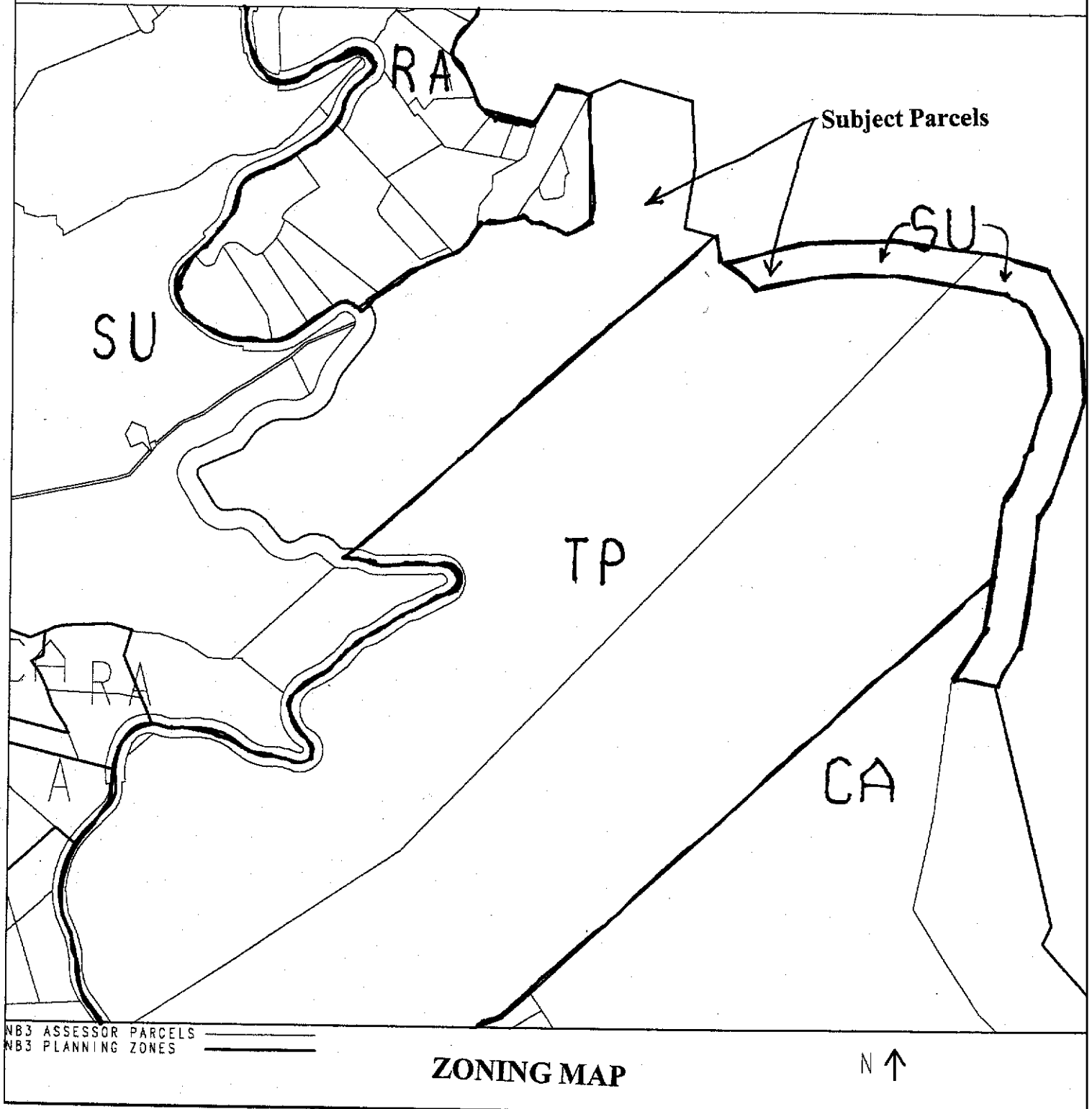
Note - Assessor's Parcel Block &
 Lot Numbers Shown in Circles



EXHIBIT

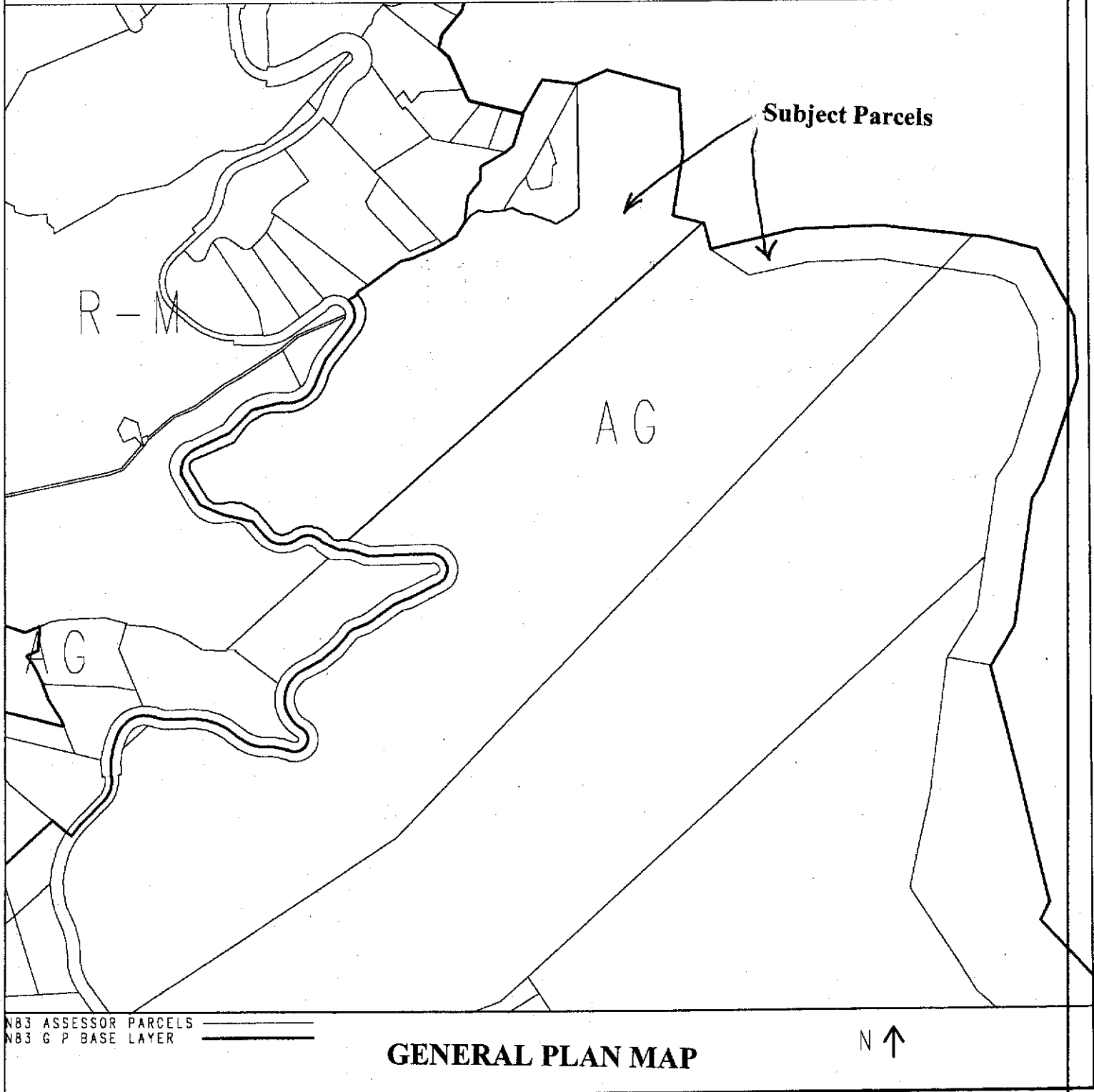
SCALE (FT/INCH) = 1,061
WIDTH IN FEET = 8,419.77
DEPTH IN FEET = 7,906.47

REQUEST ID: 00-0083



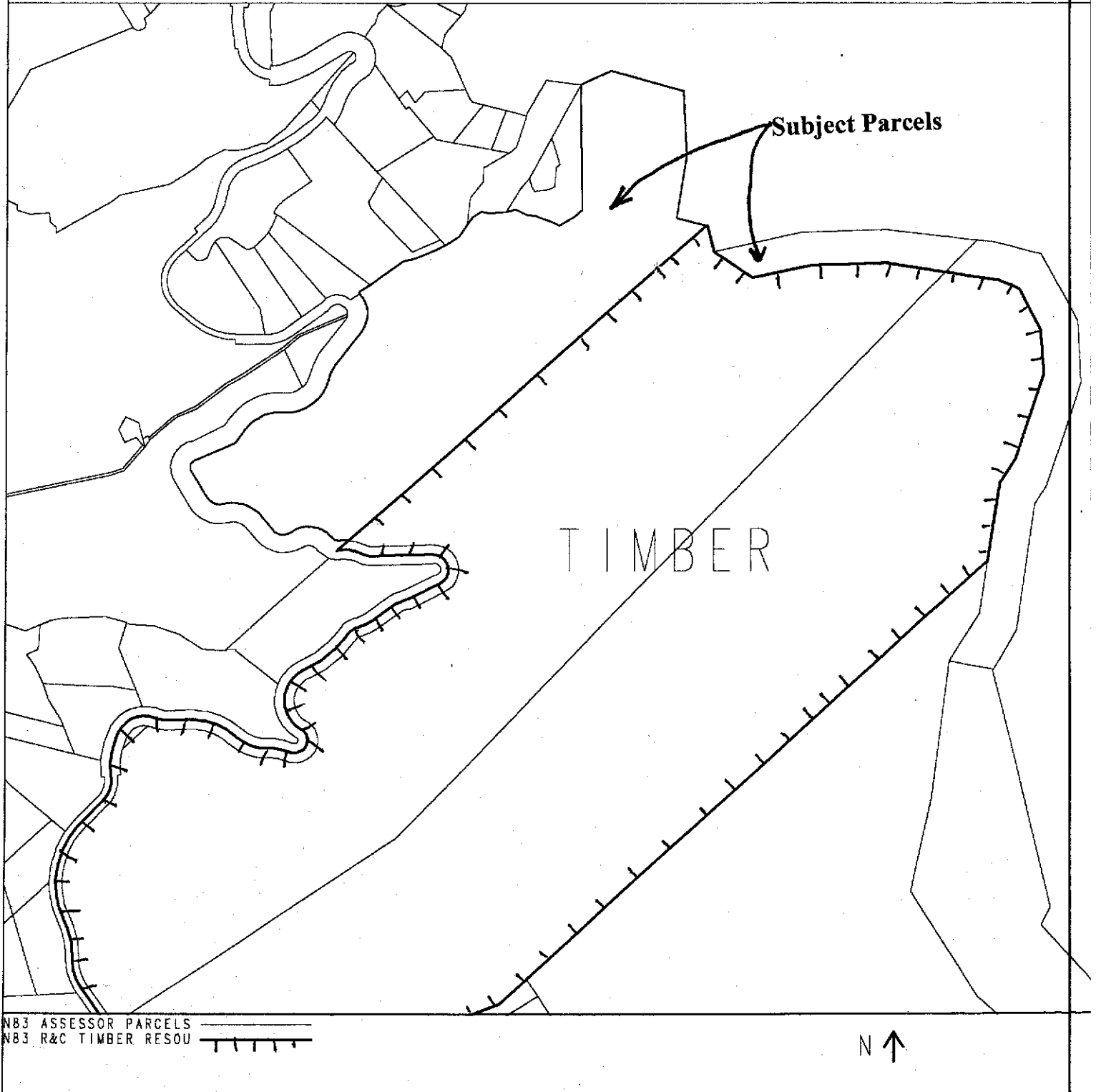
SCALE (FT/INCH) = 1.061
WIDTH IN FEET = 8,419.77
DEPTH IN FEET = 7,906.47

REQUEST ID: 00-0083



SC
WID (INT/ENCH) = 8,069 77
DEPTH IN FEET = 7,905 47

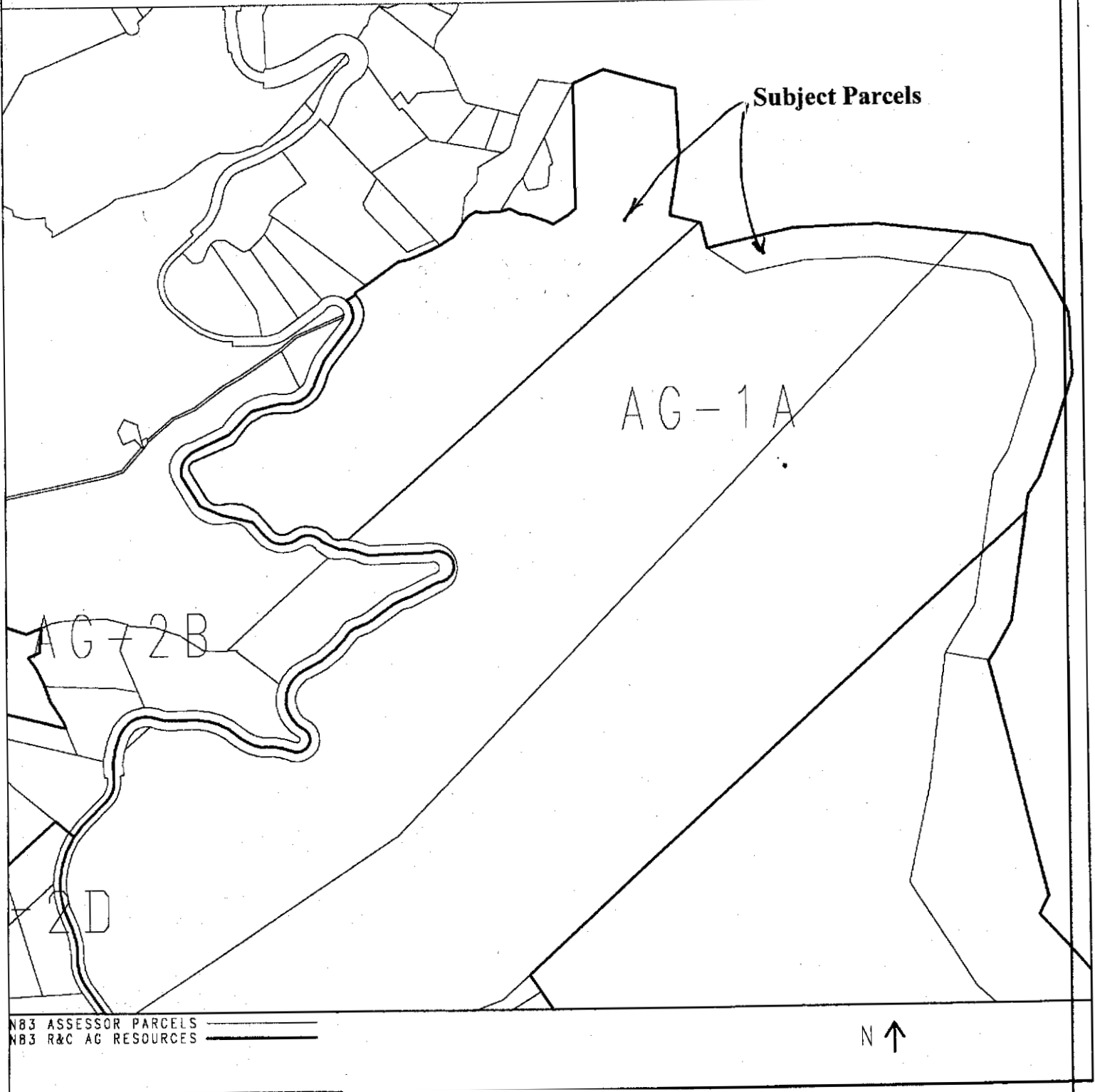
REQUEST ID: 00-0083



TIMBER RESOURCES MAP

SCALE (FT/INCH) = 1,061
WIDTH IN FEET = 8,419.77
DEPTH IN FEET = 7,906.47

REQUEST ID: 00-0083

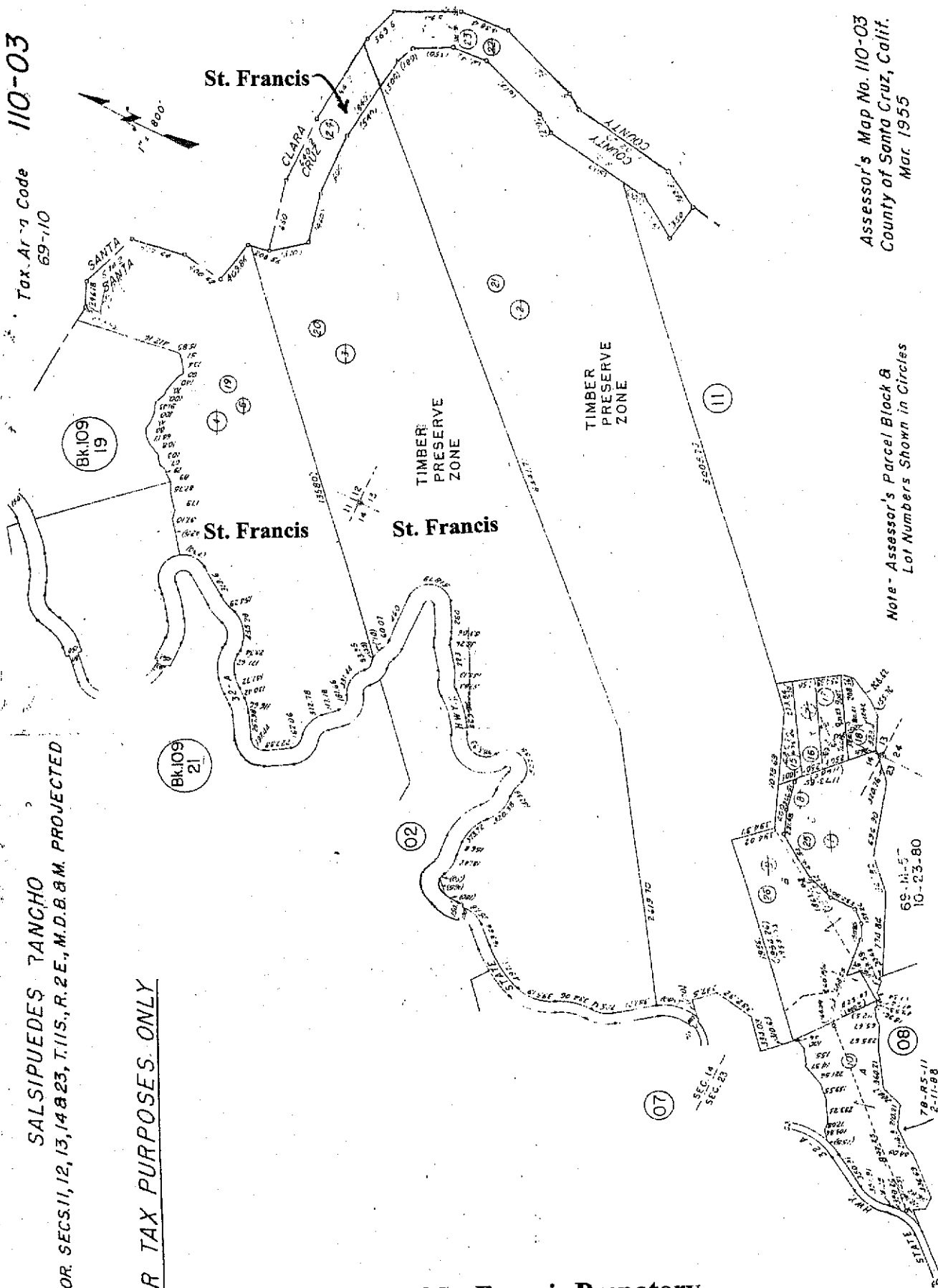


AGRICULTURAL RESOURCES

Tax. Ar. Code 110-03
69-110

SALSIPUEDES TANCHO
POR SECS 11, 12, 13, 14 & 23, T. 11 S., R. 2 E., M. D. B. & M. PROJECTED

FOR TAX PURPOSES ONLY



Assessor's Map No. 110-03
County of Santa Cruz, Calif.
Mar. 1955

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

Lands of St. Francis Preparatory

10/13/04
11:12:35C O U N T Y O F S A N T A C R U Z
C H A R A C T E R I S T I C I N Q U I R Y S C R E E NVIAPNP014LI
VIAPNS014LI

PARCEL NO.....: 110 031 19

ASSESSEE NAME.,: ST FRANCES PREPARATORY

SITUS.....:

MAILING ADDRESS: 1100 FRANKLIN ST

SAN FRANCISCO

CA 94109

USE CODE.....: 100-199.9 ACRE/RURAL

S T R U C T U R E D A T A

MAIN BUILDING...SQFT:

NO. UNITS.....:

POOL.....:

YEAR BUILT(EST): 0000

HEAT.....:

SPA.....:

TOTAL ROOM COUNT.....:

CONCRETE.SQFT:

DECKS.....SQFT:

NO. BEDROOMS.....:

GARAGE...SQFT:

NO. FIREPLACES: 0

NO. BATHROOMS(F/H)...: 0 / 0

CARPORT..SQFT:

ROOF.....:

MISC OTHER BUILDINGS:

L A N D D A T A

WATER.....:

SANITATION.....:

PARCEL SIZE (COMPUTER EST.).....ACRE:

115.952

PARCEL NO.....: 110 031 19

NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THIS DATA.

KEY PEW PARCEL NUMBER AND HIT ENTER, OR PA2 TO EXIT. PF1=BASE INFO PF7=VALUE

11:13:20 Wed Oct 13, 2004

10/13/04
11:12:54

C O U N T Y O F S A N T A C R U Z
C H A R A C T E R I S T I C I N Q U I R Y S C R E E N

VIAPNP014LI
VIAPNS014LI

PARCEL NO.....: 110 031 **20**

ASSESSEE NAME.: ST FRANCIS PREPARATORY

SITUS.....:

MAILING ADDRESS: 1100 FRANKLIN ST

SAN FRANCISCO

CA 94109

USE CODE.....: TPZ/NO RESIDENCE

STRUCTURE DATA

MAIN BUILDING...SQFT:

NO. UNITS.... :

POOL.....

YEAR BUILT (EST).....: 0000

HEAT.....:

SPA.....:

TOTAL ROOM COUNT.....:

CONCRETE,SQFT:

DECKS.....SQFT:

NO. BEDROOMS.....:

GARAGE...SQFT:

NO. FIREPLACES: 0

NO. BATHROOMS(F/H)...: 0 / 0

CARPORT..SQFT:

ROOF.....:

MISC OTHER BUILDINGS:

LAND DATA

WATER.....: NONE

SANITATION.....: NONE

PARCEL SIZE (ASSESSOR RECORDS) ... ACRE:

295.680

PARCEL NO.....: 110 031 **20**

NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THIS DATA.

KEY NEW PARCEL NUMBER AND HIT ENTER, OR PA2 TO EXIT. PF1=BASE INFO PF7=VALUE

EXHIBIT 1

10/13/04
11:12:46

C O U N T Y O F S A N T A C R U Z
C H A R A C T E R I S T I C I N Q U I R Y S C R E E N

VIAPNP014LI
VIAPNS014LI

PARCEL NO.: 110 031 24
ASSEESSEE NAME.: ST FRANCIS PREPARATORY
SITUS.....:
MAILING ADDRESS: 1100 FRANKLIN ST
 SAN FRANCISCO
USE CODE.....: 5-19.9 ACRE/RURAL

CA 94109

STRUCTURE DATA

MAIN BUILDING...SQFT:	NO. UNITS.....:	POOL.....:
YEAR BUILT(EST): 0000	HEAT.....:	SPA.....:
TOTAL ROOM COUNT.....:	CONCRETE.SQFT:	DECKS.....SQFT:
NO. BEDROOMS.....:	GARAGE...SQFT:	NO. FIREPLACES: 0
NO. BATHROOMS(F/H) ...: 0 / 0	CARPORT..SQFT:	ROOF.....:
MISC OTHER BUILDINGS:		

LAND DATA

WATER.....:
SANITATION....: PARCEL SIZE (COMPUTER EST.)ACRE: 10.977
PARCEL NO.....: 110 031 24

NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THIS DATA.

KEY NEW PARCEL NUMBER AND HIT ENTER, OR PA2 TO EXIT. PF1=BASE INFO PF7=VALUE

WEBSTER & ASSOCIATES
2-2590 EAST CUFF DRIVE
SANTA CRUZ, CA 95062
831-462-6237

July 14, 2004

Cathleen Carr
County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: Timber Rezoning Application #00-0083, APN 110-031-19, 24
Owner: St. Francis Preparatory

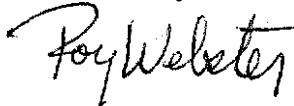
Dear **Ms.** Carr:

Pursuant to your letter of July 1, 2004, we wish to immediately proceed with processing the above referenced application. We are willing to execute an agreement with the County to restrict harvesting activities in sensitive areas. Based on previous discussions with you, it is my understanding that with the following restrictions in an agreement the timber harvest would not conflict with county policies:

- No operations within 30 feet of an intermittent stream.
- No operations within 50 feet of a perennial stream.
- No operations within 50 feet of highway 152.

We are prepared to execute such an agreement as part of the rezoning application. Call me if you wish to discuss this further.

Sincerely,



Roy Webster
RPF # 1765

Webster and Associates PROFESSIONAL FORESTERS

512 Capitola Avenue, Suite 201 . Capitola, CA 95010 . Phone 831-462-6237 . Fax 831-462-6233

February 1, 2000

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


Re: Re-zoning to TPZ under PRC 51113.5

Dear Sir:

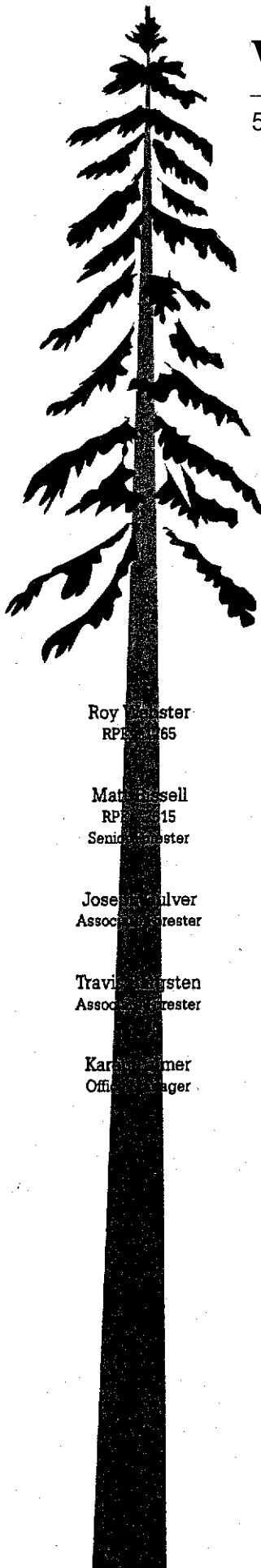
The parcels numbered 110-031-19 & 110-031-24 in Santa Cruz County, are owned by the St. Francis Youth Center, and have been part of timber harvest plans for many years. In order to continue this use along with providing wildlife and watershed values, recent County zoning changes require that the entire parcel be re-zoned to TP (Timber Production). The property has a mix of shrub, grassland and timberland. The timberland portion of the property is redwood forest and mixed evergreen forest with average growth potential within the range of Site Index III. Site Index III is capable of exceeding the required growth of 15 cubic ft. per acre per year (set forth in Chapter 13.10.375 of Santa Cruz County Code).

These parcels meet the criteria of subdivision (f) of Section 51104 of the Public Resources Code. They are "contiguous" to other St. Francis Youth Center Timber Production land, parcel number 110-031-20. Parcel numbers 19 & 24 are therefore available to be re-zoned to the TP zone district without restriction. Pursuant to Part I of Division 1, Title 5, Chapter 6.7, Section 51113.5 of the Government Code, we hereby petition to have these parcels re-zoned into the Timber Production Zone. Enclosed is our check for \$750 for this rezoning.

Sincerely,


Roy W. Webster
RPF #1 65

Attachments: Parcel Map
Previous Timber Harvest Plan



Roy Webster
RPF #1 65

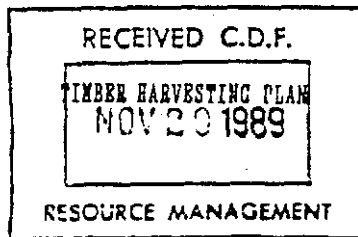
Matthew Russell
RPF #1 15
Senior Forester

Joseph Silver
Associate Forester

Travis Engsten
Associate Forester

Karen Palmer
Office Manager

EXHIBIT J



(FOR ADMINISTRATIVE USE ONLY
(THP No. 1-89-835 SCR
(Date Recd NOV 20 1989
(Date Filed 12-1-89
(Date Apprvd JAN 19 1990
(=====

This Timber Harvesting Plan (THP) form, when properly completed, is designed to comply with the Forest Practice Act (FPA) and Board of Forestry rules. See separate instructions for information on completing this form. NOTE: The form must be printed legibly in ink or typewritten.

1. TIMBER OWNER(S): Name: St. Francis Youth Center c/o Joseph E. Lockwood, S.D.B.

Address: 1100 Franklin Street

City: San Francisco

State: CA.

Zip: 94109

Phone: 415-411-1114

2. TIMBERLAND OWNER(S): Name: same as #1.

Address:

City:

State:

Zip:

Phone:

3. TIMBER OPERATOR(S): Name: Roy Yebster

Address: 125 B Rancho Del Mar

license #: A 1779 ✓

City: Aptos

State: CA.

Zip: 95003

Phone: 408-688-8787

4. PLAN SUBMITTER(S): Name: Roy Yebster

If the plan submitter is different from 1, 2, or 3 explain authority to submit plan:

5. Person to contact on-site who is responsible for the conduct of the operation:

Name: Roy Yebster

Address:

City:

State:

Zip:

Phone:

6. PPF preparing the THP: Name: Roy Yebster

Address:

Registration #: 1765

City:

State:

Zip:

Phone:

CDP STOCK YO. 1510-I:S-0063

NOV 20 1989

RESOURCE MANAGEMENT

7. Expected commencement date of timber operations:

8. Expected completion date of timber operations: Three years hence

9. Forest products to be harvested: Sawlogs and fuelwood

10. The timber operation is to be within: (check the appropriate boxes)

1. ☒ Coast Forest District4. ☒ Southern Subdistrict of the Coast Forest District2. ☐ Northern Forest District5. ☐ High-Use Subdistrict of the3. ☐ Southern Forest District

11. Location of the timber operation by legal description:

Base and Meridian: ☒ Mount Diablo, ☐ Humboldt, ☐ San Bernardino

Section	Township	Range	Approximate Acreage	County	(Optional, Assessor's Parcel No.)
-----	-----	-----	-----	-----	-----
Portions of					
-----	-----	-----	-----	-----	-----
11, 12, 13, & 14	11 S.	2 E.	120	Santa Cruz	110-031-19, 20, & 24.
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
			120		
TOTAL ACPKACK			-----		

NOTE: Additional sheets may be necessary,

12. ☐ Yes ☒ No Is a timberland conversion permit in effect? If yes, list permit number and date of expiration:13. ☐ Yes ☒ No Is there a THP on file with CDF for any portion of the plan area for which a report of satisfactoriness has not been issued by CDF?
If yes, identify the THP number:14. ☒ Yes ☐ No Is any part of the plan within a special treatment area, Tahoe Regional Planning Agency jurisdiction, or a county which has special rules?
If yes, identify the special area: Santa Cruz County**SILVICULTURE**

15. Check the method or treatments which are to be applied, and provide any other information required by the rules in an addendum:

☐ Clearcutting☐ Shelterwood, preparatory step☐ Shelterwood, seed step☐ Shelterwood, removal step☐ Seed tree, seed tree step☐ Seed tree, seed tree removal step☒ Selection - designate basal area stocking standards to be met: CCR 913.8 (a) (1) or (2); timberland is site 3.☐ Commercial thinning - designate basal area stocking standards to be met:☐ Sanitation salvage - when will stocking be met:☐ Special treatment areas ☐ Rehabilitation of understocked areas☐ Alternative prescription ☐ Transition method

NOTE: Where the level of stocking is based upon timberland site, timberland sites must be shown on the map.

EXHIBIT 4

16. a. ☐ Yes ☒ No Are any exceptions to the standard silvicultural methods or treatments permitted in the rules proposed for this plan? If yes, explain and justify the exception in an addendum.

b. ☐ Yes ☒ No Will artificial regeneration be required to restock the logged area?

17. ☐ Yes ☒ No Are broadleaf or optional species proposed for management? See item 18.

18. ☐ Yes ☒ No Are broadleaf or optional species to be used to meet stocking standards?

If the answer to items 17 or 18 is yes, list the species and provide the information required by the rules:

HARVESTING PRACTICES AND EROSION CONTROL

19. Indicate type of yarding systems to be used this plan:

1 ☒ Tractor, skidder, forwarder 2 ☐ Balloon, helicopter 3 ☐ Cable, ground-lead
4 ☐ Cable, high-lead 5 ☐ Cable, skyline 6 ☐ Animal

7 ☐ Other:

20. ☐ Yes ☒ No Will tractor constructed layouts be used?

21. ☒ Yes ☐ No Will tractors be used for directional tree pulling?

Check items 22 through 25 that apply to the use of tractors.

22. ☐ Yes ☒ No Operations on unstable soils or slide areas?

23. ☐ Yes ☒ No Operations on slopes over 65%?

24. ☐ Yes ☒ No Operations on slopes over 50% with high or extreme BHR?

25. ☐ Yes ☒ No Operations within cable yarding areas?

If any of items 22 through 25 are answered yes, explain and justify as required by the rules:

26. Indicate erosion hazard ratings present on this THP:

☐ Low, ☒ Moderate, ☐ High, ☐ Extreme

27. Describe soil stabilization measures to be implemented or any additional erosion control measures proposed in this THP where required by the rules:

Areas where soil stability measures are necessary have been identified in the Plan and discussed in the addendum. Any other such areas that are recognized as the operation progresses will be treated as mutually agreed by CDF and the THP.

RECEIVED C.D.F.

NOV 20 1989

RESOURCE MANAGEMENT

28. ☐ Yes ☒ No Are any alternative practices or exceptions to the standard harvesting or erosion control practices permitted in the rules proposed for this plan? If yes, explain and justify:
29. ☒ Yes ☐ No Are timber operations proposed for the winter period? If yes, provide a winter period plan in an addendum or specify compliance with 14 C&C 914.7(c), 934.7(c) or 954.7(c). No winter period plan is needed for cable, helicopter, or balloon yarding,
Operations will comply with 14 CCR 914.7(c).

ROADS AND LANDINGS

30. ☒ Yes ☐ No Will any roads or landings be constructed or reconstructed?
If yes, check items 31 through 37 that apply:
31. ☒ Yes ☐ No Will new roads be wider than single lane with turnouts?
32. ☐ Yes ☒ No Will any landings exceed the maximum size specified in the rules?
33. ☐ Yes ☒ No Are logging roads or landings proposed in areas of unstable soils or known slide-prone areas?
34. ☐ Yes ☒ No Will new roads exceed a grade of 15% or pitches of 20: for distance greater than 500 feet?
35. ☐ Yes ☒ No Are roads to be constructed, other than crossings, within the watercourse and lake protection zone of a class I or II watercourse?
36. ☐ Yes ☒ No Will roads or landings longer than 100 feet in length be located on slopes over 65%, or on slopes over 50% which are within 100 feet of the boundary of a watercourse or lake protection zone?
37. ☐ Yes ☒ No Are exceptions proposed for flagging or otherwise identifying the location of roads to be constructed?
38. If any of items 31 through 37 are answered yes, explain, justify, and give site-specific measures to reduce adverse impacts or, if there is any additional or special information concerning the construction and/or maintenance of roads or landings, if required by the rules. Provide necessary information in an addendum.

RECEIVED C.D.F.

NOV 20 1989

RESOURCE MANAGEMENT

WATERCOURSE AND LAKES

39. ☒ Yes ☐ No Are there any watercourses or lakes which contain class I through IV waters on or adjacent to the plan area? If yes, complete items 40 through 50.
40. ☒ Yes ☐ No Are any in-lieu practices and/or alternative practices proposed for watercourse or lake protection? If yes, explain and justify:

We are requesting an exception to CCP 916.5 which requires flagging of the class 2 WLPZ. The watercourse will receive equal protection as if it had been flagged for the following reasons: a) the entire harvest area, not just the WLPZ, will be selectively harvested such that overstory and understory retention will meet or exceed that required for a class I watercourse; b) all skid trails to be used near the watercourse have been mapped and flagged and will be reviewed and approved by CDF; c) flagging comes down during falling and skidding; d) painting the zone is not acceptable from an aesthetic standpoint

Are any exceptions proposed for the following watercourse and lake protection zone practices? Check items 41 through 48 that apply.

41. ☐ Yes ☒ No Exclusion of the use of watercourses, marshes, wet meadows, and other wet areas, for landings, roads, or tractor roads?
42. ☐ Yes ☒ No Retention of non-commercial vegetation bordering and covering meadows and wet areas?

EXHIBIT K

43. ☐ Yes ☒ No Directional felling of trees within the zone away from the watercourse or lake?

44. ☐ Yes ☒ No Increase or decrease of width(s) of the zone(s)?

45. ☐ Yes ☒ No Protection of watercourses which conduct class IV waters?

46. ☒ Yes ☐ No Exclusion of heavy equipment from the zone? SEE ADDENDUM

47. ☐ Yes ☒ No Retention of 80% of the overstory canopy in the zone?

48. ☐ Yes ☒ No Retention of 50% of the understory in the zone?

RECEIVED C.D.R.F.

NOV 20 1989

RESOURCE MANAGEMENT

If any of items 41 through 48 are answered yes, explain and justify if required by the rules and provide necessary information in an addendum.

49. ☒ Yes ☐ No Are residual trees or harvest trees going to be marked within the watercourse or lake protection zone? If no, explain:

10. In an addendum describe the protective measures and zone widths for the watercourse and lake protection zones that are in the plan area.

WILDLIFE

51. ☐ Yes ☒ No Are any known rare or endangered species or species of special concern, including key habitat, associated with the THP area? If yes, in an addendum identify the species and the provisions to be taken for protection of the species.

52. ☐ Yes ☒ No Are there any snags which must be felled for fire protection or other reasons? If yes, describe which snags are going to be felled:

53. ☐ Yes ☒ No Are any other provisions for wildlife protection required by the rules? If yes, describe provisions:

CULTURAL RESOURCES

54.a. ☒ Yes ☐ No Has an archaeological survey been made of the areas to be harvested?

b. ☒ Yes ☐ No Have the California Archaeological Inventory records been checked for any recorded archaeological or historical sites located in the area to be harvested?

55. ☐ Yes ☒ No Are there any archaeological or historical sites located in the area to be harvested? If yes, describe in an addendum how the sites are to be protected.

EXHIBIT 1

NOV 20 1989

RESOURCE MANAGEMENT

REDUCTION

56. What type of slash treatment will be used in the fire protection zone?

- 1[] Pile and burn, 2[x] topping, 3[] Other:
4[] Not applicable. No fire protection zone present

57. [] Yes [] No If the clearcutting method is used, will broadcast burning be used for site preparation? H/A

58. If piling and burning is to be used for hazard reduction, who will be responsible for compliance? H/A

- 1[] Timber owner, 2[] Timber operator, 3[] Timberland owner

PUBLIC NOTICE

59. [x] Yes [] No Are there any ownerships within 300 feet of the plan boundary which are owned by persons other than the persons executing this plan? If yes, a list of the names and addresses of the adjacent property owners and a Notice of Intent to Harvest Timber must be included with the plan.

PESTS

60. [] Yes [x] No Are there any adverse insect, disease, or pest problems of significance in the plan area? If yes, describe the mitigation measures, if any, to improve the health and productivity of the stand in an addendum.

OTHER INFORMATION

61. Are there any other existing or planned land use activities including but not limited to other TSPs in the area of the proposed TSP which may combine with the effects of your timber harvesting operation to cause significant adverse cumulative environmental effects? [] Yes, [x] No If yes, please describe the other land use(s) and the likely effect as well as any mitigation which would reduce the negative effect in an addendum.

ATTACHMENTS

62. Check if the attachments listed are included with the plan:

- 1[] Notice of Stream Bed Alteration to Department of Fish and Game (A copy of this notice is attached to the instructions for your use.)
2[x] Estimated Surface Soil Erosion Hazard Calculations
3[x] Notice of Intent to Harvest Timber and a list of names and addresses of adjacent property owners
4[x] Maps
5[] Addendum for silviculture information
6[] Written notice of plan to the timber operator, timberland owner, or timber owner that did not sign the TSP.

REGISTERED PROFESSIONAL FORESTER

63. I have the following authority, responsibilities, and limitation for preparation or administration of the TSP and timber operation:

I am responsible for the timber operation from plan submission through completion of the job.

64. I have notified the timber owner and the timberland owner, in writing, of their responsibilities for:

1. ☐ Yes ☒ No The stocking requirements of the rules
2. ☐ Yes ☒ No The maintenance of erosion control structures requirements of the rules
3. ☐ Yes ☒ No The marking requirements contained in the rules

65. ☒ Yes ☐ No I will provide the timber operator with a copy of the approved TMP.

66. After considering the rules of the Board of Forestry and the mitigation measures I have proposed I have determined that the timber operation:

☐ will have a significant adverse impact on the environment

☒ will not have a significant adverse impact on the environment.

If the operation will have a significant adverse impact on the environment, in an addendum explain why any alternatives or additional mitigation measures that would reduce the impact are appropriate.

67. Registered Professional Forester: I certify that I, or my designee, personally inspected the plan area, and the plan complies with the Forest Practice Act and the Forest practice rules.

Signature: Roy Webster

Date: 11/9/89

68.

CERTIFICATION

The above conforms to my/our plan and, upon filing, I/we agree to conduct harvesting in accordance therewith. Consent is hereby given to the Director of Forestry, his agents and employees, to enter the premises to inspect timber operations for compliance with the Forest Practice Act and forest practice rules.

X Timber Owner: ST. FRANCIS YOUTH CENTER

Signature: BY Joseph R. Lockwood

Date: 11-14-89

Printed Name: JOSEPH R. LOCKWOOD

X Timberland Owner: ST. FRANCIS YOUTH CENTER

Signature: BY Joseph R. Lockwood

Date: 11/14/89

Printed Name: JOSEPH R. LOCKWOOD

Timber Operator: Roy Webster

Signature: Roy Webster

Date: 11/9/89

Printed Name: Roy Webster

DIRECTOR OF FORESTRY

This Timber Harvesting Plan conforms to the rules and regulations of the Board of Forestry and with the Forest Practice Act.

By: James E. Thomas

(Signature)

James E. Thomas

No. 213

(Date) 11/18/90

RESOURCE MANAGER

(Printed Name)

(Title)

NOV 20 1989

EXHIBIT K

NOTICE OF INTENT TO HARVEST TIMBER

A Timber Harvesting Plan or an amendment to an existing plan that may be of interest to you has been submitted to the California Department of Forestry for a determination as to whether the timber operation described in the plan or amendment complies with state laws and rules. The following briefly describes the timber operation, where and how to obtain more details of the operation, and to whom and by when documents concerning the timber operation should be submitted. Questions about the plan or amendment or the California Forest Practice Act should be made to the following office(s):

[x] California Department of Forestry
P.O. Box 670
135 Ridgeway Avenue
Santa Rosa, California 95402
(707) 576-2375

[] California Department of Forestry
6105 Airport Road
Redding, California 96002
(916) 225-2445

[] California Department of Forestry
1224 East Shaw Avenue
Fresno, California 93710
(209) 222-3714

[] California Department of Forestry
2524 Mulberry Street
Riverside, California 92501
(714) 181-4140

A copy of the plan may be obtained for \$1.00 from the Department of Forestry. The following is a summary of the information contained in the plan or amendment: PLEASE REFERENCE THE THP NUMBER ABOVE. A COPY OF THIS PLAN IS AVAILABLE FOR PUBLIC REVIEW AT THE COUNTY PLANNING OFFICE.

1. Plan Submitter: Roy Webster

2. Timberland Owner: St. Francis Youth Center

3. Location of the plan area [county, section, township and range, and approximate direction and distance to the plan area from the nearest community or well-known landmark]:

Santa Cruz County, portions of Sections 11, 12, 13, & 14, Township 11 South, Range 2 East; property is adjacent to Highway 152, just south of the summit at Becker Pass. The northwest portion of the property is at the end of Bella Vista Lane.

4. Name of nearest perennial stream flowing through or downstream from plan area: Hughes Creek

5. Acres on plan: 120

6. Proposed harvesting method or treatment: Selection

7. The earliest estimated date for the Director's determination on the plan is: December 25, 1989

[This is 35 days from the date of receipt of the plan by the Department.]

~~Director's determination on the plan will probably be made 30 to 45 days from the date of receipt of the plan by~~

... Date of receipt was: _____ . Check with the Department for the date of decision.

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RESOURCE MANAGEMENT

St. Francis Timber Harvest Plan

Por of Secs 11, 12, 13, & 14

T. 11 S. R. 2 E. MDB&M Projected

Santa Cruz County

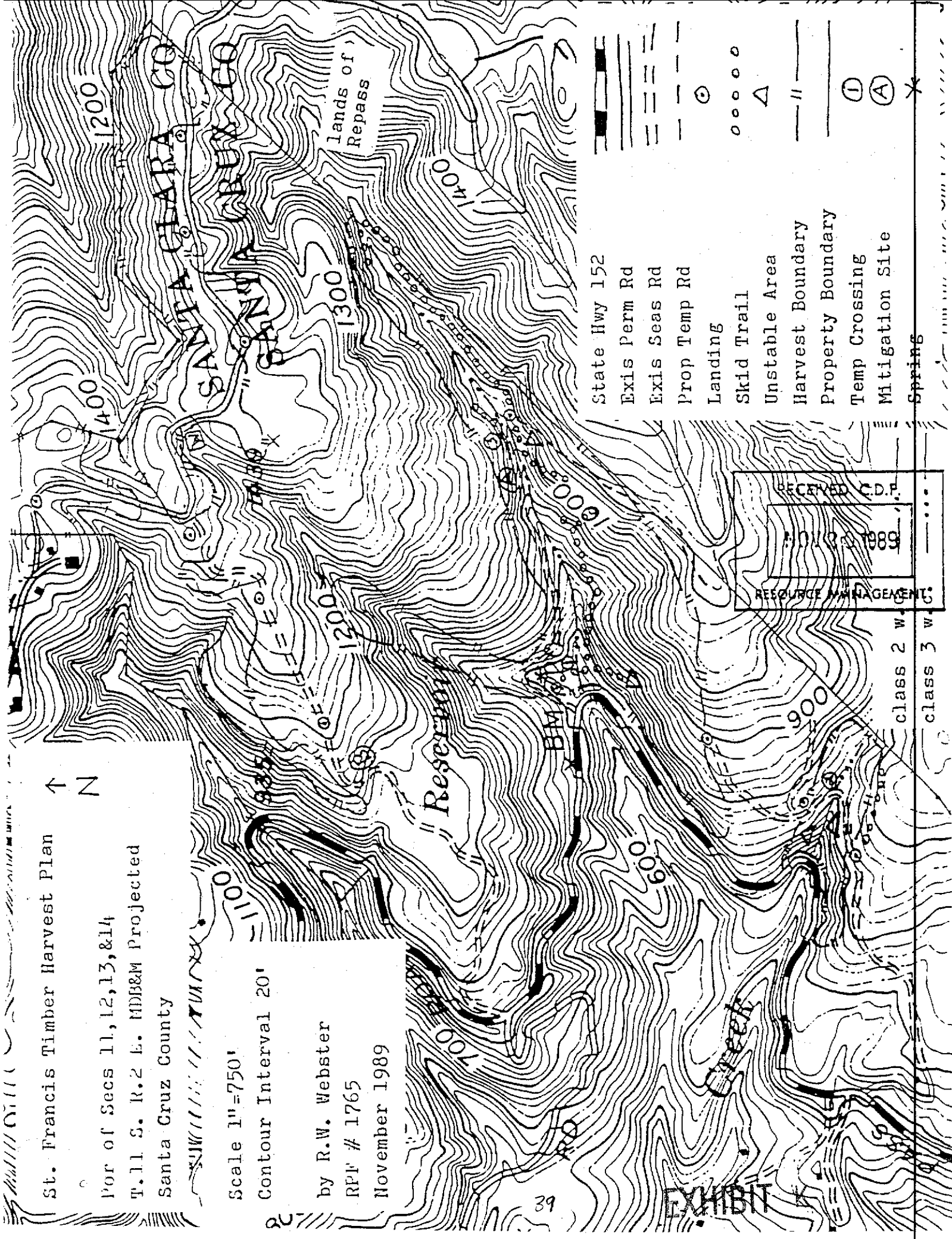
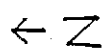
Scale 1"=750'

Contour Interval 20'

by R.W. Webster

RPF # 1765

November 1989



State Hwy 152

Exis Perm Rd

Exis Seas Rd

Prop Temp Rd

Landing

Skid Trail

Unstable Area

Harvest Boundary

Property Boundary

Temp Crossing

Mitigation Site

Spring

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11/01/89
RESOURCE MANAGEMENT

class 2 w...

class 3 w...

ESTIMATED SURFACE SOIL EROSION HAZARD

STATE OF CALIFORNIA
BOARD OF FORESTERS

I. SOIL FACTORS

Area A = Drainages = Lompico-Felton complex
Area B = Ridgetops = Santa Lucia shaly clay loam

FACTOR RATING BY AREA

A. SOIL TEXTURE	Fine	Medium	Coarse	A	B	C
1. DETACHABILITY	Low	Moderate	High			
Rating	1-9	10-18	19-30	17	17	
2. PERMEABILITY	Slow	Moderate	Rapid			
Rating	5-4	3-2	1	2	2	

B. DEPTH TO RESTRICTIVE LAYER OR BEDROCK

	Shallow	Moderate	Deep			
	1"-19"	20"-39"	40"-60" (+)	3	6	
Rating	15-9	8-4	3-1			

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NOV 20 1989

	Low	Moderate	High				FACTOR RATING BY AREA
	(-) 10-39%	40-70%	71-100%	6	6		
Rating	10-6	5-3	2-1				A B C

SUBTOTAL Δ 28 31

Slope	5-15%	16-30%	31-40%	41-50%	51-70%	71-80% (+)		
Rating	1-3	4-6	7-10	11-15	16-25	26-35	3	4

	Low	Moderate	High		
	0-40%	41-80%	81-100%	4	4
Rating	15-8%	1-4	3-1		

	Low	Moderate	High		
	(-) 30-39	40-59	60-69	15	15
Rating	1-3	4-7	8-11		

TOTAL SUM OF FACTORS Δ 60 54

EXHIBIT K

<50	50-65	66-75	>75		
LOW (L)	MODERATE (M)	HIGH (H)	EXTREME (E)	M	M
THE DETERMINATION IS Δ					

ST. FRANCIS THP ADDENDUM

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RESOURCE MANAGEMENT

Land Use History

The St. Francis property's primary economic use in the past has been for cattle grazing. This has been discontinued in recent years. The only other use has been two previous timber harvests: a clear cut in the early 1900's and a selective harvest, similar to the current proposal, in 1978-79. The non economic uses are open space, watershed, and wildlife habitat.

Proposed Project

The current proposal is for a 120 acre selective harvest, mostly second growth redwood. Approximately 50% of the trees larger than 18" DBH will be removed. Most of the roads, landings, and skid trails are existing, were used in the last harvest, and are stable.

Access is from three existing roads onto State Highway 152. In order to avoid the use of Bella Vista Lane, a private residential road, for log hauling, a tentative agreement has been reached with Randy Repass, owner of the parcel to the south, to use an existing road on his property. We also intend to use a portion of an existing skid trail on the Repass tract, to avoid construction of a new trail near the class 2 watercourse. Use of the Repass road and skid trail will be subject to execution of an agreement for same.

Watercourse Crossings

There are three previously used, temporary dry crossings of watercourses (see THP map #1,2,3). One is for a skid trail crossing, the other two are for the truck road. They will be dipped out on completion of use to allow for the unobstructed flow of water during rainstorms. Approaches will be seeded and strawed.

Mitigations

There are two sites within the plan area where special mitigation measures will be implemented (see THP map #A,B).

Site A: The outside edge of the existing roadway has collapsed. This is due to undercutting of the watercourse bank during peak flows. A clump of trees that helped support the road has blown over.

The road will be widened by cutting into the uphill bank

while at the same time lowering the roadbed about two feet to obtain necessary width. Cut material will be endhauling to the west and incorporated into the running surface of the existing road. Fill will not be sidecast toward the Watercourse at this location.

Between "A" and temporary crossing "3" the existing road is within the WCPZ and adjacent to the watercourse. The RPF examined alternative road locations but all would require significant new soil disturbance. The existing road has shown to be stable since the 78/79 harvest, and will only be used no more than once every ten years. If regular use of the road was expected it would be appropriate to consider relocation.

To mitigate use of the road, upon conclusion of use the entire roadway between "A" and "3" will be covered with a layer of straw. Drainage of the road will be handled by a combination of outsloping and hand dug waterbars at a spacing exceeding that required for extreme erosion hazard. The road will be closed off from traffic at the completion of lopping.

At site "B" the existing road is too steep for safe use by a logging truck. The new road will be relocated upslope of the existing one for about 300 feet of length such that a much more reasonable grade is achieved. Because this is a ridge top road system and the ground is stable, normal logging road construction techniques are appropriate with no special mitigations.

Springs

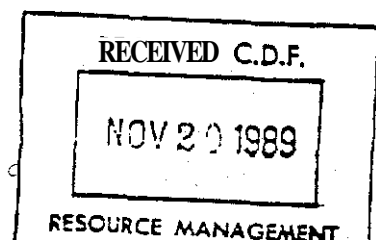
There is one spring that has been located during pre harvest layout work. It is shown on the THP map and will be protected during operations.

Unstable Areas

There are several unstable areas that have been identified and are shown on the THP map. No operations will occur in these areas.

Below temporary crossing "2" there are slides on both sides of the watercourse. These are inner gorge slides related to steep slopes and undercutting of watercourse banks during peak flows. No equipment will operate on these unstable areas. Log removal will be accomplished by long lining from the road or adjacent ridges or gentle terrain.

42 EXHIBIT K



Additional Information For THP Form

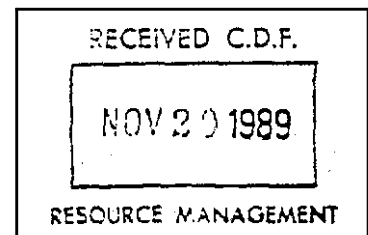
46. Equipment will operate within the WLPZ of the class 2 watercourse. The watercourse, actually varies in characteristics from a class 2 to a class 3 to a drainage swale in various sections. We have designated the entire length as class 2 to maximize protection to it.

All areas of equipment operations within the WLPZ have been mapped, flagged, and will be reviewed by CDF. In every case the locations are existing roads, skid trails, or landings, or areas of gentle terrain. All areas have shown to be stable since the last harvest. Alternative locations for equipment operations were examined but would require additional earth movement. The operations as outlined herein were felt to minimize impacts to the watercourse.

50. A 50 foot WLPZ will be maintained around the class 2 watercourse. Harvest trees will be marked prior to the start of operations and at least 50% of the overstory and understory will be retained. Equipment operations within the WLPZ will be limited to approved trails, roads, and landings. Areas of bare mineral soil within the WLPZ exceeding 500 continuous square feet will be seeded or strawed.

56. There are fire protection zones present adjacent to State Highway 152 and adjacent to the house at the end of Bella Vista Lane at the northwest corner of the property. It is not expected that there will be slash generated within these zones, but, if present, it will be lopped.

64. RPF is responsible for stocking and marking requirements: LTO is responsible for maintenance of erosion control structures.



ARCHEOLOGICAL RECORDS CHECK REQUEST
FOR REGISTERED PROFESSIONAL FORESTERS

PLEASE USE BLACK INK*

Information Center File #: 99-THP-430

Local Information Center: Northwest Information Center
Department of Anthropology
Sonoma State University
Rohnert Park, CA. 94928
Attention: Mr. Christian Gerike

Mailed to IC: _____ Rec. by IC: _____ Mailed to RPF: _____

Requestor: Roy Webster
Affiliation: Consulting Forester
Address and Phone: 126 B Rancho Del Mar Aptos, CA 95003
408-688-8787

Project Name: St. Francis Timber Harvest

Description: Selective harvest ±50% trees > 18" DBH Acres: 160 USGS Quad(s): Watsonville, East

TOWNSHIP(S): 11 South RANGE(S): 2 E SECTION(S): Portion Rancho Salipuedes COUNTY(IES): Santa Cruz

Requesting Telephone Response? (For Emergency Use—See Instruction Sheet) YES [] Filing Date: _____

Note to the Registered Professional Forester Requesting Information:

"This request cannot be processed without a project map on a copy of a USGS quad. and prepayment of \$30.00 made payable to the SSU Academic Foundation Incorporated. This form is only for RPF's preparing a THP.

*The below data is supplied by the Northwest Information Center of the California Archeological Inventory as a service to Registered Professional Foresters. By requesting information the RPF assumes the professional responsibility to the California Archeological Inventory and to the Land Owner(s) that all information regarding specific site locations is kept confidential. Future access to data at the Northwest Information Center is contingent upon compliance with the terms of this paragraph.

Signature of RPF: Roy Webster RPF #: 1765 Date: 10/24/89

- For Information Center Use Only -

RESULTS

The Project Area: [] has not been surveyed.

[] has been partially surveyed.

[x] has been surveyed. S-3934

[x] contains no recorded historical or archeological sites.

[] is considered likely to contain unrecorded sites (see comments below).

[] contains the following recorded historical or archeological sites:

Comments: _____

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RESOURCE MANAGEMENT

Recommendations: No further study is recommended.

If needed:

[] See attached map(s) for additional information.

or

[] See attached for additional comments.

Christ Gerike

Information Center Staff

10/30/89

Date

EXHIBIT K

Roy W. Webster
Professional Forester
126 B Rancho Del Mar
Aptos, CA. 95003
tel.(408) 688-8787

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DEC 22 1989

RESOURCE MANAGEMENT

December 19, 1989

Resource Manager
California Department of Forestry
P.O. Box 670
Santa Rosa, CA. 95402

RE : THP # 1-89-835 SCR, lands of St. Francis Youth Center.

Dear Sir :

I hereby agree to the Review Team Chairperson's,
recommendations on the above referenced plan.

Sincerely,

Roy Webster

Roy Webster

cc N. Drinkard

PART OF PLAN

EXHIBIT K

RECOMMENDATIONS

1. Crossing 3 shall be a Humboldt
2. The southerly fork of the skid trail south of Crossing 1 shall be heavily tractor packed with slash prior to the winter period.
3. The haul route between site "A" and Crossing 3 shall be heavily straw mulched with at least 6" of straw. Hand dug waterbars shall be spaced 30' or less apart. Operations shall be limited to one summer season with one entry for the life of the THP.
4. The landing near Crossing 3 shall be heavily straw mulched and the completion of use or prior to the winter period.
5. Winter operations shall be limited to the main ridge area using the ridge haul route. Operating areas which form the two watercourse drainages shall not be used during the winter period. Watercourse crossings shall not be used during the winter period.
6. A new map has been received which identifies Highway 152 as a Special Treatment Area. A copy is appended.
7. A flagperson shall be used at the middle encroachment with Highway 152 to direct the entry of loaded log trucks onto the Highway. The LTD and the RPF are advised that a Caltrans permit may be necessary.
8. CDF shall be notified of a pre-operational meeting as per CCR 926.2.
9. Between April 1-15, 1990, the RPF shall contact Armand Gonzales (336-5882) to set up a field review for possible Golden Eagle nests. During this meeting the need for a 1603 at crossing #2 will be determined by Gonzales.

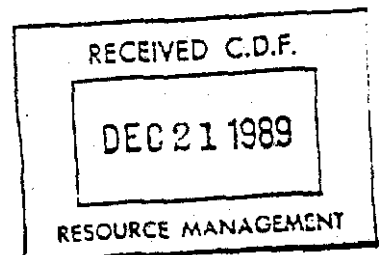
Nancy Drinkard

Nancy Drinkard
RPF #1979

PART OF PLAN

EXHIBIT K

46

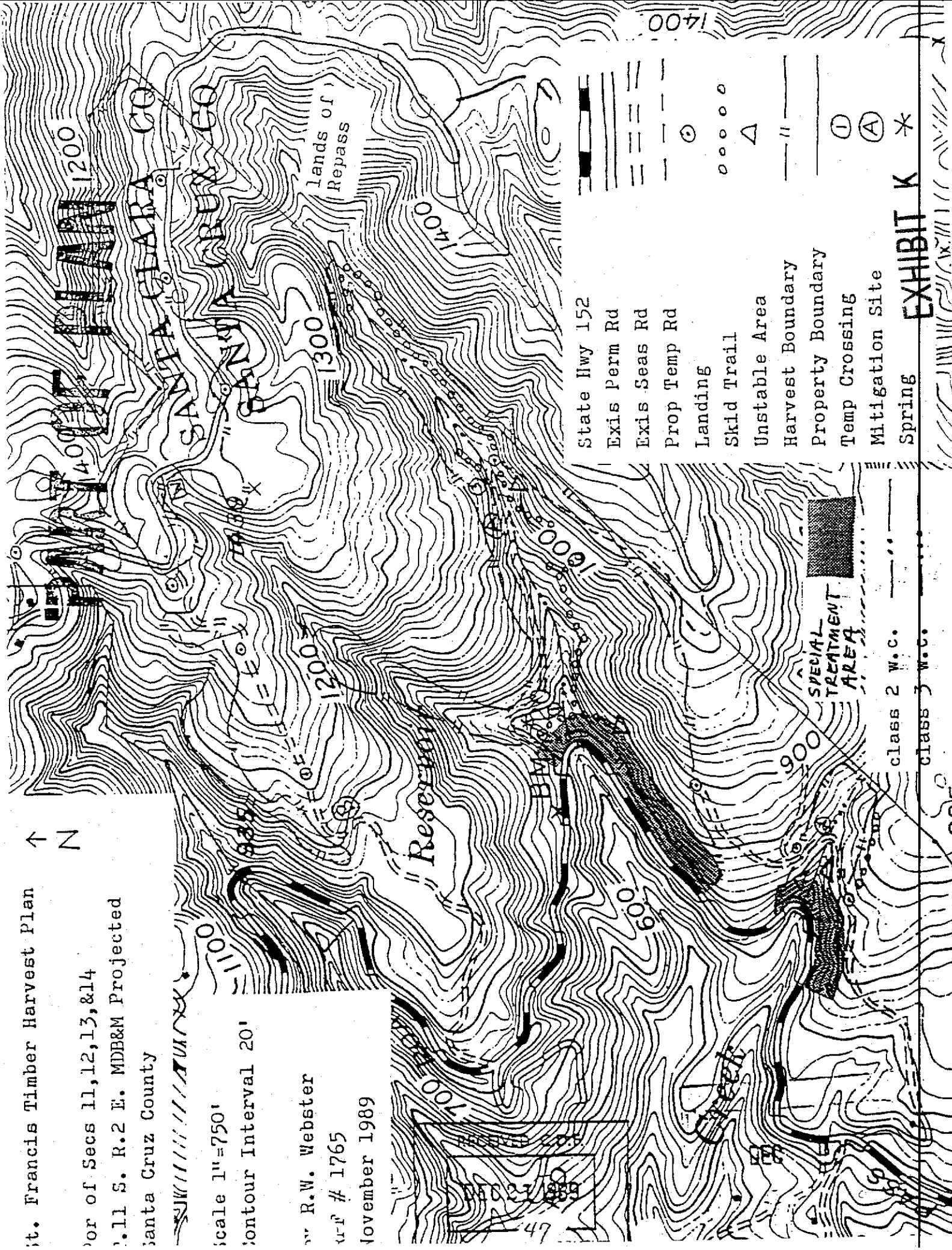


Francis Timber Harvest Plan

of Secs 11, 12, 13, & 14
S. R. 2 E. MDB&M Projected
Santa Cruz County

Scale 1"=750'
Contour Interval 20'

R.W. Webster
Map # 1765
November 1989



- State Hwy 152
- Exis Perm Rd
- Exis Seas Rd
- Prop Temp Rd
- Landing
- Skid Trail
- Unstable Area
- Harvest Boundary
- Property Boundary
- Temp Crossing
- Mitigation Site
- Spring

SPECIAL
TREATMENT
AREA

class 2 w.c.
class 3 w.c.

EXHIBIT K