



# County of Santa Cruz

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## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
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ALVIN D. JAMES, DIRECTOR

**Agenda Date: April 13, 1999**

March 19, 1999

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, California 95060

Subject: Proposal to rezone Assessor's Parcel Number: 100-151-01 from the Agriculture (A) zone district to the Timber Production (TP) zone district. Requires a rezoning. The property is located on the east side of Branciforte Drive (100 Bernita) at approximately 2 miles north of the intersection of Branciforte Drive and Happy Valley Road.

APPLICATION NUMBER: 98-0666  
APN: 100-151-01  
APPLICANT: Joe Culver, Webster and Associates  
OWNER: Huy Q. Lam and Catherine L. Lam

Dear Members of the Board:

### BACKGROUND

The County's General Plan Policy on Timber Resources is to "encourage timberland owners to apply for Timber Production Zoning where appropriate." Your Board adopted a resolution on April 14, 1998 establishing a flat fee of \$750 to process a rezoning to the Timber Production zone district, in order to facilitate appropriate rezoning of timberlands.

On September 24, 1998, the County Planning Department accepted this application for rezoning to Timber Production (TP). This is a proposal to rezone a 45 acre parcel from the Agriculture (A) zone district to the Timber Production (TP) designation. This project qualifies for a statutory exemption (Attachment 2) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703). County Code Section 13.10.375 (c) zoning to the TP district specifies the six criteria which must be met in order to rezone to TP. The project meets the following six criteria for rezoning to Timber Production:

1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned (Exhibit B, Attachment 5).
2. A Timber Management Plan prepared by a registered professional forester has been submitted for the property (Exhibit H, Attachment 5). The Timber Management Plan has been reviewed and accepted by the Planning Department as meeting minimum standards (Exhibit I, Attachment 5).
3. The parcel currently meets the timber stocking standards as set forth in Section 456 1 of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located.
4. The parcel is timberland, as the entire parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually and approximately three-quarters of the parcel is located within a mapped Timber Resource area.
5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres in area.

In addition, the three required findings for rezoning have been prepared and are included with this staff report as Attachment 1.

On February 24, 1999, the Planning Commission heard this application at a noticed public hearing. The Planning Commission adopted Resolution 3-99 (Attachment 3) recommending approval of the rezoning of the subject parcel to your Board. Minutes of the Planning Commission meeting can be seen as Attachment 6.

## DISCUSSION

### Project Setting:

The project site is located in the Carbonera planning area with access off of Branciforte Drive just north of the intersection of Branciforte Drive and Happy Valley Road (Exhibit A, Attachment 5). The subject parcel is roughly 45 gross acres and is currently developed with three dwelling units. The three dwellings (a residence adjacent to Branciforte Creek and a duplex located about 600 feet up Bernita Drive) are located adjacent to Bernita Drive on small level to sloping pads. The dwellings are located in areas which will have negligible impact on future timber management and harvesting of this property. All three dwellings are legal, although the two extra dwelling units are nonconforming. Approximately one-half acre of the parcel is utilized for residential related uses. Several small storage sheds had been constructed without permits. These sheds have been demolished under permit #120262 and inspected by Code Compliance Officer, Richard Nieuwstad (Exhibit J, Attachment 5). The property slopes

upward to the east away from Branciforte Creek. The topography, except at the home sites, is predominantly steep with slopes of 30 to 60 + % . Three ephemeral drainages are located on the property which drain directly into Branciforte Creek. The drainages are heavily shaded by redwoods and lack characteristic riparian vegetation. A skid road crosses one of these drainages. Branciforte Creek runs through the western end of the parcel adjacent to Branciforte Drive.

The lower three-quarters of the property is heavily forested with second growth redwood interspersed with live oak, bay trees and a few Douglas firs. The redwood forest thins on the upper slopes becoming predominantly oak and madrone woodland at the eastern end of the parcel. The oak woodland comprises about 14 acres on or just below the ridge top. This parcel was clear cut around the turn of the century. No old growth redwoods are found on the property. This site was logged a second time in 1984 under a State timber harvest permit (THP) 5-84-16 SCR. A thirty acre harvest was approved under this permit, but only 15 acres along the southern end of the parcel was harvested. All of the timber logging roads and landings shown on the Timber Management Plan are already in place from these previous harvests. The skid road crossing one of the class III watercourses, however, needs culvert repairs, and improvements. In general, the roads appear to be stable. The main access road, which provides access to another residential property to the north, is paved and well maintained. This property is capable of producing 15 cubic feet of timber per acre annually, although in some areas the stocking is a little thin due to the prevalence of hardwoods.

The parcel is bordered on the north, west and south by “A” zoned properties. The property (APN 100-121-05) immediately north of the subject parcel is also served by Bernita Drive. Fourteen acres on APN 100-121-05 were logged in 1985 under THP 5-85-22. The property located to the east of the subject parcel is zoned “CA” which is comprised of a group of dwellings and a commonly owned commercial, organic orchard, called the “Agriculture Conservancy”. Bernita Drive is also the emergency secondary access for the Agricultural Conservancy residents. The Zoning Map for the subject parcel, APN 100-151-01, and the surrounding parcels is included as Exhibit C of Attachment 5.

### Conclusion

All of the criteria have been met for rezoning this parcel to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations.

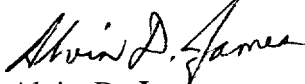
### RECOMMENDATION

It is, therefore, RECOMMENDED that your Board, based on the attached Findings (Attachment 1):

1. Approve the determination that the project is statutorily exempt from CEQA (Attachment 2); and

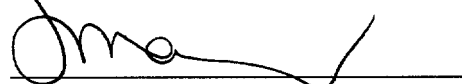
- 2. Adopt the attached Ordinance amending Chapter 13.10 of the Santa Cruz County Code changing property from one zone district to another (Attachment 4).

Sincerely,



Alvin D. James  
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

cc: Joe Culver, Webster and Assoc. 512 Capitola Ave. Suite 201, Capitola CA 95010  
Huy Lam, 1644 Tartarian Way, San Jose, CA 95129

- Attachments:
- 1. Findings
  - 2. CEQA Exemption
  - 3. Planning Commission Resolution No. 3-99
  - 4. Ordinance Amending Chapter 13.10 of the County Code changing properties from one zone district to another
  - 5. Planning Commission Staff Report of February 24, 1999
  - 6. Planning Commission Minutes of February 24, 1999
  - 7. Correspondence received at Planning Commission hearing

SAM/ADJ/CLC Lam-Bdreport-TPZ.wpd