

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060 FAX: (831) 454-2131 TDD: (831) 454-2123 (831) 454-2580

TOM BURNS, PLANNING DIRECTOR

December 1.2006

Item#: 17

Planning Commission County of Santa Cruz

701 Ocean Street

Santa Cruz, CA 95060

Agenda Date: January 10,2007

APNs: 106-471-01

106-471-02

106-471-03

106-471-04

106-471-05

106-471-06 106-471-07

106-471-08

106-471-09

Application: 02-0342

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

Members of the Commission:

On July 8,2002, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone nine parcels, totaling approximately 85 acres, from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of open space - no residence.

Background

This project qualifies for a rezoning under California Government Code Section 51113. This section allows a property owner to petition the County to rezone land to the TP zone. The requirements for this type of rezoning are listed in Government Code section 51113(c)1. The County may not place any additional

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

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

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

⁽²⁾ A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester. The plan shall provide for the eventual harvest of **timber** within a reasonable **period** of time, **as** determined by the preparer of the plan.

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

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

Notwithstanding the provisions of Article 4 (commencing with Section

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

⁽⁴⁾ The parcel shall be timberland, as defined in subdivision(f) of Section 51 104.

⁽⁵⁾ The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 5 1111.

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

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

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

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

Application 02-0342 Page 2

Agenda Date: January 10,2007

requirements on this petition to rezone the property to TP. County Code Section 13.10.375(c) – "Zoning to the TP District" implements Government Code section 511 13 and specifies the six criteria which must be met in order to rezone to TP.

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

- 1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned.
- 2. A Timber Management Plan, undated, prepared by a registered professional forester has been submitted for the property (Exhibit E).
- 3. The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located (see Exhibit E).
- 4. The parcel is timberland, as the entire parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually and is almost entirely located within a mapped Timber Resource area.
- 5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
- 6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres in area.

This project qualifies for a statutory exemption (Exhibit D) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Conclusion

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

Recommendation

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 02-0342 based on the attached findings (Exhibit B).

EXHIBITS

- A. Planning Commission Resolution, with Ordinance/Findings
- B. APN Map
- C. Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan by Dale F. Holderman, RPF, dated July 8,2002

Project Planner

Development Review

Rollin Bolster-Grant

Agenda Date: January 10, 2007

Reviewed By:

Mark Deming

Assistant Planning Director

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

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. 02-0342, involving property located on the west side of Eureka Canyon Road at approximately one mile north of Rider Road, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

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

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

PASSED	AND ADO	PTED by the Pl	anning Commission of the County of Santa Cruz, State
of California	, this	day of	, 2006, by the following vote:
	· <u></u>	<u> </u>	, · · · · · · · · · · · · · · · · ·
AYES:	COMMI	SSIONERS	
NOES:	COMMI	SSIONERS	
ABSENT:	COMMI	SSIONERS	
ABSTAIN:	COMMI	SSIONERS	
			Chairperson
ATTEST:			
\mathbf{N}	IARK DEN	MING, Secretary	
APPROVED	ASTO FO	PRM:	
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COUNTY COUNSEL

ORDINANCE AMENDING CHAPTER 13 OF THE SANTA CRUZ COUNTY CODE CHANGING FROM ONE ZONE DISTRICT TO ANOTHER

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the timber resource property located on the west side of Eureka Canyon Road at approximately one mile north of Rider Road; finds that the zoning to be established herein is consistent with all elements of the Santa Cruz County General Plan and the Santa Cruz County Code, as modified by the *Big Creek* decision; and finds and certifies that the project is subject to a statutory exemption under the California Environmental Quality Act.

SECTION II

The Board of Supervisorshereby adopts the Zoning Plan Amendment as described in Section III, and adopts the findings in support thereof without modification as set forth below:

- 1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
- 2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
- 3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district; and
- 4. The property meets the requirements of Government Code section 51113 or 51113.5 and County Code Section 13.10.375(c).

FXHIBIT.A

SECTION III

Chapter 13.10 - Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.210 - Zoning Plan to change the following properties **from** the existing zone district to the new zone district as follows:

Existing Zone District	New Zone District
Special Use - SU	ТР
<u> </u>	TP
Special Use - SU	TP
	Special Use - SU

SECTION IV

PASSED AN	D ADOPTED THIS	day of	2006, by the Board of Supervisors
of the County	of Santa Cruz by the following	llowing vote:	
AYES:	SUPERVISORS		
NOES:	SUPERVISORS		
ABSENT:	SUPERVISORS		
ABSTAIN:	SUPERVISORS		
		Chairman o	of the Board of Supervisors
		_	
Cl	erk of the Board		
APPROVED	AS TO FORM:		

EXHIBITA

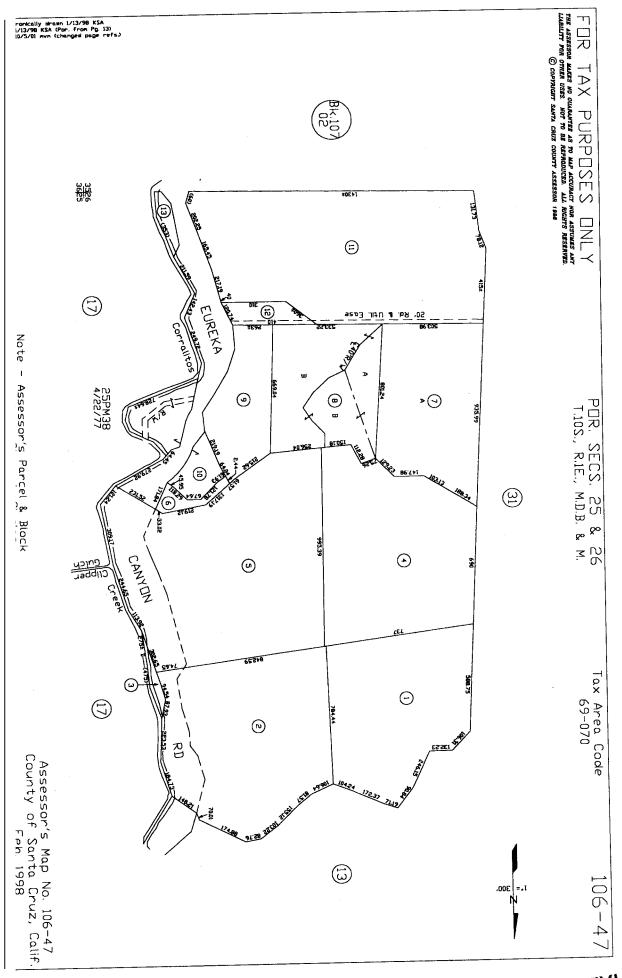
Exhibit: Rezoning Maps

DISTRIBUTION:

County Counsel

Planning Assessor

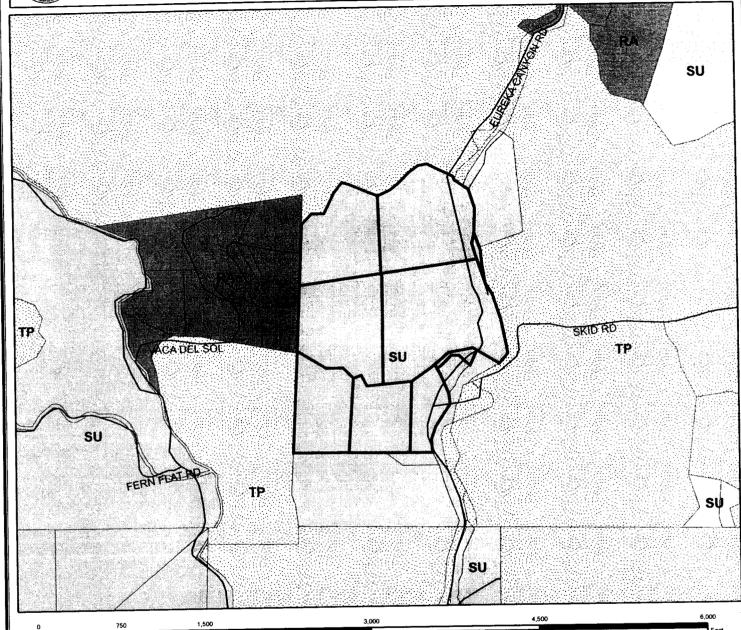
County GIS



B



Zoning Map



Legend

02-0341 Subject Parcels
Assessors Parcels
Streets

SPECIAL USE (SU)

AGRICULTURE RESIDENTIAL (RA)

TIMBER PRODUCTION(TP)

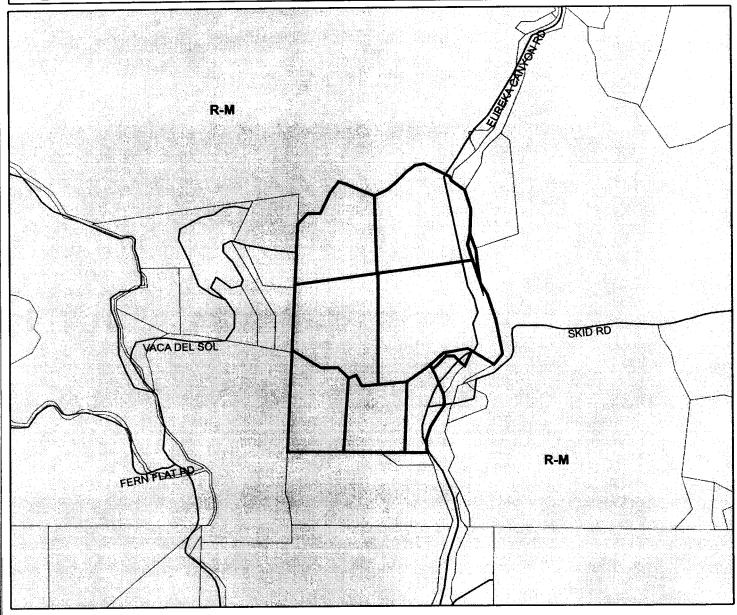


Map Created by County of Santa Cruz Planning Department October 2006

EXHIBIT



General Plan Designation Map



0 750 1,500 3,000 4,500 6,000

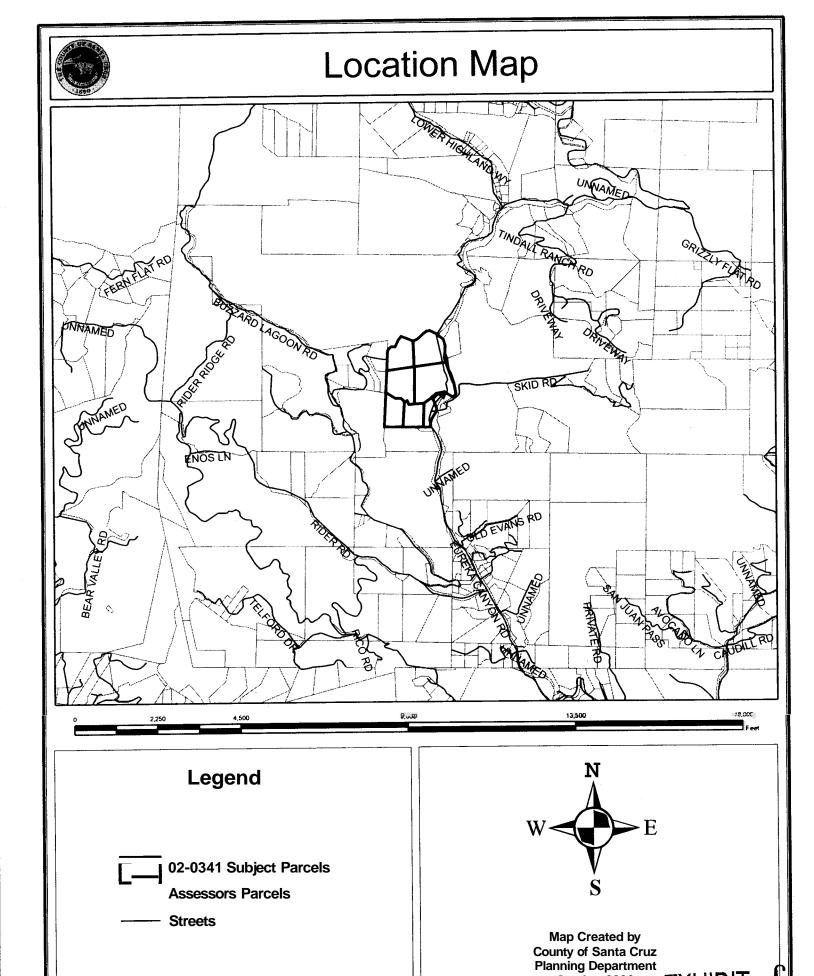
Legend

- 02-0341 Subject Parcels
 - Assessors Parcels
- Streets
 Residential-Mountain(R-M)



Map Created by County of Santa Cruz Planning Department October 2006

EXHIBIT



_- - 10 -

EXHIBIT

October 2006

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: 02-0342 Assessor Parcel Numbers: 106-471-01, -02, -03, -04, -05, -06, -07, -08, -09 Project Location: Not Situs Address, Eureka Canyon Road, Watsonville, California Project Description: Rezone a nine parcels from the Special Use (SU) zone district to the Timber Production (TP) zone district. Person or Agency Proposing Project: Dale Holderman **Contact Phone Number: (831) 426-6964** The proposed activity is not a project under CEQA Guidelines Section 15378. 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. <u>x</u> Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285). [Section 1703] In addition, none of the conditions described in Section 15300.2 apply to this project. mbultullant Date: 12-5-00

Planning Department County of Santa Cruz Government Center Santa Cruz, CA 95060

Re: Zoning APN 106-471-01, 02, 03, 04, 05, 06, 07, 08 and 09 to the Timber Production District

Greetings:

Pursuant to Government Code section 51113, Big Creek Lumber Company, owner of APN 106-471-01 through -09, hereby request that its 87 acre parcel be zoned Timber Production District.

The property meets the following criteria:

- 1. The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the Southern Subdistrict of the Coast Forest District. (See the accompanying Stocking Analysis.)
- 2. The parcel is timberland as defined in Section 51 104(f) of the Government Code. (See the accompanying Wood Fiber Analysis.)
- 3. The parcel meets the permitted use requirements of Section 13.10.372 of the County Code. (See the accompanying Compatible Use Analysis.)
- **4.** The parcel is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code.
- 5. The property is comprised of contiguous parcels amounting to at least five acres in area.

Submitted herewith are:

- 1. **A** timber management plan for the property that provides for the eventual harvest of timber within a reasonable period of time.
- 2. A map showing the assessor's parcels of the property desired to be zoned.
- 3. A check payable to the County in the amount of \$750.

Sincerely,

Dale F. Holderman, Forester

Big Creek Lumber Company

STOCKING ANALYSIS

Government Code section 51113(c) (3) (A) requires that the parcel must currently meet the timber stocking standards in Section 4561 of the Public Resources Code and in Section 913.8 (a) (1) of the California Code of Regulations. The timber stocking standards of California Code of Regulations section 913.8 (a) (1) are met if the parcel contains an average basal area, measured in stems 1 inch or larger in diameter, of at least 75 square feet per acre for Site Class III lands. The requirements of Public Resources Code section 4561 are less stringent.

Analysis: A review of the property found that the height of the dominant redwoods does not exceed the standard for Site Class III, or 154 feet in total height. It is fair to say that the parcel is not higher than Site Class III.

The stand contains much more than 75 square feet of basal area per acre. (Basis: observation) Thus, the parcel meets the minimum stocking requirements for Site Class 111 lands.

WOOD FIBER ANALYSIS

Government Code section 51113 (c) (4) requires that the parcel shall be timberland. Section 51104 (f) defines timberland as privately owned land devoted to and used for growing and harvesting timber, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

The stand is capable of producing wood fiber far in excess of 15 cubic feet per acre year. (Basis: observation.)

The productivity of the soil confirms that observation. The soil type is Ben Lomond-Felton complex, 30 to 75 percent slopes. It is capable of producing 167 cubic feet of wood fiber per acre per year. (Source: Soil Survey of Santa Cruz County, California, U. S. Department of Agriculture, Soil Conservation Service, in cooperation with University of California, Agriculture Experiment Station, 1980.)

COMPATIBLE USE ANALYSIS

The parcel is used for growing and harvesting timber.

OBSERVATION and EXPERIENCE vs. MEASUREMENT

If the total obviously exceeds the minimum required, one can clearly say that the minimum has been met. Asked if a quart jar full of beans contains at least 100 beans, you can easily answer yes. Simple observation tells you that.

If the minimum is large or close to the total, you may not be able to observe whether the minimum has been met. Asked if a quartjar full of beans contains at least 1,000 beans, you can't answer that by observation. But if you had counted the beans in a quartjar several times and found that they always exceeded 1,000, you could answer yes. Experience tells you that.

If observation is unclear or if experience is inadequate, measurement may be necessary. But that is the only time it should be needed.

The author, a registered professional forester, has more than thirty years experience harvesting timber in the Santa Cruz Mountains from stands like the subject parcel. The required minimums are so much smaller than the total present that observation and experience are all that is needed to determine that they clearly have been met. Measurement is neither prudent nor necessary.

TIMBER MANAGEMENT PLAN

FOR

BIG CREEK LUMBER COMPANY

APN 106-471-01 through -09

PREPARED BY

DALE F. HOLDERMAN REGISTERED PROFESSIONAL FORESTER LICENSE NUMBER **69**

2002

TIMBER MANAGEMENT PLAN

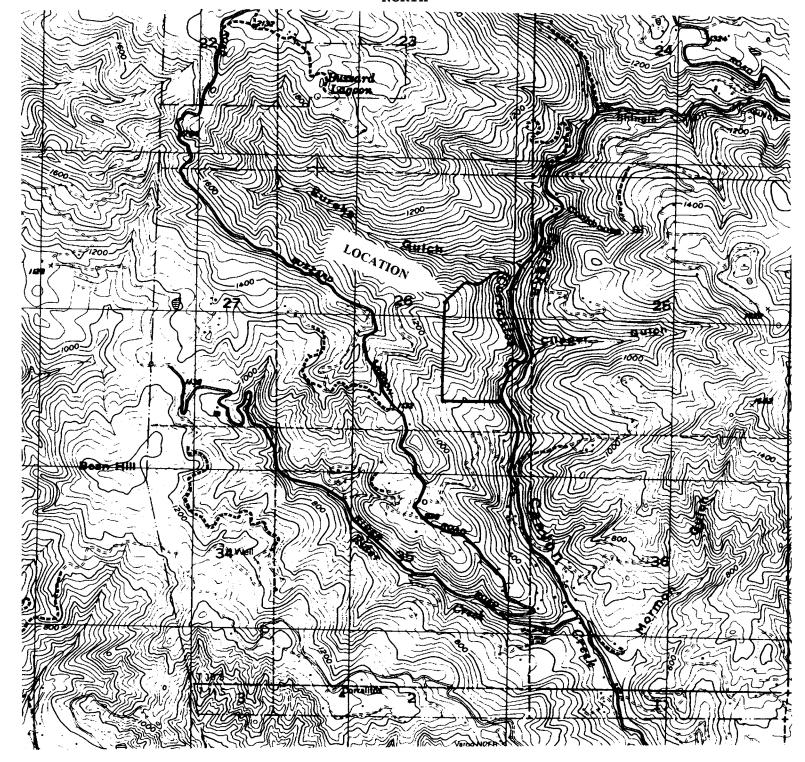
MAPS	PAGE
Geographic Location (1:24,000 scale).	1
- north indicator	
Lands of Big Creek Lumber Company (1:400 scale or larger)	ii
- assessor's parcel number	
- existing property boundaries	
- existing property boundaries	
- tractor roads and landings	
- existing residence - none	
- well - none	
- historical structures - none	
- archeological sites - none	
- areas covered by recommended logging system	
- streams and drainages	
- springs and seeps - none	
Soil Description and Vegetative Type	iii
- vegetation type	
- ancient trees (200 years +) - not mapped	
Geologic Map north indicator	iv
Harvest Plan Map north indicator	V

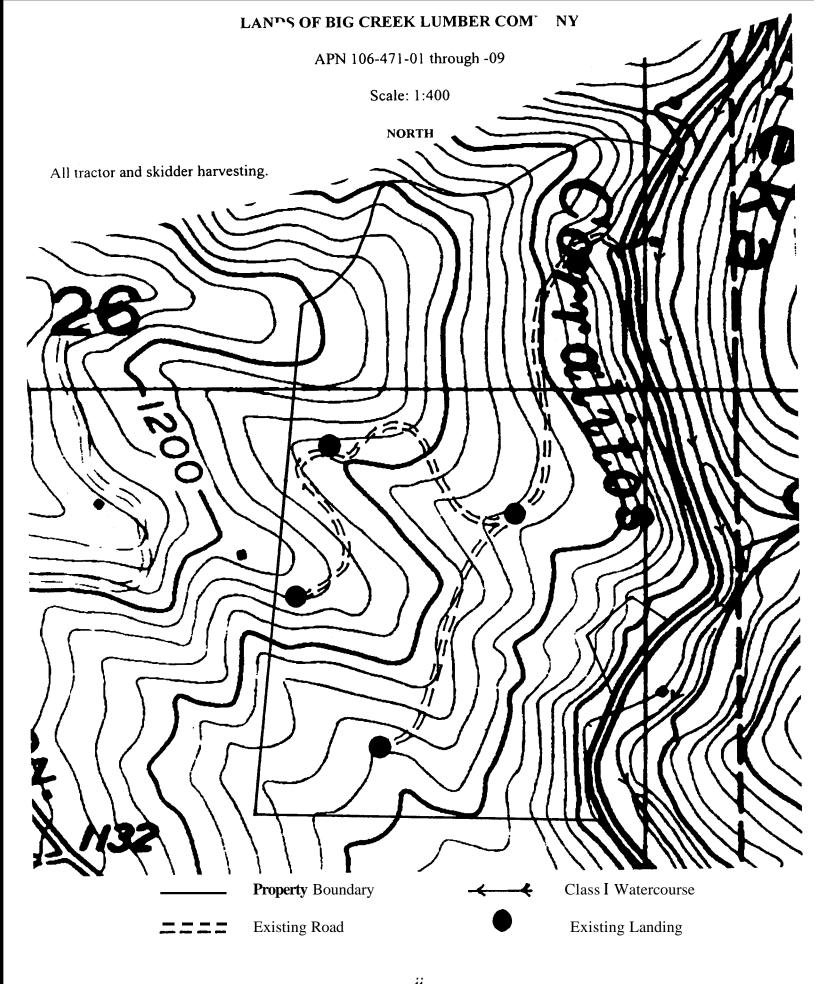
GEOGRAPHIC LOCATION

APN 106-471-01 through -09

Scale: 1:24000

NORTH



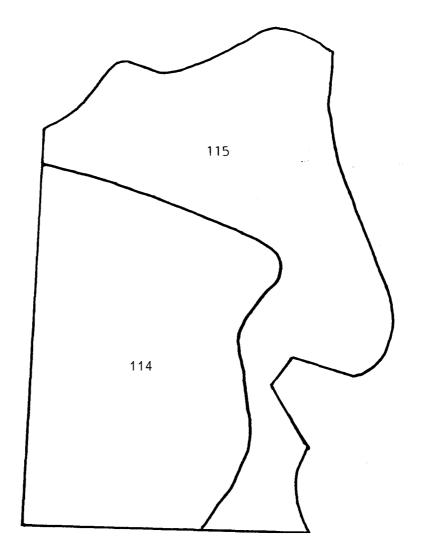


SOIL **ESCRIPTION AND VEGETATIVE . YPE**

APN 106-47 1-01 through -09

Not to Scale

NORTH Vegetative Type: redwood-tanoak/madrone



Soil Type 114: Ben Lomond - Felton complex, 30 - 50 percent slopes. The Ben Lomond soil is deep and well drained. Permeability is moderately rapid. The Felton soil is deep and well drained. Permeability is moderately slow. These soils are well suited to conifer production.

Soil Type 115: Ben Lomond - Felton complex, 50 - 75 percent slopes. The Ben Lomond soil is deep and well drained. Permeability is moderately rapid. The Felton soil is deep and well drained. Permeability is moderately slow. These soils are well suited to conifer production.

Source: Soil Survey of Santa Cruz County, California, U. S. Department of Agriculture, Soil Conservation Service in cooperation with University of California, Agriculture Experiment Station, 1980.

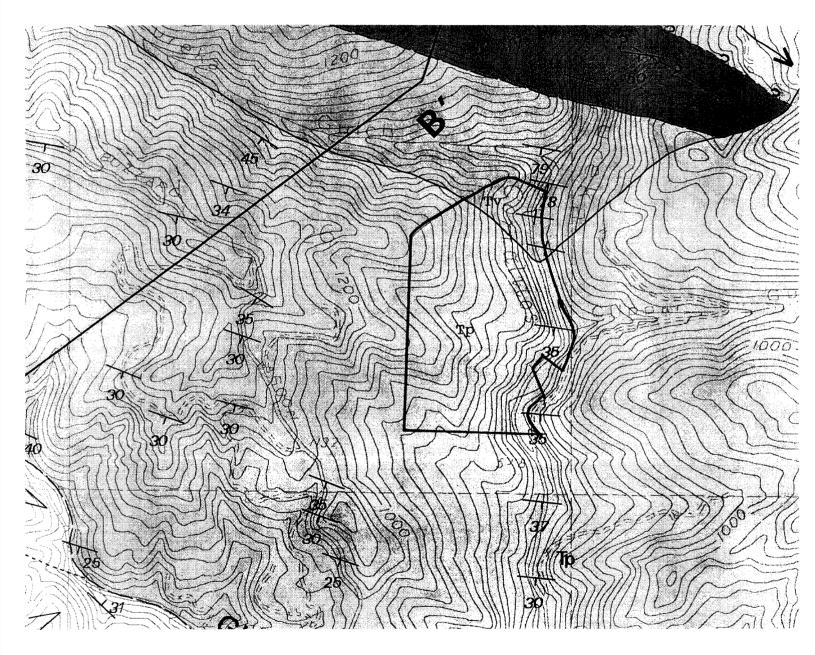
-20-

GEOLOGY

APN 106-471-01 through -09

Scale: 1:12000

NORTH

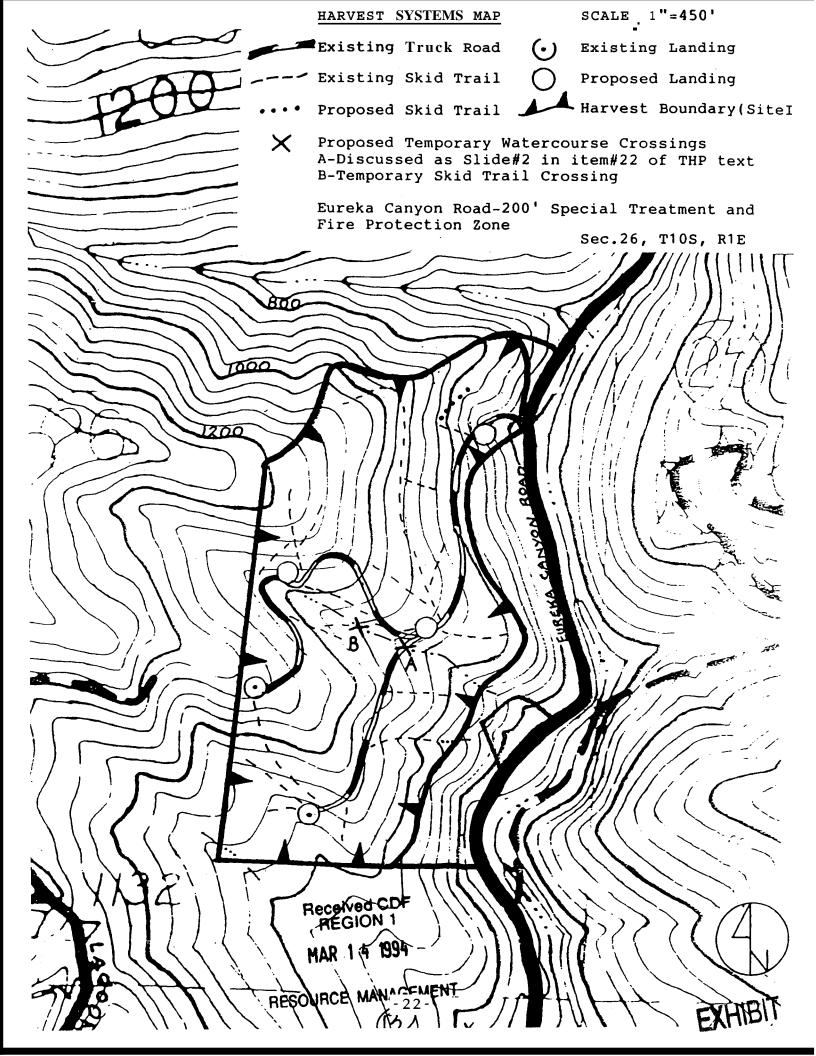


Tp - Purisima Formation

Tv - Vaqueros Formation

Strike & Dip Bedding

Source: Geologic Map of the Lorna Prieta 7.5' Quadrangle, San Francisco Bay Area, California, by McLaughlin, Clark & Brabb, 2000.



TIMBER MANAGEMENT PLAN

TEXT	PAGE
Property description	1
- owners name	
- assessor's parcel number	
- size of parcel	
 discussion of acreage in different vegetation types 	
- site class	
Previous timber operations	1
- parcel timber harvest history	
- approved State or County timber harvest plans & haul route	
Timbermanagement	1
- management objectives and goals	
- recommended logging systems'	
- present and future stand conditions	
- present and future growth	
- commencement of harvesting	
- cutting prescription	
- harvest cycles	
- regeneration	
- future growth model	
- management units	
- forest improvement	
- ancient trees	
snags and downed wood inventory	
- fish and wildlife management	
- fire protection plan	
- recreation	
• urban interface issues	
- erosion hazard inventory and plan	
- archaeological and historical sites	
Proposeddevelopment	3
Analysis of any conflicts between proposed development and future harvesting	3

OWNER'S NAME - Big Creek Lumber Company

ASSESSOR'S PARCEL NUMBERS - 106-471-01, 02, 03, 04, 05, 06, 07, 08 and 09

SIZE OF PARCEL - 87 acres

ACREAGE IN DIFFERENT VEGETATION TYPES

The parcel consists of a young growth redwood, tanoak and madrone.

SITE CLASS

The parcel is no higher than Site Class III.

PARCEL TIMBER HARVEST HISTORY

The property was clear-cut probably in the early 1900's. The young growth redwood and Douglas-fir was selectively cut in 1994. Under THP 1-94-124 SCR approximately 40 percent of the redwoods 18 inches in diameter and larger were removed.

APPROVED STATE OR COUNTY TIMBER HARVEST PLANS & HAUL ROUTE

THP 1-94-124 SCR identifies the haul route as Eureka Canyon Road, Corralitos Road, Freedom Boulevard and Highway 1.

MANAGEMENT OBJECTIVES AND GOALS

The objective and goal is to produce an even flow of high quality redwood logs through periodic harvesting.

RECOMMENDED LOGGING SYSTEMS

The recommended logging system is crawler tractor and/or rubber tired skidder.

PRESENT AND FUTURE STAND CONDITIONS

The present forest consists of a thinned even-aged stand of young growth redwood with a lesser component of tanoak and madrone.

The future stand will be **an** all-aged stand with a greater variety of tree sizes. The oldest trees will be about 80 years old, with about an equal number of crop trees in each of five age classes.

PRESENT AND FUTURE GROWTH

Growth of the redwood is quite good presently, but will decline over time as the canopy closes again, signaling the time for another thinning.

COMMENCEMENT OF FUTURE HARVESTING

Harvesting has already begun. The cutting prescription below is immediately applicable.

CUTTING PRESCRIPTION

The even flow of high quality redwood logs from any stand is guaranteed by doing nothing more than applying a simple cutting prescription. Cut 50-60 percent of the trees **18** inches in diameter and larger. Take the largest trees first.

HARVEST CYCLE

Don't cut again until a sampling of dominant redwoods, not growing in advantageous habitat such as standing alone or near water, have grown six inches in diameter. A sample equal to two trees for every 10 acres, or portion thereof, is enough.

REGENERATION

Since redwoods sprout from the stump, regeneration is assured without any intervention.

FUTURE GROWTH MODEL

The cutting prescription will produce an even flow of harvest trees, mostly 24 to 30 inches in diameter. Assuming just one replacement tree for each tree cut, ultimately the distribution of crop trees prior to each harvest will look something like this:

TREE DISTRIBUTION

50% CUT		60% CUT	
NUMBER	DIAMETER	NUMBER	DIAMETER
20%	24-30"	14.4%	24-30"
20%	18-24"	21.4%	18-24"
20%	12-18"	21.4%	12-18"
20%	6-12"	21.4%	6-12"
20%	0-6"	21.4%	0-6"

MANAGEMENT UNITS

The entire parcel is one management unit.

FOREST IMPROVEMENT

No forest improvement is proposed, other than the cutting prescription detailed above.

ANCIENT TREES

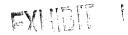
The property was clear cut probably in the early **1900's.** The original growth was removed at that time. No significant trees more than 200 years old were noted on the property.

SNAGS AND DOWNED WOOD INVENTORY

There are many redwood stumps.

FISH AND WILDLIFE MANAGEMENT

Fish and wildlife management is not proposed.



FIRE PROTECTION PLAN

There is no fire protection plan that is practicable.

RECREATION

There is no recreation on the parcel.

URBAN INTERFACE ISSUES

The setting is very rural. There are no homes adjacent to the property. Timber harvesting is a common practice in the area. Eureka Canyon Road is used for trucking logs every year.

EROSION HAZARD INVENTORY AND PLAN

There are no erosion hazards presently. The existing dirt road needs to be maintained to prevent erosion.

ARCHAEOLOGICAL AND HISTORICAL SITES

There are nor archaeological or historical sites on the property.

PROPOSED DEVELOPMENT

There is no development proposed.

ANALYSIS OF ANY CONFLICTS BETWEEN PROPOSED DEVELOPMENT AND **FUTURE HARVESTING**

There are none.

Dale F. Holderman

Registered Professional Forester

Dale I Holderma-

License Number 69

July 8,2002