



Staff Report to the Zoning Administrator

Application Number: **171089**

Applicant: Peninsula Open Space Trust
(POST)

Agenda Date: March 16, 2018

Owner: Peninsula Open Space Trust
(POST), Sempervirens Fund (SVF)

Agenda Item #: 1

APN: 058-011-10, 063-071-01

Time: After 9:00 a.m.

Project Description: The proposed project consists of the removal of the invasive plant species *Clematis vitalba* (Clematis) on approximately 30 acres within the San Vicente Creek Watershed on the San Vicente Redwoods property owned by Peninsula Open Space Trust (POST) and Sempervirens Fund (SVF).

Location: The area identified for Clematis removal is located along San Vicente Creek in the Santa Cruz Mountains, northeast of the town of Davenport, and is accessed via private road.

Supervisory District: 3rd District (District Supervisor: Ryan Coonerty)

Permits Required: Riparian Exception (Major), Land Clearing Permit, Coastal Development Permit

Technical Reviews: Biotic Report Review

Staff Recommendation:

- That the Zoning Administrator adopt the Negative Declaration and approve the Riparian Exception, Land Clearing Permit, and Coastal Development Permit, Application No. 171089, based on the following findings and with the attached conditions (Exhibit C).

Exhibits

- | | |
|---|--|
| A. Mitigated Negative Declaration (CEQA determination) | D. Vicinity Map |
| B. Findings | E. Assessor's, Location, Zoning and General Plan Maps |
| C. Conditions | |

Parcel Information

| | |
|----------------------------------|--|
| Parcel Size: | 058-011-10: 606 acres, 063-071-01: 230.5 acres |
| Existing Land Use - Parcel: | Timber Production (TP) |
| Existing Land Use - Surrounding: | Timber Production (TP) Commercial Ag – Agricultural Preserve (CA-P) |
| Project Access: | Private road off of Bloogells Road |

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

Planning Area: Bonny Doon Planning Area
Land Use Designation: R-M (Residential - Mountain)
Zone District: TP (Timber Production)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm.: Yes No

Environmental Information

Geologic Hazards: Several Cooper-Clarke landslides mapped
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Varies
Env. Sen. Habitat: Riparian Corridor – San Vicente Creek
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Portions mapped

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: N/A
Sewage Disposal: N/A
Fire District: County Fire
Drainage District: N/A

History

In 2011, the 8,532-acre property known as San Vicente Redwoods (formerly CEMEX) was purchased by a consortium of land conservation nonprofits; consisting of Peninsula Open Space Trust (POST), Sempervirens Fund (SVF), Save the Redwoods League (League), the Land Trust of Santa Cruz County (LTSCC), and the Nature Conservancy (TNC). San Vicente Redwoods is owned by POST and SVF, and the League holds a Conservation Easement over the property. As part of the ongoing stewardship of the property, POST, SVF, and the League actively identify and implement habitat restoration projects.

Clematis is an extremely aggressive and invasive non-native plant that grows quickly and spreads easily, creating thick tangled vining vegetation that covers the ground and climbs upwards along the trunks of trees, eventually outcompeting native vegetation and threatening native biodiversity. The vine can grow up to seven times faster than ivy and each plant can produce over 100,000 seeds, which are then spread by wind, water, wildlife, and human interaction. Clematis can also sprout from stem fragments, making control and eradication particularly challenging.

As an invasive species, Clematis is just beginning to receive attention in California. There are only two documented infestations in the state: one in Marin County in Muir Woods National Monument, which was reported to Calflora in 2015, and the second in the San Vicente Creek

watershed (Calflora). If left unmanaged, the spread of Clematis would have profound impacts on the anadromous fish populations (and other aquatic and terrestrial wildlife) in the San Vicente Creek watershed. As Clematis quickly takes over riparian areas, killing native vegetation and trees along the way, the degradation of riparian habitat manifests in changes to leaf litter inputs into the waterways, nutrient cycling, stream bank stability, light availability, and interception of solar radiation, resulting in impacts to water quality (e.g., increased turbidity), stream dynamics, water temperature, and food systems in the watershed. Due to the impacts of Clematis on the riparian habitat, the treatment of Clematis in San Vicente Creek has been explicitly identified in local planning documents and also addresses priorities identified in a number of other plans at a regional and state level.

At the local level, the Project implements recommendations set forth in the San Vicente Watershed Plan for Salmonid Recovery (the Recovery Plan), published by the Resource Conservation District of Santa Cruz County (RCDSCC). The Recovery Plan recommends full watershed eradication of Cape ivy and Clematis to reduce potential impacts to natural geomorphic processes on floodplain areas and to the health and longevity of floodplain trees resulting from complete cover of Cape ivy / Clematis. In addition, the Recovery Plan recommends preventing new colonization of invasive species within project sites.

The goal of the proposed project is to treat and control the invasive Clematis on approximately 30 acres of the San Vicente Redwoods property, within the San Vicente Creek watershed. The infestation threatens anadromous fish and other wildlife habitat, water quality, and ecosystem health (including coast redwood habitat) throughout the lower watershed. The proposed project would address the Clematis infestation in the watershed by controlling the invasive on the San Vicente Redwoods property, monitoring and documenting the success or failure of treatment methods used, and identifying opportunities for follow up work on the Clematis population on BLM's Coast Dairies property (previously treated by BLM and the RCDSCC starting in 2014).

In December 2016, the project was selected as the recipient of \$1.14M in Proposition 1 funding administered by the California Department of Fish & Wildlife (CDFW). The proposed project would build upon previous work on Cape Ivy in the watershed, which was conducted by the RCDSCC on the Bureau of Land Management's Coast Dairies property.

Project Setting

The project is located on the San Vicente Redwoods property in the Santa Cruz Mountains northeast of the town of Davenport, where there is access via a private road. The private road continues to where the work will take place, near the confluence of San Vincente and Mill Creeks.

The parcels are unimproved and are zoned for timber harvest production. The project area consists of slopes generally less than 20% with a perennial stream, San Vicente Creek, running through it. The watershed drains an 11.1 square mile area, and the main stem of San Vicente Creek flows for approximately 9.3 miles before entering the Monterey Bay National Marine Sanctuary and Pacific Ocean just south of the town of Davenport. The watershed also includes 11.3 miles of tributary streams, including Mill Creek, a portion of which is included in the project site.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 837 acres, located in the Timber Production zone district, a designation which allows growing and harvesting of timber and other forest products, and agriculture. The proposed project of invasive plant removal is a principal permitted use within the zone district and the zoning is consistent with the site's General Plan designation of Mountain Residential.

Local Coastal Program Consistency

The proposed project of invasive plant removal is in conformance with the County's certified Local Coastal Program, in that the project is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. There are no developed parcels in the area. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed project complies with the requirements of the County Design Review Ordinance, in that the proposed project will include removing an invasive plant species from the parcels and no structures will be built.

Environmental Review

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on September 11, 2017. A preliminary determination to issue a Negative Declaration with Mitigations (Exhibit A) was made on June 14, 2017. The mandatory review period ended on November 13, 2017, with an extension granted to CDFW to comment until November 20, 2017. Comments were received from both The State Water Resources Control Board (SWRCB) and the California Department of Fish & Wildlife (CDFW).

SWRCB comments focused on concerns regarding water quality and water supply as they pertained to the nearby town of Davenport. It was determined that since the water intake for treatment and supply for the town of Davenport are all located upstream from the project area, the project would not affect water quality or water supply.

CDFW comments requested clarification regarding the specifics for mechanical means of Clematis removal (including seasonal timing of mechanical removal), biological monitoring for red-legged frog, mitigation measures for salmon, impacts to birds, herbicide usage, and the potential need for a Lake and Streambed Alteration Agreement. The following clarifications were provided in response: Mechanical means for removing Clematis will consist of small equipment only, and would only be utilized during non-rainy months. Red-legged frog mitigation measures include the presence of a full-time Biological Monitor on site during removal work, whose responsibilities will include reporting any sightings to USFWS, CDFW and the County.

Special status species mitigation measures were reorganized to clarify which measures were intended for salmon. The report discussion regarding impacts to birds was updated to clarify how impacts to each species would be avoided. The report discussion regarding herbicide usage was updated to include CDFW's replacement of the Herbicide Avoidance and Mitigation Measures in the document for a similar list of measures, as well as adding Table 7-1 (Herbicide Application Best Management Practices), which had been previously omitted in error. There was no clarification provided in response to the comment regarding the requirement for the applicant to obtain a Lake and Streambed Alteration Agreement, as this permit was already listed in the document as necessary. An addendum has been included with the CEQA Initial Study MND explaining in detail what the comments addressed, how each of them was clarified, and that the net effects of each impact did not change as a result of the clarifications.

A Riparian Exception Permit is being issued because the project scope falls in conjunction with Chapter 16.30 of the Santa Cruz County Riparian Corridor Ordinance, whereby the exception is necessary for the proper design and function of the property with the intent of restoring the project area to its original native habitat. Mitigation measures to protect all potential species in the area will be implemented per Exhibit D. By restoring the project area, the native habitat of the fish and wildlife will be increased which, in turn, will have a positive impact on species population. The project will help to restore the native habitat and positively impact species population. The project mitigation measures include provisions to protect streams from chemical and sediment pollution and will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located. The project scope also falls in conjunction with the provisions of Chapter 16.20 of the Santa Cruz County Erosion Control Ordinance, as all bare areas will be covered in erosion control materials as necessary to prevent erosion and runoff. A CEQA Mitigated Negative Declaration has been prepared and the findings can be found in Exhibit C.

Findings are on file in the County Planning Department.

Exhibits

- A: Coastal Development Findings
- B: Riparian Exception Findings
- C: Land Clearing Findings
- D: Vicinity Map
- E: Initial Study
- F: Mitigation Monitoring and Reporting Program (MMRP)

The environmental review process focused on the potential impacts of the project in the areas of species protection. The environmental review process generated mitigation measures that will reduce potential impacts from the proposed development and adequately address these issues.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Adopt the Mitigated Negative Declaration prepared pursuant to the Californian Environmental Quality Act.
- **APPROVE** application Number 171089, based on the attached findings and conditions.

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 a hearing agendas and additional information are available online at www.co.santa-cruz.ca.us.

**Please note: This permit will expire unless exercised prior to the expiration date.
(See the Conditions of Approval below for the expiration date of this permit.)**

If you have any questions about this project, please contact John Cairns at:
(831) 454-3548 or john.cairns@santacruzcounty.us

Report Prepared By: _____
John Cairns
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Report Reviewed By: _____
Carolyn Burke, Senior Civil Engineer
Principal Planner
Environmental Planning
Santa Cruz County Planning Department

Mail to: Peninsula Open Space Trust
222 High Street
Palo Alto, CA 94301

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number **171089** (APNs 058-011-10, 063-071-01) and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit

Application #: 171089
APNs: 058-011-10, 063-071-01
Owner: Peninsula Open Space Trust & Sempervirens Fund

conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property (APNs 058-011-10, 063-071-01) must sign this form.

| | | |
|-----------------------------|---------------------|---------------|
| _____ Signature of Owner | _____ Print Name | _____ Date |
|-----------------------------|---------------------|---------------|

| | | |
|-----------------------------|---------------------|---------------|
| _____ Signature of Owner | _____ Print Name | _____ Date |
|-----------------------------|---------------------|---------------|

(This page is intended for your personal records, please retain this signed page and return the signed Signature Page, included later in this document, to acknowledge acceptance of this permit.)

Appeals

In accordance with Section 18.10.300 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Level V project such as this one. Appeals of administrative decisions of are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of action from which the appeal is being taken and must be accompanied by the appropriate appeal filing fee.

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, listed in section 13.10.170(D) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is a Timber Production zone district, a designation which allows growing and harvesting of timber and other forest products, agriculture, and habitat management. Habitat management is a principal permitted use within the zone district, and the zoning is consistent with the site's General Plan designation of Mountain Residential.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to Section 13.20.130 and Section 13.20.140 et seq.

This finding is not applicable as the project does not involve structures or grading and involves removal of a non-native, invasive vine.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between the nearest through public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the project will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the project, invasive plant removal, is an allowed use in the Timber Production zone district

Conditions of Approval

- I. This permit authorizes the restoration of portions of the San Vicente Redwoods property by means of the removing the species *Clematis vitalba* by hand and with equipment to increase the growth of native habitat. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Any outstanding balance due to the Planning Department must be paid prior to the commencement of work.
 - C. Obtain a Lake and Streambed Alteration (1602) permit from CDFW.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.

- II. All construction shall be performed according to the San Vicente Watershed Plan for Salmonid Recovery, the mitigations identified in the mitigated negative declaration, and any required State of Federal permits and shall meet the following conditions:
 - A. Notify the County Environmental Planning Department 24 hours prior to start of authorized work per County Code 16.30.070(B).
 - B. The project must comply with all recommendations of the approved technical reports (CEQA Initial Study & Biotic Assessment). This includes all necessary BMPs as well as mitigation measures listed in Exhibit D.
 - C. Operation of equipment and other tree removal activities are limited to the hours between 7:00 AM and 6:00 PM, Monday through Friday, with the exception of nationally designated legal holidays.
 - D. If any special status species are found to be harmed or dead as a direct result of project activities, the appropriate agency (US Fish & Wildlife Service [USFWS] or California Department of Fish & Wildlife [CDFW]) shall be notified by phone within 3 working days and in writing within 5 working days.
 - E. To prevent the spread of Sudden Oak Death and Pitch Canker, tools, equipment, vehicles, and shoes shall be treated with Lysol prior to entering and leaving the forested area. Larger equipment, if needed, shall be power washed.
 - F. During project activities, all trash shall be contained, removed from the works site, and disposed of regularly. At project completion, all construction debris shall be removed.

- G. All disturbed soils shall be stabilized to prevent siltation in the watercourse.
- H. Pursuant to Sections 16.40.040 and 16.42. 080 of the County Code, if at any time during any ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42. 080, shall be observed.

III. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

IV. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

- D. Successors Bound. “Development Approval Holder” shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

In accordance with Chapter 18.10 of the County Code, minor variations to this permit which do not affect the overall concept, intensity, or density may be approved by the Planning Director at the request of the applicant or staff.

Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration date: _____

Wanda Williams
Deputy Zoning Administrator

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

Exhibit A: Riparian Exception Findings

1. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

The granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the project vicinity. All material that is removed will be removed from waterways and left in place, minimizing disturbance to habitat and species and protecting aquatic habitat. Erosion control measures will be implemented, minimizing erosion and runoff and preserving water quality. Best management practices for gasoline and herbicide use will be followed, minimizing spills away from waterways to preserve water quality as well. Mitigation measures will be implemented with regard to all potential species in the area, minimizing disturbance to habitat and species during project activities. All mitigation measures are listed in Exhibit D.

2. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.

This project is in the Coastal Zone, however it will have a positive impact on the riparian corridor by removing a highly invasive non-native species and restoring the area to its original native habitat condition.

3. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.

The granting of the exception is in accordance with the purpose of this chapter and the Local Coastal Program Land Use Plan. The property is zoned for timber production. The proposed removal the Clematis species will result in a long term beneficial impact to the surrounding area by restoring the infested areas to original native species conditions thereby increasing fish and wildlife habitat. This will be accomplished by planting native species in areas where the removal occurs and allowing volunteer native plants to grow back as well.



County of Santa Cruz Planning Department

Approval of application **171089** (Peninsula Open Space Trust, Sempervirens Fund)

Your Riparian Exception has been administratively approved by the Planning Department.

In order to validate this approval, you must sign the permit, affirming that you have reviewed the permit and agree to the conditions imposed by it. Until this occurs, the permit is not active. **This means that no building permit will be issued, nor can the use begin unless and until the permit is signed and returned.** Within this mailing are two separate pages which require your signature to validate this permit. Please sign, detach, and return the separately labeled "Signature Page" for our files, and retain the other signed signature page (that is incorporated within the body of this permit) for your records. **This approval is for the discretionary review of this project only and any additional permits required as Conditions of Approval of this permit (i.e. Building Permits, Grading Permits, Encroachment Permits, etc.) must be obtained prior to beginning construction.** You should carefully review the attached conditions, as these are the terms under which your project can proceed. If you are the agent for the property owner, you may sign the permit only if you provide proof of service by mail that the signed conditions have been provided to the owner.

The copy of the conditions of this approval in recordable format (only for projects that require the recordation of the conditions of approval) must be notarized by ALL property owners and taken to the Office of the County Recorder for recordation, as required by the Conditions of Approval. After notarization and before recording, you must stop by the Planning Department to have the document countersigned by Planning Department staff. The County Recorder's office is also located in the County building, on the second floor. Return a copy of the recorded document to me.

Please contact the project planner at (831) 454-3548 or john.cairns@co.santa-cruz.ca.us should you have further questions about the processing of your application.

TRANSMITTAL - LEVEL 5, 6 & 7

DATE: 3/1/18

TO: Support Staff

FROM: John Cairns

RE: Application # 171089

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

Return all original documents to the planner, unless checked ⇨ Use original documents for distribution

Make ____ copies of the attached documents; distribute as follows:

Mail copies to: Applicant Owner Applicant/Owner (if same)

Send a copy to District Supervisor _____ (via Inter-office mail)

Send copies to: DPW Surveyor (Plans & Conditions – all land divisions)
 Housing (Conditions – projects with affordable housing reqts.)

Extra copy to planner

Mail a copy to the California Coastal Commission: Certified Mail Send attached plans

Mail copy of Coastal Exclusion to Coastal Commission with any attached documents/exhibits.

Mail copy of permit conditions to: _____ (Local Fire District)

Attach permit conditions to application (Hansen only)

Send copy of CEQA notice to the Clerk of the Board:

Notice of Exemption (include copy of application form indicating COB fee payment)

Notice of Determination/Negative Declaration

Certificate of Fee Exemption

Special instructions:

Send attached exhibit(s) to:
 Applicant Owner Applicant/Owner (if same)

Send attached recordable documents to:
 Applicant Owner Applicant/Owner (if same)

Completed by: _____

(support staff)

(date)

Recording requested by
County of Santa Cruz
Planning Department

And when recorded mail to:

County of Santa Cruz
Planning Department
Attention: «Planning_Staff»
Application #: «Application_Number»
701 Ocean Street, 4th Floor
Santa Cruz, Ca 95060

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(CALIFORNIA GOVERNMENT CODE §27361.6)

Conditions of Approval

Riparian Exception #: **171089**

Applicant: **Save the Redwoods League**

Property Owner: **Peninsula Open Space Trust / Sempervirens Fund**

Assessor's Parcel No. **APNs 058-011-10, 063-071-01**

- I. This permit authorizes the restoration of portions of the San Vicente Redwoods property by means of the removal of the species *Clematis vitalba* by means of hand and equipment removal to increase restore the areas to their original native habitat. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Any outstanding balance due to the Planning Department must be paid prior to the commencement of work.
 - C. Obtain a Lake and Streambed Alteration (1602) permit from CDFW and a Coastal Development Permit from the California Coastal Commission.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. All construction shall be performed according to the approved plans for the building permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. Notify the County Environmental Planning Department 24 hours prior to start of authorized work per County Code 16.30.070(B).
 - B. The project must comply with all recommendations of the approved technical report (Initial Study). This includes all necessary biotic recommendations and BMPs as well as mitigation measures listed in Exhibit D.
 - C. Operation of equipment and other tree removal activities are limited to the hours between 7:00 AM and 6:00 PM, Monday through Friday, with the exception of nationally designated legal holidays.
 - D. If any special status species are found to be harmed or dead as a direct result of project activities, the appropriate agency (US Fish & Wildlife Service [USFWS] or California Department of Fish & Game [CDFW]) shall be notified by phone within 3 working days and in writing within 5 working days.
 - E. To prevent the spread of Sudden Oak Death and Pitch Canker, tools, equipment, vehicles, and shoes shall be treated with Lysol prior to entering and leaving the forested area. Larger equipment, if needed, shall be power washed.
 - F. During project activities, all trash shall be contained, removed from the works site, and disposed of regularly. At project completion, all construction debris shall be removed.
 - G. All disturbed soils shall be stabilized to prevent siltation in the watercourse.

H. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during any ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

III. Operational Conditions

A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

IV. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

- 1) COUNTY bears its own attorney's fees and costs; and
- 2) COUNTY defends the action in good faith.

C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

D. Successors Bound. “Development Approval Holder” shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

By signing below, the owner agrees to accept the terms and conditions of approval of Application «Application_Number» and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. The approval of Application «Application_Number» is null and void in the absence of the owner's signature below.

Property Owner(s) signatures: Executed on: _____ (Date)

(Signature) (Print Name)

(Signature) (Print Name)

(Signature) (Print Name)

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

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____
(Signature of Notary Public)



County of Santa Cruz Planning Department

Steps for Completing and Recording the Conditions of Approval for this Permit

1. Review all of the information on the document to be recorded. The property owner is responsible for reviewing **all** of the entered information, including the Assessor's Parcel Number (APN), site address, owner's name(s), document number(s), and recording dates. If any of this information is found to be incorrect, notify the Planning Department of the inaccuracy **prior** to recording the document. If necessary, a corrected version of the document will be prepared at the owner's request.
2. Obtain the signature(s) of **all** property owners. Signatures must be verified by a notary public. The County has a notary public and/or the phone book lists several.
3. In order to save the photocopy costs, you may bring along your own copy or copies (as well as the original) to the Recorder's Office, which they will stamp for you.
4. Record the notarized form at the County Recorder's Office, Room 230, and have a photocopy made with the recorder's stamp on it, or have your copy certified. Please contact the Recorder's Office regarding their fees & hours of operation at: (831) 454-2800. **Note: Do not record this instruction form with your recordable documents.**
5. The copy may be mailed directly to the Planner or routed to the planner through the Planning reception desk as you step off the elevator on the 4th floor.
6. The original stamped recorded document will be sent to the Planning Department in 3-5 weeks and placed in permanent records.

Your building application will not be approved by the planning department, and your use may not begin until steps 1-5 have been completed.