

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

December 1,2006

Planning Commission County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060 Agenda Date: January 10,2007 APNs: 106-471-11 and 106-471-12

Application: 02-0615

Item #: 20

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

Members of the Commission:

On December 9,2002, the County Planning Department accepted this application for a rezoning to Timber Production. This is a proposal to rezone two parcels totaling approximately 21.11 acres from the Special Use zone district to the Timber Production 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 requirements on this petition to rezone the property to TP. County Code Section 13.10.375(c) – "Zoning to the TP District" implements Government Code section 51113 and specifies the six criteria which must be met in order to rezone to TP.

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

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

⁽I) 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 <u>fifth</u> anniversary of the signing of an agreement, the board shall determine whether the parcel **meets** the timber stocking **standards** in effect on the date that the agreement was signed.

Notwithstanding the provisions of Article 4 (commencing with Section

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

⁽⁴⁾ The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

⁽⁵⁾ The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51 111.

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

⁽I) The land area concerned shall be in the ownership of one person, as defined in Section 38 106 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.

Agenda Date: January 10,2007

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. 02-0615 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 CEOA
- E. Timber Management Plan by Dale F. Holderman, RPF, dated December 5,2002

Project Planner

Development Review

Reviewed By:

Mark Deming

Assistant Planning Director

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

RESOLUTION NO
On the motion of Commissioner
duly seconded by Commissioner the following Resolution is adopted:
PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE
WHEREAS, the Planning Commission has held a public hearing on Application No. 02-0615, involving property located on the west side of Eureka Canyon Road at approximately 3/4 mile north from Rider Road, and the Planning Commission has considered the proposed rezoning, all

NOW, THEREFORE' BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance **by** changing property from the Special Use (SU) 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.

testimony and evidence received at the public hearing, and the attached staff report.

		ing Commission of the County of Santa Cruz, State_,2006, by the following vote:
AYES: NOES: ABSENT: ABSTAIN:	COMMISSIONERS COMMISSIONERS COMMISSIONERS COMMISSIONERS	
		Chairperson
ATTEST:	IARK DEMING, Secretary	_
APPROVED	AS TO FORM:	

COUNTY COUNSEL

ORDINANCE NO.	

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

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

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the timber resource property located on the west side of Eureka Canyon Road at approximately 3/4 mile north from 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
- 1. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
- 2. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district; and
- 3. The property meets the requirements of Government Code section 51113 or 51113.5 and County Code Section 13.10.375(c).

EXHIBIT A

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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:

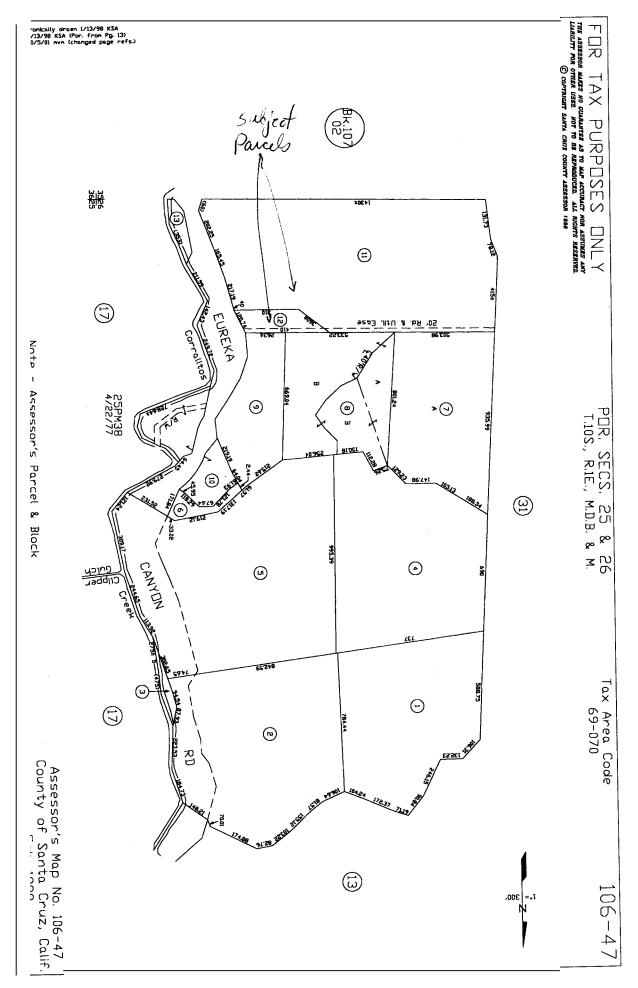
Assessor's I	Parcel Number	Existing Zone District	New Zone District
106-471-11a	and 106-471-12	Special Use - SU	TP
		SECTION IV	
This ordinanc	e shall take effect on	the 31st day after the date of f	inal passage.
	D ADOPTED THIS of Santa Cruz by the		2006, by the Board of Supervisors
AYES: NOES: ABSENT: ABSTAIN:	SUPERVISORS SUPERVISORS SUPERVISORS SUPERVISORS		
		Chairman of the Bo	pard of Supervisors
ATTEST:Cle	erk of the Board		
Assistant Cou	•		
Exhibit: Rezo	oning Map		

EXHIBIT A

County Counsel

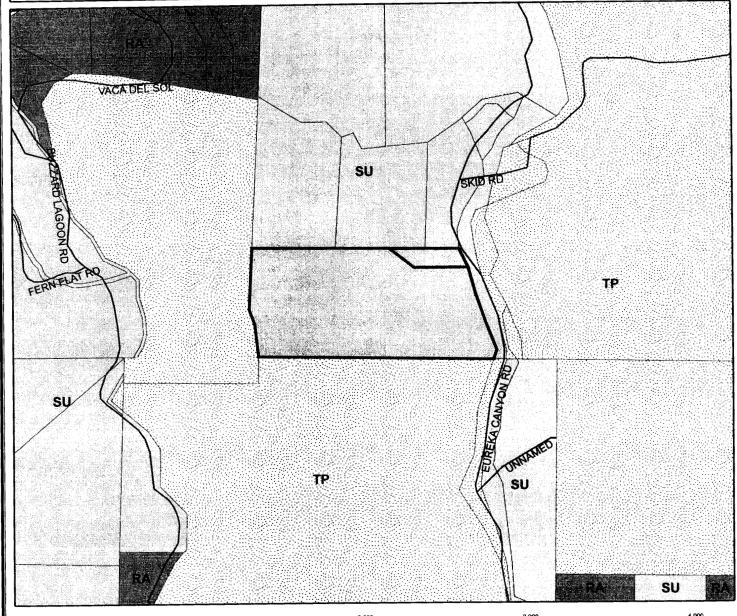
Planning Assessor County GIS

DISTRIBUTION:





Zoning Map



Legend

- 02-0615 Subject Sites
 Assessors Parcels
- ---- Streets

SPECIAL USE (SU)

AGRICULTURE RESIDENTIAL (RA)

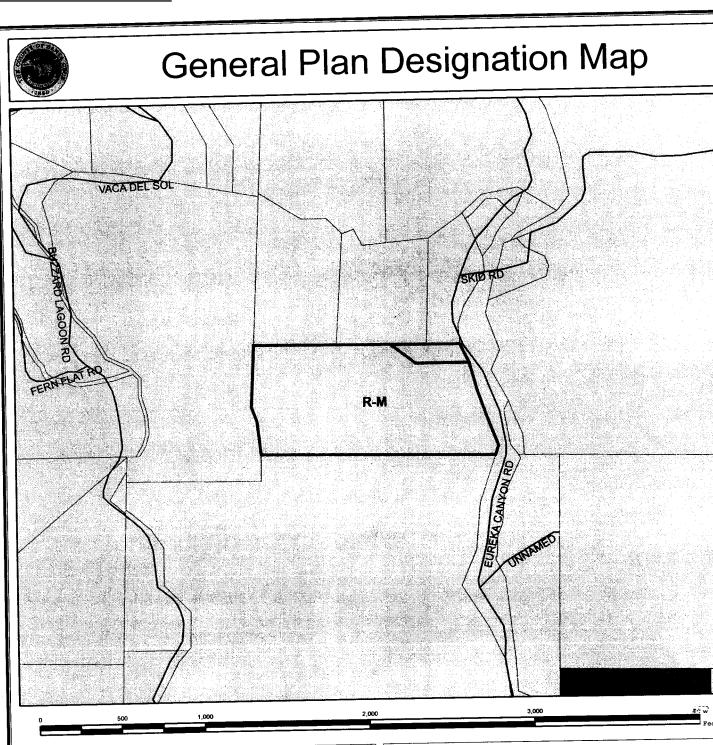
TIMBER PRODUCTION (TP)



Map Created by County of Santa Cruz Plannina Department

October 2006

EXHIBIT



Legend

02-0615 Subject Sites

Assessors Parcels

--- Streets

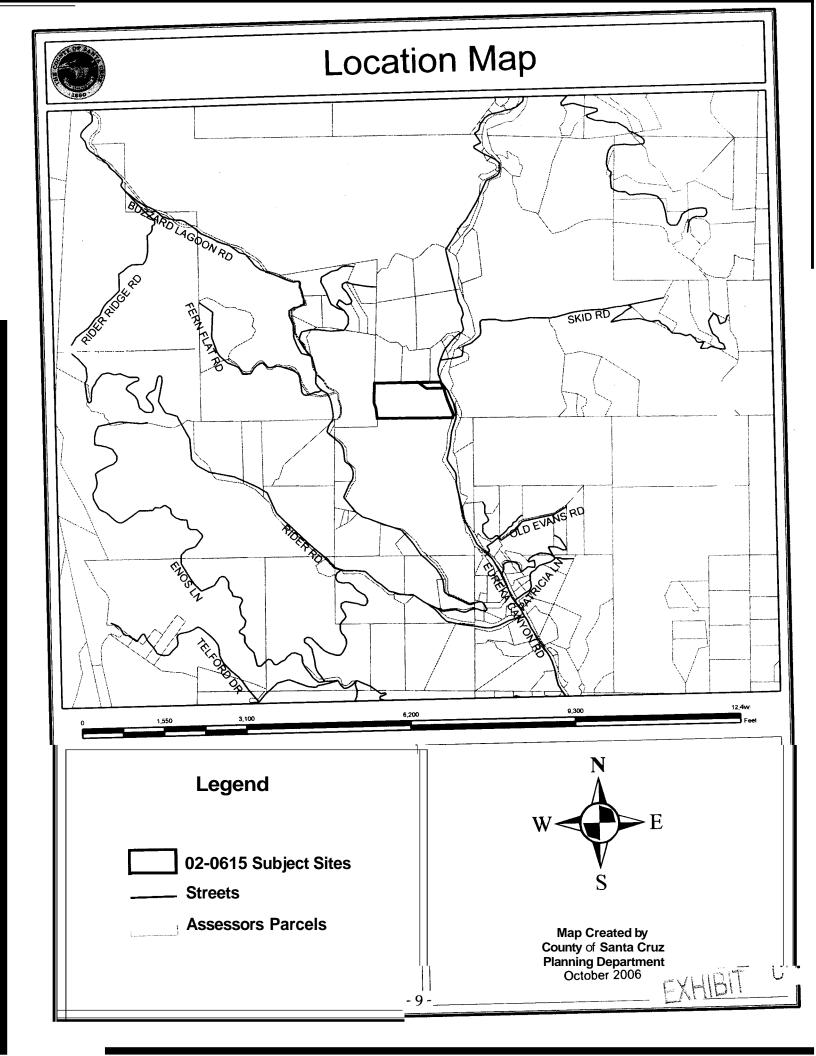
Residential-Mountain (R-M)

Residential-Rural (R-R)



Map Created by County of Santa Cruz Planning Department October 2006

EXHIBIT



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.

Assessor Par	Number: 02-0615 cel Numbers: 106-471-11 and 106-471-12 tion: No Situs Address, Eureka Canyon Road, Watsonville, California
Project Des	cription: Rezone two parcels from the Special Use (SU) zone district to the Timber Production (TP) zone district.
Person or A	gency Proposing Project: Dale Holderman
Contact Pho	one Number: (831) 426-6964
A B	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	<u>Ministerial Project</u> involving only the use of fixed standards or objective measurements without personal judgment.
D. <u>x</u>	<u>Statutory Exemption</u> other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285). [Section 1703]
Mon 1	Date: 17-5-06 Par-Grant, Project Planner

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

Re: Zoning APN 106-471-11 and -12 Timber Production District

Greetings:

William J. and Cynthia M. Price, owners of APN 106-471-11 and -12, hereby request that their 21 acre parcel be zoned Timber Production Zone District.

- 1. The property 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 property is timberland as defined in Section 51104(f) of the Government Code. (See the accompanying Wood Fiber Analysis.)
- 3. The property meets the permitted use requirements of Section 13.10.372 of the County Code. It is used for growing and harvesting timber. (See the accompanying Compatible Use Analysis.)
- 4. The property is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code.
- 5. The property consists of contiguous parcels amounting to at least five acres in area.

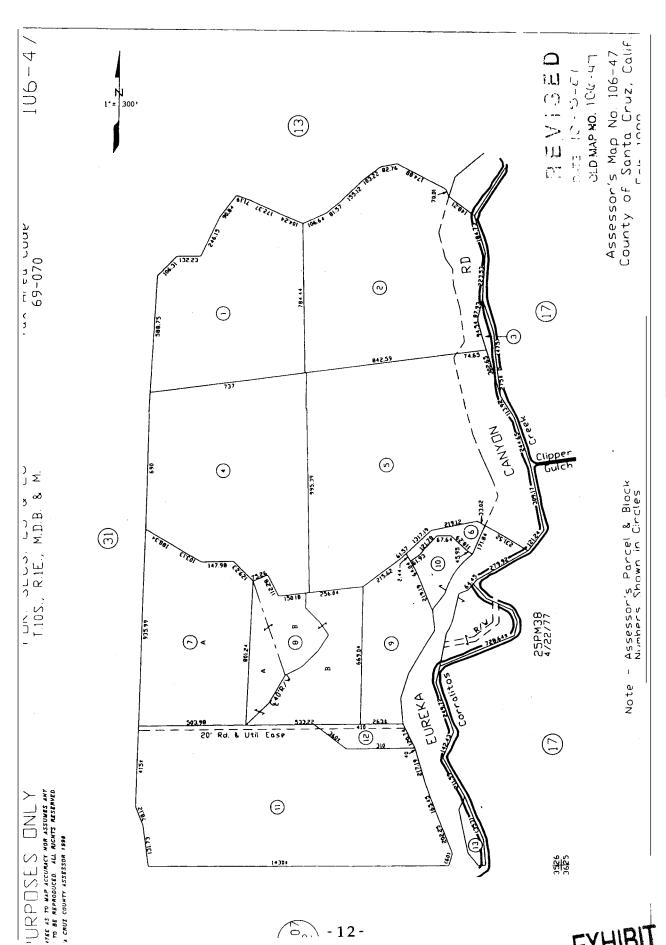
Submitted herewith are:

- 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. An Owner-Agent Approval Form signed by William J. and Cynthia M. Price designating Dale F. Holderman as agent for purposes of this application.
- 4. A check payable to the County in the amount of \$750.

Onle & Holderman

Sincerely,

DALE F. HOLDERMAN Agent for Applicants



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EXHIBIT

STOCKING ANALYSIS

County Code Section 13.10.375 (c) (3) requires that the parcel must currently meet the timber stocking standards as set forth 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 Public Resources Code Section 4561 are met if the parcel contains an average basal area, measured in stems one inch or larger in diameter, of at least 50 square feet per acre for Site II and lower lands. The timber stocking standards of CCR 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 100 square feet per acre for Site II lands, and less for lower site lands.

1. For purposes of this analysis, it will be assumed that the parcel must meet the higher stocking standards for Site Π lands.

Analysis: For Site I lands, the dominant redwoods at age 100 must be at least 180 feet in total height. The property was clearcut about 100 years ago, so the stand is about 100 years old. (Basis: tree ring count and logging history.) The parcel was selectively cut in 1998. Scattered large uncut redwoods that obviously were dominant trees before the most recent cut, and dominant redwoods in uncut comers of the property, are all well short of 180 feet in total height. (Basis: observation.) So, the parcel can not be higher than Site II.

2. The parcel contains an average basal area, measured in stems one inch or larger in diameter of at least 100 square feet per acre (Basis: see analysis below.) Thus it meets the minimum basal area requirements for Site II lands. Since the basal area requirements for lower site lands are less than for Site II lands, it clearly meets those as well.

Analysis: The 1998 harvest removed 189,260 board feet of timber. (Basis: recorded fact.) It is estimated to have been a 30% cut by volume. (Basis: observation.) That means the parcel contains a residual volume of about 442,000 board feet, or some 21,000 board feet per acre of harvestable size redwoods, those 18 inches in diameter and larger. The average harvestable size residual redwood is at least 24 inches in diameter. (Basis: observation.) If the harvestable size redwoods were all 24 inches in diameter, their basal area would be about 147 square feet per acre. (Basis: 21,000 board feet per acre/442 board feet per tree = 48 trees per acre with 3.1 square feet of basal area each = 147 square feet per acre basal area.) This is very conservative because redwoods smaller than 18 inches in diameter and all hardwoods are ignored.

WOOD FIBER AND COMPATIBLE USE ANALYSIS

County Code Sections 13.10.375 (c) **(4)** and (5) require that the parcel shall be timberland and that uses of the parcel shall be in compliance with the Timber Production Zone uses set forth in Section 13.10.372 of the County Code.

Government Code Section 51104(f) defines timberland as privately owned land devoted to the growing and harvesting of timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

A. Wood Fiber Analysis:

The stand was about 100 years old at the time of the 1998 harvest, the first cutting since the original clear-cut. (Basis: ring count and logging history.)

The 1998 harvest removed about 30% of the harvestable volume. (Basis: observation.) The total harvest volume was 189,260 board feet. (Basis: recorded fact.) That means the stand contained about 30,000 board feet per acre of harvestable size redwoods, those 18 inches in diameter and larger, at age 100. (Basis: 189,260 board feet/30%/21 acres.)

Logs contain about six board feet per cubic foot. (Basis: Table 13, Empirical Yield Tables for Young Growth Redwood, James L. Lindquist and Marshall N. Palley, 1963.)

Calculation:

30,000 board feet per acre divided by 100 years = 300 board feet per acre per year average. 300 board feet per acre per year average divided by 6 = 50 cubic feet per acre per year average. That figure would be higher if the growth of hardwoods and smaller redwoods was considered. The parcel clearly is capable of growing at least 15 cubic feet per acre per year of wood fiber.

B. Compatible Use Analysis:

Section 13.10.372 of the County Code provides that the parcel may be used for growing and harvesting timber and compatible uses. The are no compatible uses on this parcel. It 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 quartiar 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 quart jar 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 quart jar 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

WILLIAM J. and CYNTHIA M. PRICE

APN 106-471-11 and -12

PREPARED BY

DALE F. HOLDERMAN REGISTERED PROFESSIONAL FORESTER LICENSE NUMBER 69

2002

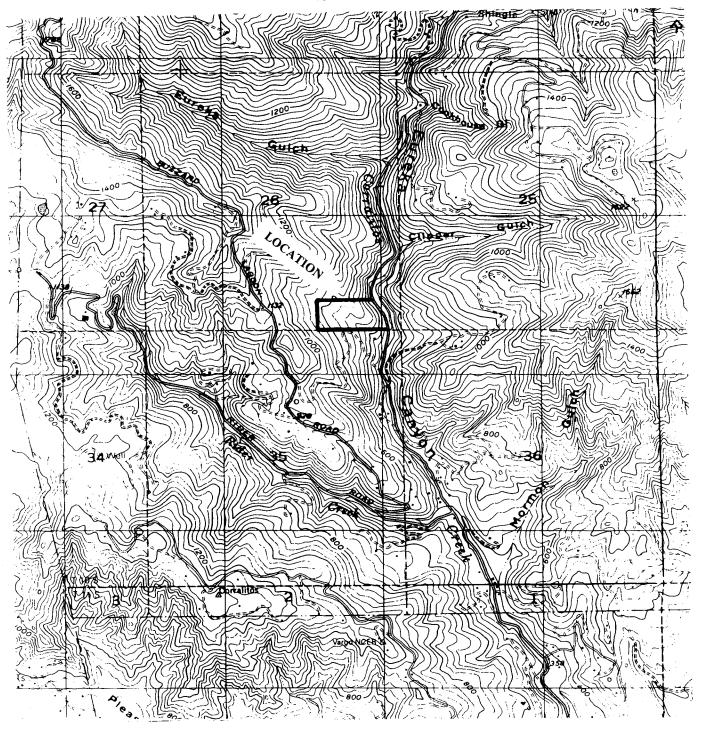
TIMBER MANAGEMENT PLAN

MAPS	PAGE
Geographic Location (1:24,000 scale)	1
- north indicator	
Lands of Price (1:400 scale or larger) - north indicator - assessor's parcel number - existing property boundaries - existing roads - none - tractor roads and landings - existing residence - none - well - none	11
 historical structures - none archeological sites - none areas covered by recommended logging system streams and drainages springs and seeps 	
Soil Description and Vegetative Type. - north indicator - soil - vegetation type - ancient trees (200 years +) - none	111
Geologic Map	iv
Harvest Plan Map	V

GEOGRAPHIC LOCATION

Scale: 1:24,000

NORTH

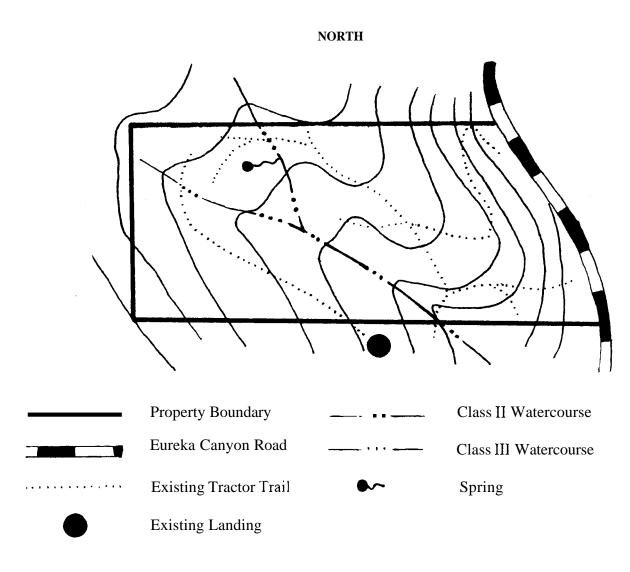


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LANDS OF WILLIAM J. & CYNTHIA M. PRICE

APN 106-471-11 and -12

Scale: 1:3,600



All tractor and skidder harvesting.

Features taken from Timber Harvest Plan Map for THP 1-97-452 SCR and not field checked.

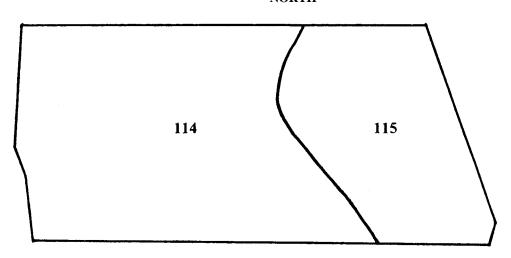
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SOIL DESCRIPTION AND VEGETATIVE TYPE

APN 106-471-11 and -12

Scale: 1:3600

NORTH



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.

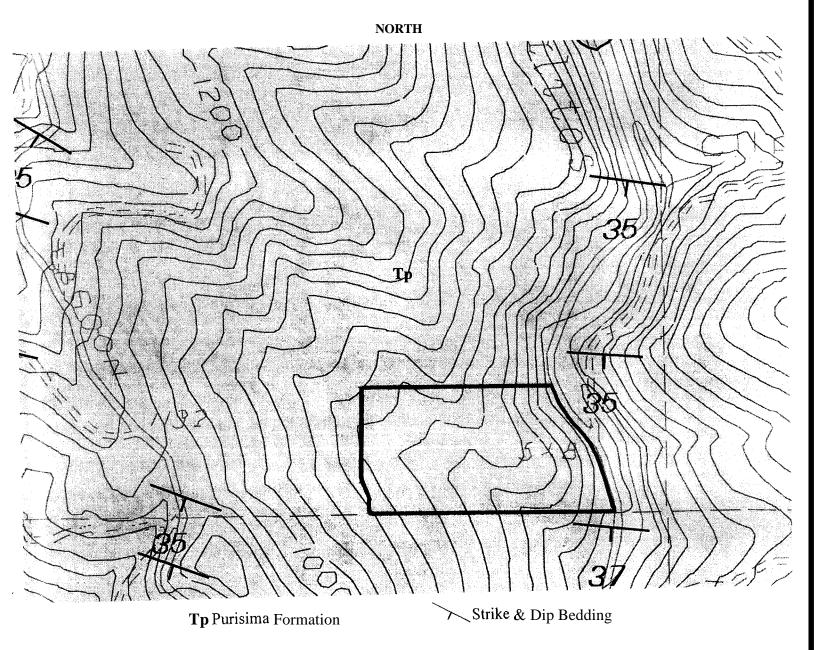
Source: Soil Survey of Santa Cruz County, California, U. S. Department of Agriculture. Soil Conservation Service in cooperation with University of California, Agriculture Experiment Station, 1980.

Vegetative Type: The vegetative type is redwood-tanoak/madrone.

GEOLOGY

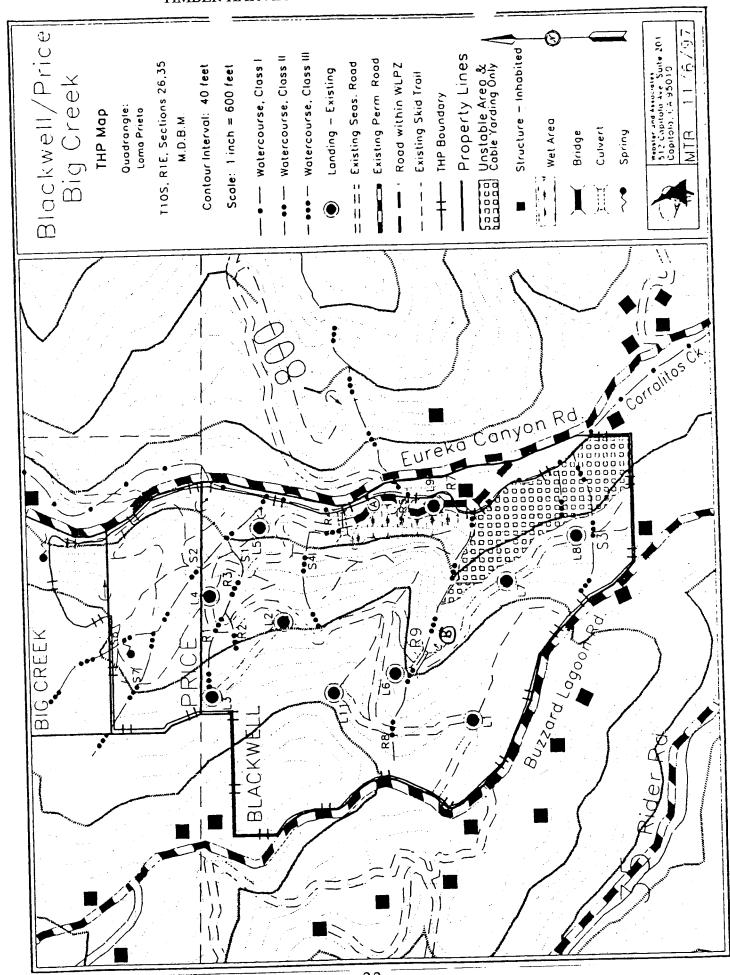
APN 106-471-11&-12

Scale 1:6,000



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

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TIMBER MANAGEMENT PLAN

TEXT	PAGE
Propertydescription	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 cycle	
- 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	
Proposed development	3
Analysis of any conflicts between proposed development and future harvesting	. 3

OWNER'S NAME - William J. and Cynthia M. Price

ASSESSOR'S PARCEL NUMBERS - 106-471-11 and 106-471-12

SIZE OF PARCEL - 21 acres

ACREAGE IN DIFFERENT VEGETATION TYPES

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

SITE CLASS

The parcel is Site Class III.

PARCEL TIMBER HARVEST HISTORY

The property was clear-cut in about 1900. The young growth conifers that resulted from that cut, mostly redwood with a little Douglas-fir, were selectively harvested in 1998. Approximately 30 percent of the conifers 18 inches in diameter and larger were removed.

APPROVED STATE OR COUNTY TIMBER HARVEST PLANS & HAUL ROUTE

Timber Harvest Plan 1-97-452 SCR was approved in 1997. The haul route is Eureka Canyon Road, Corralitos Road, Freedom Boulevard and Highway I.

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 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%	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 original growth was removed in about 1900 when the property was clear cut. 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 at the present time.

ARCHAEOLOGICAL AND HISTORICAL SITES

There are no 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 FHolderma-

License Number 69

December 5,2002